

## **Police and Crime Panel for Lancashire**

Meeting to be held on the 20th July 2021

### **Administrative Update**

Contact for further information: David Fairclough, Secretary to Police & Crime Panel, [david.fairclough@blackburn.gov.uk](mailto:david.fairclough@blackburn.gov.uk)

### **Executive Summary**

To consider the, the Appointment of the Secretary to the Panel, the Appointments to the Complaints Sub Committee, the Streaming of Police & Crime Panel Meeting and the Appointment of a Recruitment Panel for the appointment to the vacancy of Independent Co Opted Member.

### **Recommendations**

Panel is :

1. Recommended to appoint Asad Laher, Strategic Head of Service, Legal & Governance, from the host Authority, Blackburn with Darwen Borough Council, as Secretary to the Panel from Monday 13<sup>th</sup> September 2021 until the end of the Municipal Year 2021/22.
2. Asked to nominate 5 Members of the Panel to form the Complaints Sub Committee as set out in this report.
3. Asked to agree the Secretary re-run the recruitment process for the appointment of an Independent Co-opted member for the Panel and to agree the Members of a Recruitment Panel for the appointment of the Panel's second Independent Co-opted member.
4. To consider the programme of ordinary meetings for 2021/22 as set out in this report and agree the option of using venues which could facilitate the streaming of Police and Crime Meetings Live and for the recordings of these meetings to be available for up to 7 days after the meeting.
5. The Panel is asked to confirm the arrangements for a Special Meeting - Confirmation Hearing to consider the Commissioners proposal for the appointment to Deputy Police & Crime Commissioner.
6. Asked to consider its position on the Payment of Allowances going forward and whether it wishes to introduce payments or continue as present with no allowances being claimed

## **1 Role of Secretary 2021/22**

The current secretary to the Police and Crime Panel is due to retire from their post as Director of HR, Governance & Engagement with the host authority in September 2021

Accordingly the Police and Crime Panel must consider the appointment of a new Secretary.

The role provides the lead advice to the Panel for the conduct of its business, manages the administration of the Panel and has delegated responsibilities relating to complaints handling.

The Host Authority, Blackburn with Darwen Borough Council, have yet to recruit to the vacant Director post and have proposed that in the interim Mr Asad Laher, Strategic Head of Service, Legal & Governance (Council Solicitor) be appointed to the Secretary role by the Panel. Mr Laher is due to be confirmed as Monitoring Officer for Blackburn with Darwen Borough Council later this week.

Mr Laher has worked closely with the current Secretary in recent times supporting the work of the Panel and the Panel is recommended to consider his appointment to the role for 2021/22.

## **2 Appointments to the Complaints Sub Committee 2021/22**

At its meeting in 26<sup>th</sup> November 2012 the Panel resolved the establishment of the Complaints Sub Committee consisting 5 members of the Panel (2 from the Labour Members of the Panel, 2 from the Conservative Members of the Panel and 1 other Member of the Panel), with names to be nominated to and agreed by the Secretary to the Panel. The Sub Committee has delegated powers and duties to act on the Panel's behalf when considering the informal resolution of complaints.

The Panel is asked to consider the nominations for the Complaints Sub Committee for 2021/22, noting that as indicated the Committee would only meet as and when required to consider matters referred to it by the Secretary and/or in accordance with the Complaints Procedure.

## **3 Appointments to the Recruitment Panel for Independent Co-Opted Member**

Currently the Panel has a vacancy for 1 of its 2 seats for Independent Co-Opted Members. In 2020/21 the Panel ran a successful recruitment process but unfortunately one of the Independent Persons appointed subsequently become unavailable to fulfil the role, hence the vacancy now reported.

The Panel is asked to agree the Secretary be advised to re-run the recruitment activity and the Panel is also asked to nominate 5 members to be involved in the recruitment shortlisting/interviews, and then make recommendations to the Panel for the appointment of the Panel's second Independent Co-opted Member, who would be appointed for a period of 4 years.

#### **4 Programme of meetings 2021/22**

It is for the Police and Crime Panel to determine its own cycle of meetings and to appoint any sub committees or task groups as may be deemed necessary in order to carry out the functions of the Panel. Currently all Panel meetings must be held in person. During 2020/21, special legislation was in place which allowed for meetings to run remotely. This legislation lapsed in May 2021. The Government is currently considering via a `call for evidence` which closed last month whether to review the prevailing legislation requiring meetings in person.

During the last 12 months the Panel's meetings have effectively been `webcast` or `streamed` and it is suggested the Panel may as a minimum seek to provide for this facility going forward. This however may limit the venues which could be used for meetings and incur some additional costs. These costs however could be covered from the grant supporting the funding of the Panel.

It is suggested the Panel confirm if it wishes future meetings of the Panel be `webcast` or `streamed`, live and also determine its meeting cycle for 2021/22.

Proposed timetable of meetings for the Panel:

<b>Monday 20th July 2021 –AGM &amp; Annual Induction Session</b> 10am Annual Induction, followed by lunch then AGM Meeting at 1pm. King George's Hall, Blackburn
<b>Wednesday 13<sup>th</sup> October 2021(was 15<sup>th</sup> September 2021)</b> 2.00pm. VENUE TBC
<b>Monday 6th December 2021</b> 6.00pm. Blackburn Town Hall
<b>Monday 17th January 2022 (Precept only)</b> 6.00pm. County Hall, Preston
<b>Tuesday 1<sup>st</sup> February 2022 (if required –dependant on Precept decision)</b> 6.00pm. County Hall, Preston
<b>Monday 7th March 2021</b> 10am. VENUE TBC
<b>Monday 4th July 2022 – AGM &amp; Annual Induction Session</b>

Although these are the `Ordinary meetings` The Police and Crime Panel may be required to hold additional meetings in the following circumstances.

- If the PCC chooses to appoint a new Chief Constable, Chief Executive, Chief Finance Officer or Deputy Police & Crime Commissioner\*
- The PCC wishes to remove the current Chief Constable.
- The PCC varies the Police and Crime Plan or proposes to issue a new Plan.
- The Panel needs to consider any complaints against the PCC that are not of a criminal nature.
- The Panel needs to appoint an acting PCC if the current PCC is incapacitated, suspended or resigns.

#### Webcasting & Streaming of meetings

Should the Panel determine that it would wish to `webcast` or `stream` its meetings the retention period for the `live` recording should be determined. It is suggested that the recording should be retained for viewing for up to 7 days, the formal minutes of the meeting recording the decisions taken and being subject to the normal publication regulations.

#### Confirmation Hearing\*

The new Police and Crime Commissioner is looking to appoint a Deputy Police & Crime Commissioner and immediately following this AGM meeting there is a private meeting of the Panel to prepare for a Confirmation Hearing next week. The Panel is asked to confirm the arrangements for this Confirmation Hearing.

#### **4 Lancashire Police & Crime Panel Payment of Allowances**

This matter has been regularly considered by the Panel and most recently, on 8th July 2019.

Expenses are referred to as being travel, subsistence, loss of earnings and conference / training costs. Currently the Panel do not pay any `SRA's as each Constituent Council is left to set locally any allowances for its members who sit on the Panel (see above). Over the years the scrutiny role of the Panel has evolved and now the Panel regularly sets out its Forward Plan for the year ahead and identifies areas it would wish to scrutinise in more detail. This may mean more meetings of the Panel and/or its sub-groups than originally envisaged. For this reason members may have/wish to have drawn this to the attention of their Constituent Councils when allowances for Panel elected members are reviewed. Similarly in terms of SRAs for the Chair/Vice Chair of the Panels, it has been down to

the relevant authority to consider paying an SRA if their Member has been appointed to one of these roles.

As was noted at previous meetings, there is no requirement to pay allowances to co-opted members and it is left to authorities to decide if they should be paid. In respect of expenses it is clear from the Grant Claim Schedule that it is acknowledged that there will be some expenses incurred by Panel members.

As first reported in July 2018, since the earlier considerations of this matter by the Police & Crime Panel, a survey was undertaken by Frontline Consulting Associates. The result of their survey completed in January 2018 highlighted a practice that some Panels are clearly funding the payment of at least some allowances/expenses from the Home Office Grant whereas other were not.

Payment from the grant for elected Panel Members would be 'at odds' however with the Guidance produced by the LGA in May 2012. In November 2018, the Vice Chair and Panel Support Officer attended the Annual NAPFCP Conference and made enquiries as regards the current position which confirmed that some Panels were making payments and others, like this Lancashire Panel were not.

Enquiries were also made of the Home Office as regards this matter and the definition of 'expenses' as set out in Schedule 1 of the Grant Agreement by Blackburn with Darwen Borough Council as the 'host authority'. The advice is set out below:

*"Paragraph 28 of Part 4 of Schedule 6 of the Police Reform and Social Responsibility Act 2011 Act provides that panel arrangements may make provision about the payment of allowances to members of the panel. The Home Office's view is that allowances in this context will mean both paying allowances paid to members on a regular basis, or paying members' expenses as and when they arise on proof of expenditure. Therefore, the Home Office considers that it is for panels to decide whether to pay allowances to their members. Panels must, of course, keep this and other expenditure within the amount of the grant provided by the Home Office for any particular financial year. Such decisions, relating to the payment of allowances/SRA's, must be taken whilst being cognizant of the key purpose of the grant; namely to ensure the effective local scrutiny of PCCs is in place. It is possible that the payment of allowances/SRAs will have an impact on the provision of other panel activities. While I hope the above is a useful initial view, I would strongly recommend that you take legal advice from your own lawyers on this issue, rather than relying on the Home Office's view."*

Given this advice in 2019 the Secretary arranged for legal advice on behalf of the Panel in respect of whether the Panel could agree to pay allowances as suggested by the Home Office guidance above.

Paragraph 11 of Part 2 of Schedule 6 of the Police Reform and Social Responsibility Act 2011 Act ("the Act") requires panel arrangements to make provision about how the relevant authorities are to meet the costs of the panel. Paragraph 20 of Part 2 of Schedule 6 provides that the Secretary of State may provide financial and other resources to a police and crime panel in the exercise of its functions, and to the

members of the panel in connection with the exercise of their functions. The provision of financial and other resources by the Secretary of State may be subject to conditions.

There are conditions contained in the annual Grant Agreement between the Secretary of State for the Home Department and Blackburn with Darwen Borough Council for provision of police and crime panels. The Grant Agreement states that the grant funding may only be used for the maintenance of a police and crime panel to enable it to carry out the functions and responsibilities as set out in the Act.

There is no specific provision or restriction in relation to the payment of “allowances” to panel members. However, the grant funding agreement does provide an “Expenditure breakdown” indicating that the funding is to be used towards “administration costs” and “member expenses”.

Although the Grant Agreement may allow a transfer of funds between the two elements the expectation is that any underspends in “member expenses” maybe used for additional administration costs of the panel provided the total grant amount is not exceeded. In addition, the Home Office who provides the grant funding have clearly advised that although allowances to members may be payable but it must not impact on the main purpose for which the grant has been provided and the other activities of the panel.

Therefore, in July 2019 the Panel agreed in view of the grant conditions and the advice provided by the Home Office, that subject to the grant funding being received the following single annual payments (based on 4 ordinary meetings per year) are made from the “members expenses” allocations: -

The Chair of the Panel £600  
The Vice-Chair of the Panel £480  
Task & Finish group lead £400  
Task & Finish group members £300

These payments would also cover expenses and would be subject to regular attendance at all meetings. The other members of the Panel would continue to be able to claim expenses as when they arise on proof of expenditure.

The Panel resolved that these allowances as outlined be agreed for a trial period of a year, with only one allowance payable per qualifying Member and that consideration be given to paying an allowance to Independent Co-opted Members.

In the event, similar to previous years no claims of allowances by Panel Members were made for municipal year 2019/20.

Last year was of course impacted by the Coronavirus pandemic and meetings were held remotely throughout the municipal year and again no claims/payments were made.

Accordingly the Terms of Reference of the Panel reflect the original expectation/guidance provided in 2012 at the outset of the then `new` Panel

arrangements and have not been updated pending a conclusion to the above. It is suggested that once the Panel have decided on the payment arrangements for member's allowances these be updated accordingly.

The Panel is therefore asked to consider its position on the Payment of Allowances going forward and whether it wishes to introduce payments or continue as present with no allowances being claimed.

### **Consultations**

The Panel is being consulted and asked to approve the above administrative updates.

### **Implications:**

This item has the following implications, as indicated:

### **Risk Management**

NA

### **Legal Implications**

The arrangements as set out in this report are under the remit of the Panel. In respect of Member Allowances the legal position and advice is contained in the main body of the report. As stated above, Paragraph 28 of Part 4 of Schedule 6 of the Police Reform and Social Responsibility Act 2011 Act provides that panel arrangements may make provision about the payment of allowances to members of the panel. Therefore, as advised by the Home Office, the panel may decide to pay allowances to their members. However, Blackburn with Darwen Borough Council (as host authority) must comply with the grant conditions contained in the Grant Agreement and the Panel must consider the advice the Home Office has provided (who are the grant providers) with regards to the purpose of the grant and its use. The proposal referred to in the original report would comply with relevant legislation, the grant conditions and would be in line with the advice and expectations from the Home Office on the use of the funds. Should the Panel choose to proceed with the proposal contained in the report, the Panel Arrangements will require updating and the Home Office/grant provider be notified of the changes.

### **Financial Implications**

The costs associated with the administration of the Panel will contained within the grant Allocation.

### **Local Government (Access to Information) Act 1985 List of Background Papers**

Administrative Updates

David Fairclough

Reason for inclusion in Part II, if appropriate N/A