

11 May 2012

Dear Councillor

COUNCIL - TUESDAY, 15TH MAY 2012

I am now able to enclose, for consideration at the above meeting of the Council, the following reports that were unavailable when the agenda was printed.

Agenda No Item

11. **Lancashire Police and Crime Panel (Pages 11 - 42)**

To consider a report of Lancashire County Council regarding appointments to the Lancashire Police and Crime Panel (enclosed).

Yours sincerely



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Chief Executive

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આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپکی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون
کیجئے: 01257 515823



Report of	Meeting	Date
Chief Executive	Annual Council	15 May 2012

POLICE AND CRIME PANEL – COUNCILLOR APPOINTMENTS

PURPOSE OF REPORT

1. To advise members of the requirements concerning appointments by Councils of Councillors to the Lancashire Police and Crime Panel and agree to the establishment of such a panel.
2. To seek the appointment of a Councillor to sit on the Lancashire Police and Crime Panel.

RECOMMENDATION(S)

3. To agree to the establishment of a Police and Crime Panel for Lancashire as a Joint Committee of the 15 local authorities for the Lancashire Police force area.
4. To agree the Panel Arrangements proposed in Appendix B to the Lancashire County Council Report titled "Lancashire Police and Crime Panel Establishment: Panel Arrangements, Terms of Reference and Rules of Procedure" (Document 2).
5. That Councillors appoint one of their number to Chorley Council's position on the Police and Crime Panel for Lancashire.

EXECUTIVE SUMMARY OF REPORT

6. The Police Reform and Social Responsibility Act 2011(the Act) introduces the position of the elected Police and Crime Commissioner (PCC).
7. The elections for this role are due to take place in November this year.
8. The Act also provides for the creation of a Police and Crime Panel for the police area, in this case Lancashire (the PCP). The role of the PCP is to scrutinise the PCC, in addition it has significant powers of veto over matters such as the fixing of the precept to be levied by the PCC, the appointment of the PCC's candidate for Chief Constable and a power to appoint an interim PCC where the elected holder is disqualified.
9. The Act requires the Council to agree to the establishment of the PCP and to agree Panel Arrangements. Lancashire County Council have prepared a report "Lancashire Police and Crime Panel Establishment: Panel Arrangements, Terms of Reference and Rules of Procedure" which appends proposed arrangements.
10. The PCP will consist of one member from each authority within the police area, plus two co-opted lay members. The PCP may with the approval of the Secretary of State co-opt additional elected members in order to ensure a balanced PCP. Balanced in this context is defined as balanced geographically, politically and skills and experience. The obligation on PCP's is only, as far as is reasonably practicable, to produce a balanced panel.
11. The Act and indeed the guidance is not prescriptive as to who Authorities should appoint to the PCP (except that in Authorities which have an elected mayor who should appoint the mayor). It is for the PCP to make their own decision as to how the balance of the Panel is to be achieved. Attached to this report is a paper prepared by Lancashire County Council "Police and Crime Panel – Councillor Appointments" which sets out how they perceive balance to be obtained.
12. There are two approaches to achieving a political balance, the first is that each local authority within the police area appoint a member from the administration; the second is that political

proportionality is calculated by reference to all the members within the police area. The second is the approach advocated in the paper produced by LCC.

13. On both approaches Chorley Council are as suggested to appoint a member of the PCP from the administration. This appointment may, but does not have to be, the Leader of the Council.

Confidential report Please bold as appropriate	Yes	No
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CORPORATE PRIORITIES

14. This report relates to the following Strategic Objectives:

Strong Family Support		Education and Jobs	
Being Healthy		Pride in Quality Homes and Clean Neighbourhoods	
Safe Respectful Communities	X	Quality Community Services and Spaces	
Vibrant Local Economy		Thriving Town Centre, Local Attractions and Villages	
A Council that is a consistently Top Performing Organisation and Delivers Excellent Value for Money			

BACKGROUND

15. The Police Reform and Social Responsibility Act 2011 changed how the police would be held to account. It introduces the role of the Police and Crime Commissioner. This will be an elected official, one for each police area, who will hold the police and in particular the Chief Constable to account, appoint a Chief Constable, set local police and crime priorities, distribute community safety funding, decide how Council Tax will be spent on policing issues and set the Council Tax precept.
16. The elections for this role will be held in November this year.
17. The Act also creates the Police and Crime Panel. The PCP is to scrutinise the post of the PCC. In addition they will have, amongst others, the power of veto over the level of the precept the PCC seeks to impose and over the appointment of a Chief Constable. The PCP also have the power to appoint an interim PCC in the event the elected holder is disqualified.

CONSTITUTION OF THE PANEL

18. Local Authorities are required to appoint a Councillor to sit on the Police and Crime Panel for their police area. In Lancashire the PCP will have an initial membership of 17 being 15 elected members (one from each Authority) and 2 co-opted lay members. There is provision for the PCP to co-opt additional members up to a maximum PCP membership of 20. Going forward the appointment will form one of the outside body appointments made by the Council.
19. It will be for the PCP themselves to determine how long the appointment is for. The Guidance suggests that in order for the PCP to maintain balance (see below) the appointment should be annual.

APPOINTMENT TO THE PANEL

20. Neither the legislation nor the Guidance issued are prescriptive as to who Local Authorities may appoint to the PCP. However, any appointment is subject to 2 duties. Firstly, where an authority has an elected mayor, they must be nominated by the authority as their representative. This of course does not apply to CBC.

21. The second duty is that the Authorities within the police area are obliged as far as reasonably practicable to produce a balanced Panel. The PCP should reflect the geographical make up of the area. This will be addressed by each Local Authority having membership. The Panel should also be politically balanced. This is defined in 2 ways, either of the balance of the relevant authority should be reflected; or that the balance of the membership of all the authorities when taken together should be reflected.
22. The first option is the easiest to adopt as the Local Authorities will simply appoint a Councillor from their administration. However, the effect of this is that some parties who have a significant number of Councillors across the police area will not be represented on the Panel. This will mean that the second balance model will not be reflected.
23. The Home Secretary has indicated that Councillors appointed as members of the PCP will be entitled to an annual allowance of £920.00. Whether to pay an allowance is however a matter for the PCP.

LANCASHIRE COUNTY COUNCIL

POLICE AND CRIME PANEL – ARRANGEMENTS

24. Lancashire County Council have prepared a report, “Lancashire Police and Crime Panel Establishment: Panel Arrangements, Terms of Reference and Rules of Procedure” (Document 2). Councillors are invited to consider this report. Chorley Council are obliged to agree Panel Arrangements. The arrangements proposed (Appendix B titled Lancashire Police and Crime Panel – Panel Arrangements) are sufficient to discharge the Council’s obligation and comply with the legislation. The Terms of Reference document (Appendix A to Document 2) is for information. Similarly, the Lancashire Police and Crime Panel Procedure Rules (Appendix C to Document 2) should also be treated as information and cannot be adopted by Local Authorities, the rules of procedure for the PCP being a matter for them.

SUGGESTED APPROACH TO COUNCILLOR APPOINTMENTS

25. Lancashire County Council, after meetings with Council Leaders, have prepared a paper which is attached titled Police and Crime Panel – Councillor Appointments (Document 1). This paper approaches political balance on the basis of the second model. It considers PCP’s with 15, 16, 17 and 18 elected members (please note to have the additional co-opted members will require Secretary of State approval) and the proportionality calculations reflect the recent election results. The suggested approach is broadly in line with each authority appointing from their own administration, however it seeks to impose on certain Council’s which party they can nominate from. This is in an effort to ensure that 2 political groups, the Lib Dems and Independents are represented on the PCP.
26. The approach suggested by LCC is that Chorley will appoint a Labour Councillor to the PCP.

COMMENTS ON THE LCC SUGGESTED APPROACH

27. There are issues with the approach that LCC have taken particularly in relation to the representation of Independents. It is hard to reconcile that Independents should be taken together as a “group”. By definition they have their own priorities and agendas which are not shared across the other Independents. It is hard to see how a Ratepayers Independent from Fylde Council can represent the interests of a Free Independent from Lancaster. Even were it to be felt appropriate for the Independents to be considered it is not clear as to why some Independents have been grouped together for the proportionality calculation and some have been excluded.
28. If the Independent and minority party Councillors are disregarded then the political split would be 7:7:1 Conservative : Labour : Liberal Democrat on a 15 member PCP.
29. Having said the above, it should be noted that this issue, the composition and appointment to the PCP is a matter for the PCP itself to determine. If it is felt that the appointment of members from the administration of the relevant authorities only does not provide balance

then the PCP can seek to co-opt and obtain the consent of the Secretary of State to do so. It is also worth noting that co-option in itself skews the geographical representation on the panel. It is unavoidable that one district will have 2 representatives (County having a membership too). By co-opting elected members this could mean that one geographical location will have 3 representatives (2 district and potentially 1 county).

OTHER ISSUES

- 30. There is nothing in the legislation or guidance that limits who a Local Authority should nominate to be their representative on the Panel. The Guidance raises the question as to whether the representative should be an executive member or not. This is potentially an issue due to the scrutiny role the PCP is to play which may conflict with the role of the executive in “jointly-owning” the delivery of the police and crime plan. Again to reiterate, the appointment is at the discretion of the local authority and the appointment of an executive member is not prohibited.
- 31. It is important to note that there will be a significant time and work commitment to this role. The appointee will be required to not only work with the PCP in the discharge of its work programme but also involve working closely with the community safety partnership.

CONCLUSION

- 32. There is no perfect solution to the constitution of and appointment to the PCP. If the model of appointment of administration members is followed, this is likely to exclude minority parties and groups who nonetheless have a significant presence across the police area. If the proportionality across the whole of the police area is followed, some council’s are going to be told which party / group to nominate from and therefore have their choice limited.
- 33. Using either model however, Chorley are free to appoint from their administration as this reflects the political balance of this authority and fits in providing a political balance across the police area.
- 34. There of course remains an issue as to the correct membership of the PCP itself, but as it will be constituted in July and its duties will commence shortly before the appointment of the PCC in November this is a question properly left to the PCP to decide.
- 35. Chorley BC are required by the legislation to agree to the establishment of the PCP and to agree Panel Arrangements. The Panel Arrangements document proposed by LCC is sufficient to discharge the Council’s obligation whilst not overstepping into matters that are properly left to the PCP. When the PCP is established it may amend the Arrangements.

IMPLICATIONS OF REPORT

- 36. This report has implications in the following areas and the relevant Directors’ comments are included:

Finance	X	Customer Services	
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

COMMENTS OF THE STATUTORY FINANCE OFFICER

- 37. Finance for the establishment and maintenance of the PCP will be provided by the constituent Local Authorities although it is envisaged that some finance will be received from Central Government. Additional funding can be provided by local authorities to enhance the Panel, but this is not an obligation and should be considered only at the request of the PCP.

COMMENTS OF THE MONITORING OFFICER

38. The Council are required to appoint a member to the PCP prior to July of this year. Subject to the limitations detailed within the report there are no restrictions on who the Council may appoint provided the duty concerning balance is met. The paper from LCC should be considered for information. It is my understanding that it has not been agreed by all authorities in the police area. There is no obligation on this authority to follow the LCC recommendations. The model that LCC use is acceptable although how they seek to implement it is open to question for the reasons given at paragraph 26 above.
39. The key consideration is whether the councils so far as reasonably practicable have produced a balanced PCP.
40. It should be noted that as each geographical district within the police area has a district or unitary representative. It is arguable that LCC should in fact be the authority who should nominate to provide the political balance. In these circumstances, and using the proposed split at paragraph 27 above, the party with the largest number of seats at each unitary and district would appoint a member from that party with LCC appointing a Liberal Democrat to meet political balance.

Gary Hall

Chief Executive

Background Papers			
Document	Date	File	Place of Inspection
Police Reform and Social Responsibility Act 2012			http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted
Police and Crime Panels: Guidance on role and Composition	November 2011		http://www.local.gov.uk/web/10161/publications/-/journal_content/56/10161/3078604/PUBLICATION-TEMPLATE
Report Author	Ext	Date	Doc ID
Chris Moister	5160	10 May 2012	

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REPORT OF LANCASHIRE COUNTY COUNCIL

ANNEX

Police and Crime Panel – Councillor Appointments

Introduction

A Police and Crime Panel must be established by July 2012. Each pan-Lancashire council is being asked to agree to the establishment of the Panel, and to appoint one member each to the Panel at its May Annual Meeting (or equivalent).

Legislative requirements

The legislation provides an element of flexibility in creating the membership of the Panel although if local agreement cannot be reached then the Home Secretary will impose a solution.

The Panel must initially be made up of 15 elected members, one nominated by each Authority, and two independent co-opted members. Once the Panel is established it can request up to an additional 3 co-opted members who could be elected members.

Chief Executive's recommended the balance of the Panel be established on the basis of political balance calculation based on whole Council memberships across the 15 Authorities, including Independent members being treated as a whole. This is the common practise at individual councils and complies with the legislation.

However, it is also recognised that councils will also wish to nominate a councillor of their choice (likely to be from the controlling party). However, to achieve this and to satisfy the legislative requirements will require the Panel to use its powers of nomination of co-opted members.

Attached at Appendix 'A' is a breakdown of the number of Councillors per Party and the number of Independent members for each Authority and across Lancashire, following the elections on 3rd May. The balance of the Panel has been calculated to reflect the political proportionality across Lancashire following the after 3rd May results:

Political Balance to be applied to the Panel of 15 elected Members:

Conservative	7	Labour	6	Lib Dem	1	Independent Members	1
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Once the Panel is established initially on this basis the Panel can give consideration to co-opting further elected members to achieve the following possible balances. But these can only be applied after the Panel is established, and is subject to Secretary of State approval:

16 Elected Members:

Conservative	7	Labour	7	Lib Dem	1	Independents	1
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17 Elected Members:

Conservative	8	Labour	7	Lib Dem	1	Independents	1
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18 Elected Members:

Conservative	8	Labour	8	Lib Dem	1	Independents	1
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The current political control of each Authority following the May 3rd elections is:

Local Authority	Political Control	Leadership/Control
Lancashire	Conservative	Conservative
Blackburn w Darwen	Labour	Labour
Blackpool	Labour	Labour
Burnley	Labour	Labour
Chorley	Labour	Labour
Fylde	Conservative	Conservative
Hyndburn	Labour	Labour
Lancaster	No Overall Control	Labour
Pendle	No Overall Control	Unknown
Preston	Labour	Labour
Ribble Valley	Conservative	Conservative
Rossendale	Labour	Labour
South Ribble	Conservative	Conservative
West Lancashire	Conservative	Conservative
Wyre	Conservative	Conservative

The above table shows:

1. Political Control is:

Conservative	6	Labour	7	Lib Dem	0	NOC/Hung	2
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2. Leadership

Conservative	6	Labour	8	Lib Dem	0	NOC/Hung	1
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Recommendation

The elections results have resulted, as shown above, in a position where, on the initial Panel of 15, four Councils – Burnley, Fylde, Lancaster and Pendle, will have to appoint a member who potentially does not represent their political Leadership. (At this stage the political Leadership at Pendle is unknown). Having looked at all the options this is the only way of achieving the balance for a Panel of 15, which has to be appointed to initially by all Councils.

As agreed, the Panel once established in July will be asked to propose additional co-opted appointments to the Panel to correct this position. This will be subject to Secretary of State approval, but it is envisaged that this will not be a problem.

Having looked at the options, a Panel of 18 elected members will best achieve the aim of ensuring that as many Authorities as possible have appointed at least one member of its choice. Appendix 'A' illustrates the members who it is suggested should be appointed by the respective Councils to achieve the required balances. The position at Pendle, as illustrated on the attached, has to assume that a Conservative member will be appointed. The rationale for this is that the two largest parties on Pendle have equal number of seats. The selection of a Conservative at Pendle is one which best meets the original objective of meeting political proportionality objectives across all Councils.

Action Required

Leaders and Chief Executives are asked to consider and agree the proposals for a Panel of 15 then 18 with their respective Leaders for approval at Council Annual Meetings in May, with the appointment of a member from each Authority on this basis.

The Authorities affected by the balance on a Panel of 15 could be asked to appoint an additional observer to the Panel pending the appointment of a member of their choice at a Panel of 18.

Failure of Authorities to agree a balance and appointments will result in the Home Secretary enforcing appointments.

LCC/DS/RPJ.04.04.2012

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Appendix 'A'

PCP Political Balance – Options for Authority appointments

4th May 2012

Local Authority	Seat on Panel	15	16	17	18
Lancashire		Con	Con	Con	Con
Blackburn w Darwen		Lab	Lab	Lab	Lab
Blackpool		Lab	Lab	Lab	Lab
Burnley		LD	LD + Lab	LD + Lab	LD +Lab
Chorley		Lab	Lab	Lab	Lab
Fylde		Ind	Ind	Ind + Con	Ind +Con
Hyndburn		Lab	Lab	Lab	Lab
Lancaster		Con	Con	Con	Con + Lab
Pendle		Con	Con	Con	Con
Preston		Lab	Lab	Lab	Lab
Ribble Valley		Con	Con	Con	Con
Rossendale		Lab	Lab	Lab	Lab
South Ribble		Con	Con	Con	Con
West Lancashire		Con	Con	Con	Con
Wyre		Con	Con	Con	Con

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	Con	Lab	Lib D	Ind	Green	BNP	Idle Toad	Ind Non aligned	Ind in Hynd	Ratepayers	M Bay Ind	Free Ind	Ddale Ind	Com'ity First	Total
LCC	51	17	9	3	2	1	1								84
Burnley	5	26	14												45
Chorley	20	24	1	2											47
Fylde	28		3	15				2		3					51
Hyndburn	9	23							3						35
Lancaster	15	24		3	8						8	2			60
Pendle	18	18	12			1									49
Preston	19	31	5	1									1		57
R Valley	33		6	1											40
Rossendale	9	24	1	1										1	36
S Ribble	33	21	1												55
W Lancs	28	26													54
Wyre	40	15													55
Blackburn	14	45	5												64
Blackpool	13	28	1												42
Total	335	322	58	26	10	2	1	2	3	3	8	2	1	1	774

Independents (not registered to a party) total 34 including Independents non-aligned, Ratepayers, Free Independents, Deepdale Independents (shaded grey)

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Lancashire Police and Crime Panel Establishment: Panel Arrangements, Terms of Reference and Rules of Procedure

Background

The Police Reform and Social Responsibility Act 2011 introduces for each force area:

- Police and Crime Commissioners (PCC), and
- Police and Crime Panels (PCP)

For Lancashire the Police Force Area includes Lancashire County Council, the 12 District Councils and the two Unitary Councils.

Directly elected PCCs will replace Local Police Authorities, and will have wide ranging powers and responsibilities, including:

- hold Police forces and Chief Constables (CC) to account.
- appoint the Chief Constable
- set local police and crime priorities
- sole responsibility for disbursing community safety funding from the Home Office
- decide how the Council tax is spent on crime and policing issues
- set the Council tax precept

PCCs will be elected every 4 years and will be required to publish a Police and Crime Plan which will set out the Police and Crime Objectives for the force area. Chief Constables (CC) will remain responsible for operational matters.

PCPs will be established to hold to account the PCCs. The PCP will be a formal joint committee of all the local authorities in the force area, and its main responsibilities will be:

- making recommendations on the PCCs Police and Crime Plan and Annual Reports
- consider the PCCs appointment of a CC. The Panel will have power of veto over the appointment
- consider the level of precept to be set by the PCC, again the PCP will have a power of veto
- review certain senior appointments by the PCC
- scrutinise and support the activities of the PCC

Timetable for Implementation

Elections for a PCC will be held on the 15 November 2012 and he/she will take up office at midnight on the 21 November.

A PCP must be established by July 2012, and will take up its full duties in October 2012 in readiness for the election of the PCC in November.

Make-up of the PCP

For Lancashire, the Panel must initially be made up of a total of 15 elected members, one from each Authority, and two independent co-opted members. Once the Panel is established it can request up to an additional 3 co-opted members who may or may not be elected members, subject to Home Secretary approval.

The Legislation provides that a 'balanced appointment objective' must be met (as far as is reasonably practicable) in establishing the Panel. The balanced appointment objective is that the members of the panel, when taken together, represent the political make up and represent all parts of the relevant local authorities for the police area. The panel must also have the skills, knowledge and experience necessary for it to discharge its functions effectively. It is made clear in legislation that the Local Authorities combined must 'agree' to the balance of the Panel. The Home Office has powers to intervene and make appointments if agreement cannot be reached locally but has made it clear that the best Panel arrangements are those which are locally determined.

The provisions in legislation and options available for applying a political balance to the Panel have been carefully considered recognising that Lancashire is a complex landscape of authorities. Following legal advice, and advice issued by the Home Office, it has been agreed that the following political balance for the PCP should be applied based on a calculation of current political balances across the whole membership of authorities, including the Independent members grouped together as a whole:

Conservative	7	Labour	6	Lib Dem	1	Independent Members	1
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This balance has been calculated on the current make up of Authorities. The position may change following the elections being held on the 3rd May.

Once established the Panel can decide to seek the approval of the Home Secretary to co-opt up to 3 other members. The purpose of this may allow for further elected members to be appointed to the Panel to achieve the following possible balances. This could assist where an authority could not in the first instance appoint a member of its choice:

16 Elected Members:

Conservative	8	Labour	6	Lib Dem	1	Independent Members	1
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17 Elected Members:

Conservative	8	Labour	6	Lib Dem	2	Independent Members	1
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18 Elected Members:

Conservative	8	Labour	7	Lib Dem	2	Independent Members	1
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Agreement has been reached between Lancashire Chief Executives to appoint members on the above basis (ie 15 councillors, 2 co-opted independent members and, subject to approval by the Secretary of State, up to 3 additional co-opted members who may or may not be councillors) and each Local Authority in Lancashire is asked to agree to the establishment of the Panel as a formal Joint Committee, and to appoint one member to the Panel.

The agreed balance of the Panel will be quickly revisited following the May elections applying the agreed principle and any changes in membership will be reported for agreement at Annual meetings.

Terms of Reference, Arrangements and Roles and Responsibilities

Local Authorities are also asked to agree the Terms of Reference, Arrangements, and Roles and Responsibilities of the Panel, which are prescribed in legislation and can be supplemented for local operational needs.

Attached are; Appendix 'A' - draft of the terms of reference; Appendix 'B' - draft panel arrangements; and Appendix 'C' – draft rules of procedure, for approval by your Council. The documents are based on legislation, guidance and regulations currently available, although some regulations and guidance are still awaited, and the documents may have to be adjusted later in the year.

Frequency of PCP meetings

It is expected that that PCPs will meet at least four times per year to undertake its statutory functions. The PCP can determine its own meetings cycle and appoint any sub-committees or task groups. It is intended that each year the Panel will be appointed for a 12 month period, and appointments confirmed at each respective Annual Meeting in May, to enable any annual adjustment to the balance of the Panel arising from Council elections in May.

It is intended that the first meeting of the Panel will be arranged for a date in July 2012, to be held at County Hall, Preston.

Lead Authority.

A lead Authority must be appointed following agreement by the combined local Authorities. So far Lancashire County Council has been acting as lead authority to date and it is recommended that Lancashire County Council be appointed as Lead Authority for the administration and support to the PCP, and that Ian Fisher, County Secretary and Solicitor be appointed as Secretary to the Panel. Home Office funding will be made available towards the costs of supporting the Panel.

Appointment of Independent members

Two independent co-opted members have to be appointed by the Panel. The co-opted independent members must be appointed in accordance with the balanced

appointment objective outlined above in terms of representing all parts of the relevant local authorities and having the appropriate knowledge and skills necessary.

The Panel will be asked to agree a recruitment exercise and criteria for the appointment of two independent members to the Panel, including an appointments body made up of members of the panel with a view to the Panel making the appointment of the two co-opted members.

Allowances

The Home Secretary has indicated that members sitting on PCPs will be entitled to an annual allowance of £920.

Decisions Required

Councils are asked to:

1. agree to the establishment of a Police and Crime Panel for Lancashire as a formal Joint Committee of the 15 local authorities for the Lancashire Police force area, on the basis as set out in this report;
2. appoint a member to the Police and Crime Panel for 2012/13, on the basis as set out in this report;
3. agree to the arrangements, procedural rules and the terms of reference of the Panel as set out in this report;
4. agree that the Panel seeks approval from the Secretary of State to the appointment of up to three additional co-opted members who may or may not be councillors, in order, as far as is reasonably practicable, to be able to meet the balanced appointment objective;
5. agree to the appointment of Lancashire County Council as Lead Authority to the PCP and to the appointment of Ian Fisher, County Secretary and Solicitor as Secretary to the Panel.

**Lancashire Police and Crime Panel
Terms of Reference**

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

- 1) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- 2) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- 3) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Executive, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- 4) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of his/her functions.
- 7) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- 8) To support the effective exercise of the Commissioner's functions.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint, if necessary, an Acting Police and Crime Commissioner.
- 11) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

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Lancashire Police and Crime Panel

Panel Arrangements

1 General Principles

- 1.1 Lancashire County Council shall act as the lead authority in establishing the Police and Crime Panel. The County Council will act as Secretary to the Panel and shall be responsible for ensuring that the necessary officer support is provided and that any necessary arrangements are made to promote the role of the Panel.
- 1.2 The Panel must be made up of a minimum of 15 councillors and 2 co-opted independent members.
- 1.3 The composition of the Panel should take account of, as far as is practical, both political and geographical proportionality, as well as the necessary knowledge, skills and experience to discharge its functions effectively – “the balanced appointment” objective.
- 1.4 Additional members may be co-opted on to the Panel to enable the balanced appointment objective to be met, as long as the size does not exceed 20 and the Secretary of State approves the co-options. Additional Members may or may not be councillors.

2 Membership

- 2.1 The constituent councils on the Panel are the County Council, the two unitary authority councils and the twelve district councils in Lancashire.
- 2.2 The Panel’s membership of 15 Councillors will be made up of one councillor from each constituent Council.
- 2.3 All County Councillors and District Councillors are eligible to be members of the Panel.
- 2.4 All Councillors on the Panel will serve a term of 12 months.
- 2.5 Each constituent council may send a substitute member to meetings, as notified to the Secretary to 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.

3. Independent Members

- 3.1 The panel shall co-opt two independent members onto the Panel for a term of four years. Any additional independent members co-opted onto the Panel shall serve a term of four years.
- 3.2 The lead authority will undertake the appointment process on behalf of the Panel for co-opting independent members which will include a reasonable period of public advertisement for the positions. The closing date for the receipt of applications will not be less than two weeks from the date the advertisement is first placed.
- 3.3 Information packs will be prepared and sent to those requesting application forms.
- 3.4 The applications will be considered against agreed eligibility criteria and then the chairman and vice-chairman of the panel and three other panel members will be invited to meet to consider applications and interview candidates, in accordance with the “balanced appointment objective”.
- 3.5 Following the interviews, the five members will make recommendations to the Panel about the appointments.
- 3.6 Additional members who are not councillors will be appointed by the Panel for a 12 month term.

4 Vacancies

- 4.1 A vacancy on the panel arises when a county councillor, a district councillor or an independent member ceases to be a member of the Panel for any reason.
- 4.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 3.

5 Resignation and Removal of Members

Arrangements to be decided – awaiting Home Office Regulations/Guidance

6. Conditions for reappointment of members

- 6.1 Councillors may serve more than one 12 month term.

- 6.2 Co-opted members may be eligible to apply for a subsequent four year term but may not serve more than two consecutive four year terms.

7. Costs of the Panel

- 7.1 The costs of the Panel will be borne by the constituent councils.
- 7.2 An annual lump sum allowance will be paid to each member of the Panel in recognition of their personal commitment and expenses arising in undertaking their role on the Panel. The allowance will be agreed annually by the Panel.
- 7.3 The lead authority will have responsibility for the financial arrangements to support the operation of the Panel, including the receipt of funds (whether paid by the Home secretary or otherwise) and the making of payments between the constituent councils and to panel members.

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Appendix 'C'

**Lancashire Police and Crime Panel
Procedure Rules****1 Chairman of the Police and Crime Panel**

1.1 The chairman of the Panel will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.

1.2 The vice-chairman will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.

1.3 In the event of the resignation of the chairman or vice-chairman or removal of chairman/vice chairman, a new chairman/vice chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the Panel.

1.4 The Panel will elect a councillor member to preside at a meeting if the chairman and vice chairman are not present.

1.5 The Panel may consider the removal of the chairman during the year if it is satisfied that he/she:

- a. has, without reasonable excuse, failed to carry out the duties for a continuous period of six months;
- b. has acted improperly, recklessly or negligently in relation to his/her duties;
- c. is otherwise unable or unfit to perform his/her duties;
- d. or that the circumstances are such that they are exceptional and would warrant the removal of the chair eg. a conviction or caution in respect of a relevant criminal offence.

2 Meetings of the Police and Crime Panel

2.1 There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year to carry out the functions of the Panel. The Panel will determine the schedule of dates and times of its ordinary meetings each year including a date for its Annual Meeting.

2.2 Extraordinary meetings of the Panel may also be called from time to time by the chairman or by four members of the Panel giving notice to the Secretary to the Panel.

2.3 An extraordinary meeting may also be called by the Secretary to the Panel if he/she considers that to be necessary.

2.4 Ordinary meetings of the Panel will:

- (i) receive any declarations of interest from members
- (ii) approve the minutes of the last meeting
- (iii) consider reports from officers and panel members

2.5 The Secretary to the Panel will give notice to the public of the time and place of any meeting in accordance with Access to Information requirements. At least five clear working days before a meeting, the Secretary shall send notice of the meeting to every Panel member. The notice shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.

2.6 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

3 Quorum

3.1 A meeting of the Panel cannot take place unless not less than one third of the whole number of its members is present.

3.2 In the event of a meeting being inquorate, it shall stand temporarily adjourned for 15 minutes and if, thereafter, there is still not a quorum the meeting shall stand finally adjourned. At the point of adjournment, or subsequently, the chairman may agree arrangements for the meeting to be reconvened.

4 Work Programme

4.1 The Panel will set its own work programme and, in doing so, may wish to take into account the priorities defined by the Commissioner and the wishes of its members.

4.2 The work programme must include the functions described in the terms of reference for the Panel.

5 Agenda Items

Any member of the Panel shall be entitled to give notice to the Secretary of the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.

6 Reports from Police and Crime Panel

6.1 Where the Panel makes a report to the Commissioner on the discharge of its functions, it must choose to publish the report or recommendations

6.2 The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which the Commissioner receives the report or recommendations to:

- a) Consider the report or recommendations;
- b) Respond to the Panel indicating what (if any) action the Commissioner proposes to take;
- c) Where the Panel has published the report or recommendations, publish the response;
- d) Where the Panel has provided a copy of the report; or recommendations to a member, provide a copy of the response to the member.

6.3 If the Panel cannot unanimously agree on the terms of any report to the Commissioner then a report agreed by the majority of the Panel will be submitted for consideration together with a separate report prepared by the minority.

7 Police and Crime Commissioner and Officers Giving Account

7.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role.

As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of the Commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

7.2 Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision the Secretary will inform them in writing giving, where practicable, reasonable notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

7.3 Where, in exceptional circumstances, the Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the Panel.

7.4 If the Panel require the Commissioner to attend before the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

8 Attendance by Others

The Panel may invite people other than those referred to in Paragraph 7 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the Panel and officers in other parts of the public sector.

9 Task Groups

9.1 Time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific, task-based work.

9.2 Task groups may not co-opt other persons.

9.3 The special functions of the Panel specified in paragraph 9.4 below may not be discharged by a task group of the Panel.

9.4 In this paragraph 'special functions' means the functions conferred on the Panel by:

- a) Section 28(3) of Police Reform and Social Responsibility Act (the Act) (scrutiny of Police and Crime Plan).
- b) Section 28 (4) of the Act (scrutiny of annual report).
- c) Paragraphs 10 and 11 of Schedule 1 of the Act (review of senior appointments).
- d) Schedule 5 of the Act (issuing precepts) Part 1 of Schedule 8 of the Act (scrutiny of appointment of the Chief Constable).

9.5 The work undertaken by a task group will be scoped and defined by the Panel beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

10 Carrying out 'Special Functions'

Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at section 7 above.

10.1 Senior appointments

10.1.1 Where the Panel exercises its powers to review the Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner, the meetings held to confirm these appointments must be held in public.

10.1.2 The Panel will be notified by the Commissioner of the need for a confirmatory hearing in respect of proposed senior appointments. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

10.1.3 In relation to the appointment of the Chief Constable, the Panel is required to hold a hearing within the period of three weeks from the day on which it receives notification from the Commissioner.

10.1.4 At a confirmatory hearing the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner.

10.1.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel must make a recommendation on the appointment and has the power to veto the appointment.

10.1.6 Having considered the appointment, the Panel will be asked to either:

- a) support the appointment without qualification or comment;
- b) support the appointment with associated recommendations, or
- c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

10.1.7 If the Panel vetoes the appointment of the candidate, the report to the Commissioner must include a statement that the Panel has vetoed the appointment with reasons.

10.2 Appointment of an Acting Police and Crime Commissioner

10.2.1 The Panel must appoint a person to act as Commissioner if:

- a) no person holds the office of Commissioner;
- b) the Commissioner is incapacitated; or
- c) the Commissioner is suspended.

10.2.2 The person appointed as acting Commissioner must at the time of the appointment be a member of the Commissioner's staff.

10.2.3 In appointing a person as acting Commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.

10.2.4 The appointment of an acting Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as Commissioner;
- b) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;
- c) in a case where the acting Commissioner is appointed because the Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or
- d) in a case where the acting Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.

10.3 Proposed precept

10.3.1 The Commissioner will notify the Panel of the precept which he/she is proposing to issue for the financial year. The Panel must review the proposed precept and make a report to the Commissioner including recommendations.

10.3.2 Having considered the precept, the Panel will either:

- a) support the precept without qualification or comment;
- b) support the precept and make recommendations, or
- c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

10.3.3 If the Panel vetoes the proposed precept the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reason and the Panel will require a response to the report and any such recommendations.

10.4 Complaints

10.4.1 Non-criminal complaints in relation to the Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#).

10.5 Suspension of the Police and Crime Commissioner

10.5.1 The Panel may suspend the Commissioner if it appears to the Panel that:

- a) the Commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

10.5.2 The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped;
- b) the Commissioner being acquitted of the offence;
- c) the Commissioner being convicted of the offence but not being disqualified under Section 66 of the Act by virtue of the conviction; or
- d) the termination of the suspension by the Panel.

10.5.3 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

10.6 Suspension and Removal of the Chief Constable

10.6.1 The Panel will receive notification from the Commissioner if he/she suspends the Chief Constable.

10.6.2 The Commissioner must notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

10.6.3 The Commissioner must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

10.6.4 If the Commissioner is still proposing to call upon the Chief Constable to resign, he/she must notify the panel accordingly (the 'further notification').

10.6.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not he/she should call for the retirement or resignation. Before making any recommendation the Panel may consult Her Majesty's Chief Inspector of Constabulary and must hold a scrutiny hearing.

10.6.6 The scrutiny hearing is a Panel meeting held in private to which the Commissioner and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.

10.6.7 The Panel must publish the recommendation it makes at 10.6.5 by any means the Panel considers appropriate and must send a copy to each of the constituent councils.

11. Rules of debate

The Panel to determine.

12. Public participation

The panel to determine.

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