

## **Agenda item**

### **Police and Crime Panel**

Meeting to be held on 11<sup>th</sup> March 2019

### **MEMBERS EXPENSES AND ALLOWANCES**

Contact for further information:

David Fairclough (01254) 585642 HR, Legal & Corporate Services,  
[david.fairclough@blackburn.gov.uk](mailto:david.fairclough@blackburn.gov.uk)

### **Executive Summary**

To update on Members Allowances/Expenses pending further advice to be received.

### **Recommendation**

That pending legal confirmation that any payments agreed by the Panel could be reimbursed from the Home Office Grant any proposals for changes to the Panel's existing practice for the payment of expenses/allowances be deferred to the Annual General Meeting later this year.

### **Background and Advice**

The LGA document: "Panel arrangements and the balanced appointment objective" dated May 2012 says:

#### **"9 Allowances and Expenses**

9.1 Each Authority has the discretion to pay its representatives on the Panel Special Responsibility Allowances, and to reimburse reasonable expenses incurred. No allowance or expenses payments will be made by the Panel itself to elected members. Any allowances or expenses which may be made to elected members arising out of Panel Membership shall be determined and borne by the appointing Authorities for each Panel Member individually.

9.2 The Host Authority, on behalf of the Panel will reimburse reasonable expenses to co-optees provided that this is agreed as part of the annual budget approved by the Panel.”

### **Current position**

This matter has been regularly considered by the Panel and most recently, on 10<sup>th</sup> December 2018. 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. The grant Claim for Lancashire provides for up to £920 per member i.e. up to £16,560 per annum

To date the Panel has regularly underspent on this budget as it has primarily been used to reimburse attendance at external training events.

As 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 above 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 and which confirmed that some Panels were making payments and others, like this Lancashire panel were not.

Enquiries have also been 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 the Secretary has 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.

This advice is now awaited.

It is proposed that pending legal confirmation that any payments agreed by the Panel could be reimbursed from the Home Office Grant any proposals for changes to the Panel’s existing practice for the payment of expenses/allowances be deferred to the Annual General Meeting later this year.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Legal Implications**

The Police Reform and Social Responsibility Act 2011 provides that the Secretary of State may provide financial and other resources to Members of the

Police and Crime Panels in connection with the exercise of their functions.  
Paragraph 1 above sets out the extract from Guidance that relates to the matter.

Additional legal advice is being sought as set out in this report.

### **Financial Implications**

On 18<sup>th</sup> July a letter was sent to administering authorities (in the Lancashire Panel case – Blackburn with Darwen Borough Council in respect of the 2018/19 grant arrangements. This states that there will be £53,300 for administration costs for the Panel. In addition, £920 will be made available per member of the panel (including additional co-optees) for expenses.

### **Risk management**

The provision of effective scrutiny by the Police and Crime Panel is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011. The scrutiny role is increasing and the impact upon Panel Members should be reflected in the allowances made to Panel members.

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

The LGA document: “Panel arrangements and the balanced appointment objective” dated May 2012