

Police and Crime Panel for Lancashire

Meeting to be held on the 4th July 2022

Membership Review 2022/23

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Executive Summary

To consider the membership of the Police and Crime Panel for 2022/23, and the changes required to meet the balanced appointment objective as required by legislation.

To consider the Panel's current main governance documents – Terms of Reference, Panel Arrangements and Operational Procedure.

Recommendation

Panel is asked to:

1. Confirm the Panel Membership for 2022/2023 as 15 core Elected Members (plus 2 co-opted Independent Members) plus agree, subject to Home Office approval 3 additional co-opted elected members as set out in this report, to achieve the 'balanced appointment objective' (as far as reasonably practicable).
2. Subject to 1 above, to note that the Secretary will notify the Home Office of the 3 additional co-opted elected members and the reasons how their appointments would assist in meeting the 'balanced appointment objective'.
3. Note the Panel's governance arrangements as published on the Host Authority's website (contained in the report).

The Panel's current governance arrangements are set out in:

- Terms of Reference [PCP Terms of Reference \(blackburn.gov.uk\)](https://blackburn.gov.uk)
- Panel Arrangements [PCP Panel Arrangements \(blackburn.gov.uk\)](https://blackburn.gov.uk)
- Operational Procedure [PCP Operational Procedure \(blackburn.gov.uk\)](https://blackburn.gov.uk)

Membership Review 2022/23

The Police Reform and Social Responsibility Act 2011 introduced Police and Crime Panels (PCP) as formal joint committee of all the local authorities within the police force area.

For the Lancashire Police force area this comprises the County Council, 12 District Councils and the two Unitary Councils. The first meeting of the Police and Crime Panel for Lancashire was held on the 31st July 2012.

The Lancashire Police & Crime Panel ('the Panel') consists of 15 Elected Members, one from each local authority and 2 co-opted Independent Members (non-political). In addition, up to 3 other Elected Members can be co-opted in order to achieve the 'balanced appointment objective' (as far as reasonably practicable), and best represents the overall political make up of all the 15 local authorities in the police area. There is also a requirement for the membership to have skills, knowledge and experience necessary for it to discharge its functions effectively.

In accordance with the legislation and available guidance, the political balance of the Panel been determined from an overall calculation based on the current political composition of all 15 local authorities in the police force area. For the purposes of the political balance calculations, the 'minor' political groups from all the 15 local authorities have been grouped together as 'Other' and similarly, all the 'Independent' elected Members from the 15 local authorities have been being grouped together. The Panel's Arrangements enables additional elected members to be co-opted to achieve the 'balanced appointment objective', provided the total membership does not exceed 20. Based on the information provided by the 15 local authorities, the overall political composition for the police area is:

Con	40.58%
Lab	39.47%
Lib	5.96%
Ind	5.40%
Other	5.82%
Green	2.77%
Total	100%

This represents the following composition for a politically balanced Panel of 15 elected member seats:

Lab	6
Con	6
Lib Dem	1
Ind	1
Other	1

As referred to above, the Panel also appoints 2 Independent Co-opted Members, who are not elected representatives to serve on the Panel. These seats are currently vacant and a recruitment process is underway.

The Panel Arrangements also state that the elected Members would serve a 12 month term on the Panel. The political balance of the Panel would therefore be reviewed after the Local Elections in May each year, and the 15 local authorities in the police force area would be requested to nominate their representative for the Panel, for confirmation at the Annual General Meeting.

The nominations received from the 15 local authorities for the 2022/23 Panel membership of 15 elected members provides the following composition:

Lab - 8
Con - 6
Other (Our West Lancashire) - 1

(Details of the nominations received are listed in the **Appendix**)

In light of this and in accordance with guidance, the 15 local authorities (via their Leaders) were invited to review/change their nominations in order to correlate closely with the politically balanced composition, as detailed above (and achieve the 'balanced appointment objective'). To date, no confirmation has been received. However, if any change is made to the nominations following the publication of this report, this will be updated at the meeting accordingly.

If following the request the nominations remain unchanged, the next step is to co-opt additional elected members up to the maximum of 18 elected members, in order to address the 'balanced appointment objective' (as far as reasonably practicable). This has previously been agreed by the Panel to consider, and closely align the composition of the Panel with the overall political composition of the police force area. The additional 3 seats proposed and the names of those proposed additional elected members require the unanimous agreement of the 15 elected core membership (i.e. those nominated by the 15 local authorities). This would be subject to notification and approval of the Home Office, with an explanation of the reasoning for their appointments.

On the basis that 15 local authorities' nominations remain unchanged, and applying the 3 co-opted additional elected member seats the full composition of the 2022/23 membership for the Panel would be as follows:

Lab - 8 (as nominated)
Con - 8 (i.e. 6 as nominated + 2 co-opted additional elected member seats)
Lib Dem - 1 (i.e. 1 co-opted additional elected member seat)
Other - 1 (as nominated)

Independent co-opted (non –political) - 2

Total – 20 seats (maximum).

Therefore, 2 co-opted additional seats can be allocated to the Conservative group and 1 co-opted additional seat can be allocated to the Liberal Democrat group to achieve the 'balanced appointment objective' (as far as reasonably practicable).

Balancing the geographical, political make-up of the 15 local authorities, and the skills and experience needed for the Panel to discharge its functions effectively, the following 3 co-opted additional elected members are suggested to the Panel:

1. Wyre Borough Council - a Conservative co-opted additional member from this area of the police force would assist towards achieving a more balanced Panel. The Council has confirmed Councillor Peter Le Marinel as their co-

- opted additional member, who has previously served the Panel and has the skills and experience.
2. South Ribble Borough Council - a Conservative co-opted additional member from the central Lancashire area would also provide better representation on the Panel.
 3. Pendle Borough Council – a Liberal Democrat co-opted additional member from the east Lancashire area would again assist to achieve a more balanced Panel. The Council has confirmed Councillor David Whipp as their substitute, who has also previously served on the Panel and has the skills and experience.

It is advised that whilst the 3 additional co-opted elected member seats may not make it possible to achieve the exact 2022/23 political balance of the police area, the Local Government Association [‘LGA’] Guidance on Panel Arrangements and the Balanced Appointment Objective states:

‘In some cases it may be difficult to achieve political balance, especially where it is not possible to co-opt additional councillors on to the panel. Councils may not be persuaded to nominate opposition members to achieve complete political balance and as the Home Office legal clarification points out, in recognition of this the Police Reform and Social Responsibility Act states that the balanced appointment objective must be secured ‘as far as is practicable’. As the Home Office has also pointed out, whatever membership is eventually agreed on, the rationale for doing that needs to be robust enough to withstand legal challenge.’

It is also advised that the Local Authorities combined must ‘agree’ to the composition of the Panel and that the Home Office has powers to intervene and make appointments if agreement cannot be reached locally, however, it has been made clear that the best Panel arrangements are those which are locally determined.

Consultations

All Local Authorities represented on the Panel were requested to nominate a member and subsequently the Lancashire Leaders were invited to review their nomination to achieve the balanced appointment objective’.

Implications:

This item has the following implications, as indicated:

Risk Management

The requirement for an Independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

Legal Implications

The legal implications of this report are set out in the body of the report. The Panel is set up in accordance with Part 2 of Schedule 6 of the The Police Reform and Social Responsibility Act 2011. Schedule 6 part 4 [Paragraph 31] makes provision for the duty to produce a balanced panel and secure that (as far is reasonably practicable) the balance appointment objective is met.

The legislation specifies that Police and Crime Panels must be balanced in terms of geography, political make-up and the skills, knowledge and experience of panel members.

In particular, the LGA guidance explains the legal requirement to have a Panel that represents all parts of the police area and represents the political make-up of the relevant local authorities, when taken together.

Local authorities could look to achieve this, in the first instance, by considering the proportion of councillors from each political party across the force area. This approach is the closest to the spirit of the legislation.

The legislation also requires that the “balanced appointment objective” includes that the Panel members (when taken together) “have the necessary skills, knowledge and experience necessary for the Police and Crime Panel to discharge its functions effectively”.

The Home Office confirmed as reported in December 2019 how the legislation should be interpreted in respect of the balanced appointment objective.

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

Responses received from
Individual Local Authorities
regarding nominated
Representatives

June/ 2022

Asad Laher
Secretary to the
Police & Crime Panel

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