

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

Meeting to be held on the 8th July 2019

### **Membership**

Contact for further information: David Fairclough, Secretary to Police & Crime Panel,  
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### **Executive Summary**

**To consider the membership of the Police and Crime Panel.**

### **Recommendation**

**Panel is asked to:**

- i] Confirm the political balance of the Panel 2019/2020 - Elected Members (plus 2 Independent persons)**
- ii] subject to i) above consider the appointments to date made by Lancashire authorities and agree the full membership for 2019/20.**

### **Background and Advice**

The Police Reform and Social Responsibility Act 2011 introduced Police and Crime Panels (PCP) as formal joint committee of all the local authorities in a police force area, with the following main responsibilities.

- making recommendations on the Police and Crime Commissioners (PCC) Police and Crime Plan and Annual Reports;
- consider the PCCs appointment of a Chief Constable, with the Panel having power of veto over the appointment;
- consider the level of precept to be set by the PCC, again with a power of veto;
- review certain senior appointments by the PCC;
- scrutinise and support the activities of the PCC.

For Lancashire the Police force area includes 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 31<sup>st</sup> July 2012.

### **Constitution of the PCP**

In Lancashire, the Panel was initially made up of 15 Elected Members, one from each Authority. Up to an additional 3 elected members can be added in order to achieve the 'balanced appointment objective' so that when taken together the Members of the Panel represented the political make up of all the relevant local authorities for the police area and had the skills, knowledge and experience necessary for it to discharge its functions effectively. Having considered the provisions in the legislation and options available for applying a political balance to the Panel, it was agreed that the constitution of the PCP for 2012/13 be based on calculation of current political balances across the whole membership of authorities, with the Independent Members being grouped together as a whole. At that time, it was also agreed to appoint an additional three Elected Members to achieve political balance and the Home Secretary subsequently approved this basis in order to achieve the political balance objective. This has been the arrangement for the last 6 years.

In addition to the above Members, the Panel also agreed to appoint 2 Independent Co-opted Members, who are not elected representatives, to serve on the Panel. In 2015/16 the Panel appointed Mr Bagdadi for a period of 4 years. In 2016/17 Mr Abdull Mulla was appointed also for a period of four years. The Panel agreed at their meeting in March 2017 that Katie Gee be appointed as substitute at meetings as Independent Co-opted member in the absence of either Mr Bagdadi or Mr Mulla for a period of 4 years from 2017/18.

It has previously been agreed that Council Members of the Panel would serve a 12 month term on the Panel and that the political balance of the Panel would be reviewed after Local Elections each May.

Following the Local Elections on the 2 May 2019, the political balance has been recalculated and the balance that would achieve political balance based on the seats won across the County and respective Councils (15 Local Authorities) would be:

#### **18 Elected Members** (plus 2 Independent persons) on the following basis

|             |                   |              |                         |
|-------------|-------------------|--------------|-------------------------|
| Labour<br>8 | Conservative<br>7 | Lib Dem<br>1 | Independent<br>Member 2 |
|-------------|-------------------|--------------|-------------------------|

This although reflecting the number of seats won across the County and respective Councils, does not however reflect the administration of the respective councils following the elections in 2019 given the nature of this year's election results.

There has been no consensus from all Lancashire Leaders in applying this model of representation for 2019/20. At the time of the publication of this Agenda 10 Council

Leaders had expressed that they supported an alternative proportionality approach as set out below whilst 3 had not to date set out a view.

This year the administration of Council's is as follows:

| <u>Council</u>                                      | <u>Administration</u>                  |
|-----------------------------------------------------|----------------------------------------|
| <b><i>Blackburn with Darwen Borough Council</i></b> | <b><i>Labour</i></b>                   |
| <b><i>Blackpool Borough Council</i></b>             | <b><i>Labour</i></b>                   |
| <b><i>Burnley Borough Council</i></b>               | <b><i>Ind/Lib Dem/Conservative</i></b> |
| <b><i>Chorley Borough Council</i></b>               | <b><i>Labour</i></b>                   |
| <b><i>Flyde Borough Council</i></b>                 | <b><i>Conservative</i></b>             |
| <b><i>Hyndburn Borough Council</i></b>              | <b><i>Labour</i></b>                   |
| <b><i>Lancaster Borough Council</i></b>             | <b><i>Labour/LD/Green</i></b>          |
| <b><i>Pendle Borough Council</i></b>                | <b><i>Labour/LD</i></b>                |
| <b><i>Preston Borough Council</i></b>               | <b><i>Labour</i></b>                   |
| <b><i>Ribble Valley Borough Council</i></b>         | <b><i>Conservative</i></b>             |
| <b><i>Rossendale Borough Council</i></b>            | <b><i>Labour</i></b>                   |
| <b><i>South Ribble Borough Council</i></b>          | <b><i>Labour</i></b>                   |
| <b><i>West Lancashire Borough Council</i></b>       | <b><i>Labour</i></b>                   |
| <b><i>Wyre Borough Council</i></b>                  | <b><i>Conservative</i></b>             |
| <b><i>Lancashire County Council</i></b>             | <b><i>Conservative</i></b>             |

An alternative option has therefore been proposed which has been discussed with the Leaders of the Lancashire Council's which achieves a political balance more reflective of the political administration of the Councils i.e. more generally reflecting the respective controlling parties on each Council, but also ensuring there continues in that context to be a reflection of the seats won in the local elections.

**18 Elected Members** (plus 2 Independent persons) on the following basis

|             |                   |              |                         |
|-------------|-------------------|--------------|-------------------------|
| Labour<br>9 | Conservative<br>6 | Lib Dem<br>1 | Independent<br>Member 2 |
|-------------|-------------------|--------------|-------------------------|

In this option whilst it has still not been possible to achieve exact political balance, the Local Government Association [‘LGA’] Guidance on Panel Arrangements and the Balanced Appointment Objective does state:

*‘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.’*

This alternative proposal however has also not resulted in a consensus from the Leaders of the Lancashire local authorities.

At the date of publication of this report, out of the 15 local authorities consulted, 10 have indicated their agreement to this revised proposal, 2 local authorities had stated their objections and 3 had yet to respond.

As reported previously Local Authorities combined must ‘agree’ to the balance of the Panel and the Home Office has powers to intervene and make appointments if agreement cannot be reached locally, though it has been made clear that the best Panel arrangements are those which are locally determined.

On each of the two proposal options above each Local Authority in the Lancashire Police Area has been consulted and the option with the most support is:

**18 Elected Members** (plus 2 Independent persons) on the following basis

|             |                   |              |                         |
|-------------|-------------------|--------------|-------------------------|
| Labour<br>9 | Conservative<br>6 | Lib Dem<br>1 | Independent<br>Member 2 |
|-------------|-------------------|--------------|-------------------------|

The Panel are asked to consider the constitution of the Panel in view of the above and the requirement to ‘agree’ the membership in order to achieve the ‘balanced appointment objective’, including the requirement for the Panel to be politically balanced.

On agreement of membership for 2018/19 the Panel is asked to confirm their nominated representatives to serve on the Panel for 2019/20:

|                         | <b><u>Lancashire Police &amp; Crime Panel</u></b> |                               |
|-------------------------|---------------------------------------------------|-------------------------------|
| <b><u>Council</u></b>   | <b><u>Representative</u></b>                      | <b><u>Political Party</u></b> |
| 1.Blackburn with Darwen | TBC                                               |                               |
| 2.Blackpool             | TBC                                               |                               |
| 3.Burnley               | TBC                                               |                               |
| 4.Chorley               | TBC                                               |                               |
| 5.Fylde                 | TBC                                               |                               |
| 6.Hyndburn              | TBC                                               |                               |
| 7.Lancashire            | TBC                                               |                               |
| 8.Lancaster             | TBC                                               |                               |
| 9.Pendle                | TBC                                               |                               |
| 10. Preston             | TBC                                               |                               |
| 11. Ribble Valley       | TBC                                               |                               |
| 12.Rossendale           | TBC                                               |                               |
| 13.South Ribble         | TBC                                               |                               |
| 14.West Lancs           | TBC                                               |                               |
| 15. Wyre                | TBC                                               |                               |
| 16.TBC                  | TBC                                               |                               |
| 17.TBC                  | TBC                                               |                               |
| 18.TBC                  | TBC                                               |                               |

### **Consultations**

All Local Authorities represented on the PCP are consulted in relation to the Constitution/Membership and political balance on the Panel as set out in this report.

## **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”.

## **Local Government (Access to Information) Act 1985**

### **List of Background Papers**

Responses received from  
Individual Local Authorities  
regarding nominated  
Representatives

May/June 2019

David Fairclough  
Secretary to the Police  
& Crime Panel

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