

Police and Crime Panel for Lancashire

Meeting to be held on the 9th December 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 and confirm Membership for 2019/20.
2. Recommend that at the AGM in July 2020 when the Panel consider reviewing the membership of the Panel in 2020/21 they consider additional members (if required) in accordance with the legislation and in light of the confirmatory advice from the Home Office as referenced in this report.
3. Note that the Induction and Introduction to the role and function of the Police and Crime Panel be scheduled for Panel Membership in 2020/21

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.

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

As previously reported, 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.

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 the Local Elections each May. After the elections, each Council being invited to nominate their representative for the Panel.

From nominations received for 2019/20 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, were 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, and subsequently by Lancashire Leaders, 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 and subsequently by Lancashire Leaders, 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 have then resulted in an amended ideal political balance of:

Labour 8	Conservative 7	Lib Dem 1	Independent Member 2
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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 by the Panel.

The Secretary had advised the Panel that 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.'

The Secretary also advised that the Local Authorities combined must 'agree' to the balance of the Panel and that the Home Office may advise or make recommendations 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 the Panel asked the Secretary following consultation with all Lancashire Leaders, to write to the Secretary of State as regards finalisation of membership arrangements for 2019/20. Pending a reply it was noted the membership would need to remain at the core membership level of 15 Councillors (as nominated to date) and the 2 independent co-opted members.

On 1st October 2019 the Home Office wrote to respond to the Panel as regards the issue of membership and the 'balanced appointment objective'. A copy of the response was circulated to Lancashire Leaders and Panel Members on 10th October 2019 and is reproduced as Appendix A to this report.

The Home Office have confirmed the advice of the Secretary that:

"It is the responsibility of the Panel to agree nominations which are acceptable to all of its members. As noted in your letter, the balanced appointment objective must be secured 'as far as reasonably practicable' – if you feel the disagreement on co-option is irreconcilable, then the Panel may have reached the limit of this definition."

Given this advice that Panel are asked to confirm their membership for 2019/20 as the current 15 members plus 2 independent persons.

The Panel could review again co-opting additional elected members, under the balanced appointment objective however these would need to be agreed by the whole Panel and then notified to y the Secretary of State with the reasons for nominations. The Panel may consider that reviewing the membership again at the AGM in July 2020 may be appropriate therefore in the circumstances.

In addition in the light of the passage of time in confirming membership and the experience and knowledge of the core membership to date, it would be appropriate to defer the Induction and Introduction to the role and function of the Police and Crime Panel until post the confirmed membership for 2020/21 following the AGM in July 2020.

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”.

The Home Office have confirmed in Appendix A of this report 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

May/June/July/August
2019

David Fairclough
Secretary to the Police
& Crime Panel

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