

Police and Crime Panel for Lancashire

Meeting to be held on the 18th September 2019

Membership Update

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Executive Summary

To receive an update on the membership of the Police and Crime Panel, Substitute Councillors, Task and Finish Groups and Induction 2019.

Recommendation

Panel is asked to:

1. Note the Membership Update Report
2. Note the substitute Councillors for constituent councils for 2019/20
3. Agree Subject Task and Fish Leaders (Champions) be nominated from the core constituent membership and the subject areas for task and finish work for 2019/20.
4. Note the Annual Induction and Introduction to the role and function of the Police and Crime Panel will be scheduled once the final panel membership is known for 2019/20

1 Membership Update 2019/20

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 31st 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 was also previously 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.

After the elections, each Council is invited to nominate their representative for the Panel.

From nominations received the Panel’s core membership of 15 Councillors (plus 2 co-opted members) resulted in a political balance of

Labour 9	Conservative 4	Lib Dem 1	Independent Member 1
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Regulations and Guidance however require the Panel to seek to be politically balanced. To assess the balance, all the seats following the Local Elections on the 2 May 2019 and some changes since, have been added together to identify the target balance that would achieve political balance based on the seats won across the County and respective Councils (15 Local Authorities) which would be:

Labour 6	Conservative 6	Lib Dem 1	Independent Member 2
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As discussed at the AGM in July, the Regulations and Guidance then provide for the Councils as a first step in terms of seeking to address any such issue arising, invite the core member councils to reconsider their individual nominations to see if this would bring the balance more into line, i.e to seek to achieve the political balance objective.

At the AGM however it was reported no Council was agreeable to changing their nomination.

The next step as also advised at the AGM, was to then seek to add councillor membership up to the maximum of 18 elected members to seek to address the political balance objective. This it was noted was the action taken in previous years by the Panel to address this issue. The additional 3 seats proposed and the names of those proposed additional councillors required however the unanimous agreement of the 15 Council's membership.

A 18 seat (Councillor membership) would result in an amended ideal political balance of:

Labour 8	Conservative 7	Lib Dem 1	Independent Member 2
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This based on the latest results from the elections of May 2019 and some minor changes since.

Given that no Council under stage 1 of the process would agree to change their party nomination a proposal was presented at the AGM in July for the following compromise position.

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

Labour 9	Conservative 6 (+2)	Lib Dem 1	Independent Member 2 (+1)
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This could not be unanimously agreed.

Following the AGM the Lancashire Leaders further discussed the position and a further option was suggested as follows:

Labour 9	Conservative 7 (+3)	Lib Dem 1	Independent Member 1
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This option could also not be unanimously agreed.

Whilst neither of the two options made it possible to achieve the exact political balance, 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.'

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.

Unfortunately given the failure of the panel to be able to fully agree its composition for 2019/20 it has been necessary for the Secretary following consultation with all Lancashire Leaders, to write to the Secretary of State to be advised as regards finalisation of membership arrangements for 2019/20. Pending which the membership will remain at the core membership level of 15 Councillors (as nominated to date) and the 2 independent co-opted members.

Any response received from the Secretary of State will be reported to the meeting.

2 Substitute Councillor Representatives

Under Paragraph 2.5 of the Lancashire Police & Crime Panel – Panel Arrangements, each constituent council may send a substitute member to meetings, as notified to the Secretary of the Panel, and this substitute member will be permitted to act as a substitute member with full voting rights at meetings of the Panel and any task groups appointed by the Panel. A substitute member must be from the same party as the member appointed by the constituent council. If the panel member is an independent councillor, then any substitute must also be an independent councillor.

The nominations to date as notified to the Secretary from each council are listed below:

<u>Lancashire Police & Crime Panel</u>		
<u>Council</u>	<u>Representative</u>	<u>Political Party</u>
1.Blackburn with Darwen	Salim Sidat	Labour
2.Blackpool	TBC	
3.Burnley	TBC	
4.Chorley	Peter Wilson	Labour
5.Fylde	Viv Willder	Conservative
6.Hyndburn	TBC	
7.Lancashire	Keith Iddon	Conservative
8.Lancaster	TBC	
9.Pendle	Brian Newman	Liberal Democrat
10. Preston	Jonathan Saksena	Labour
11. Ribble Valley	TBC	
12.Rossendale	Jackie Oakes	Labour
13.South Ribble	TBC	
14.West Lancs	Terry Devine	Labour
15. Wyre	David Henderson	Conservative

The Panel is asked to note the substitute members for constituent councils for 2019/20.

3 Task & Finish Groups 2019/20

At the AGM of the Panel in July it was resolved that existing Chairs and Members of Task and Finish Groups be contacted to check if they were still happy to be part of the process with additional volunteers sought as appropriate to facilitate membership

and work scopes to be agreed at this meeting. Unfortunately, due to the uncertainty about Panel membership this has not been possible.

It is suggested therefore that Subject Task and Fish Leaders (Champions) be nominated from the core constituent membership as currently identified and that the Panel confirm these nominations and subject areas to facilitate work to commence on task and finish areas for 2019/20.

4 Induction and introduction to Police & Crime Panel 2019

Each year the Secretary arranges with the Chair an Annual Induction and Introduction to the role and function of the Police and Crime Panel.

Unfortunately, due to the uncertainty about Panel membership it has not been possible to date to determine when it would be appropriate for this session to take place.

The panel are asked to note the Secretary will finalise a date for the Annual Induction and Introduction to the role and function of the Police and Crime Panel, to take place as soon as the final membership is known.

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/July/August 2019	David Fairclough Secretary to the Police & Crime Panel
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Reason for inclusion in Part II, if appropriate N/A