

CENTRAL BEDFORDSHIRE COUNCIL
13 SEPTEMBER 2012

REPORT AND RECOMMENDATIONS OF THE BEDFORDSHIRE POLICE
AND CRIME PANEL: PROPOSED PANEL ARRANGEMENTS

1. EXECUTIVE SUMMARY

- 1.1 This report deals with the requirement to put in place “Panel Arrangements” relating to the establishment and maintenance of the Bedfordshire Police and Crime Panel.
- 1.2 The proposed arrangements are attached as Appendix A to this report for the Council’s consideration. These have been developed having regard to:
- the relevant requirements of the Police Reform and Social Responsibility Act 2011.
 - guidance prepared by the Local Government Association

and were considered by the Panel at its meeting on 6 September 2012.

2. RECOMMENDATIONS

- 2.1 **That the proposed Panel Arrangements attached as Appendix A to this report be approved**
- 2.2 **That Council note that the Panel will review the Panel Arrangements following the first full year of operation and report back to constituent authorities on any changes it considers are required in the light of experience.**

3. REASONS FOR RECOMMENDATIONS

- 3.1 To enable Panel Arrangements that comply with the relevant legal requirements to be put in place.

4. IMPLICATIONS

Legal

- 4.1 Schedule 6 to the Police Reform and Social Responsibility Act 2011 requires “Panel Arrangements” to be put in place. These are arrangements for the establishment and maintenance of the Panel and are required to be approved by the three constituent authorities.

4.2 The Act requires each Constituent Authority and each Panel Member (local authority and co-opted) to comply with the Panel Arrangements.

4.3 Panel Arrangements must include provision about:

- The co-option of, and holding of office by, the co-opted members of the Panel.
- The term of office of appointed and co-opted members of the Panel
- The resignation, and removal, of appointed and co-opted Members of the Panel.
- Conditions for re-appointment of appointed Members and co-opted Members of the Panel.
- The payment of allowances to Members of the Panel.
- The promotion of the role of the Panel
- Administrative and other support to be given to the Panel and its Members
- Support and guidance to be given to:
 - Members of the Constituent Authorities
 - Members of the Executives of the Constituent Authorities
 - Officers of the Constituent Authoritiesin relation to the Panel's functions.

4.4 The proposed Panel Arrangements reflect these requirements.

Policy

4.5 No policy implications identified at this stage.

Risk

4.6 The Panel Arrangements must be agreed by the Constituent Councils before the Police and Crime Commissioners takes up office, although they may subsequently be amended.

Resource

4.7 As the 'host authority' for the Panel, Bedford Borough Council will receive a grant from the Home Office to meet the Panel's support, administrative and operating costs. It is intended that the Panel operates so as to ensure that its running costs do not exceed the level of Home Office grant. However, in the event that the Panel itself wishes to undertake work which means that the grant would be exceeded, the arrangements require the prior consent of each Constituent Authority to fund any costs over and above the Home Office grant and that any such additional costs that are approved will be borne between the Authorities equally.

Environmental

- 4.8 There are no environmental implications arising from this report or the draft arrangements.

Equality

- 4.9 The adoption of Panel Arrangements has no relevance to the Constituent Authorities' duty to promote good relations, promote positive attitudes and eliminate unlawful discrimination. An equality impact assessment is not required for this proposal.

5. DETAILS

- 5.1 The proposed Panel Arrangements attached as Appendix A to this report have been prepared having regard to:

- The legal requirements relating to their content
- LGA guidance on their content

The proposed Arrangements have been subject to officer consultation across the three Constituent Authorities and views expressed as part of that consultation are reflected in the proposed Arrangements.

- 5.2 The proposed Arrangements were considered by the Panel at its meeting on 6 September and it was resolved unanimously to recommend their adoption to the three constituent authorities. Council is asked to note that the Panel will review the Panel Arrangements in the light of their operation and will make recommendations to the constituent authorities on any changes it considers are required.
- 5.3 The Council's attention is drawn to the following specific provisions in the arrangements:

Paragraph 2.4 – term of office of Local Authority Panel Members

- 5.3.1 Each Council has appointed its Members to the Panel for an initial period to their Annual Meetings in May 2015. As the three unitary authorities now have the same electoral arrangements, the Panel Arrangements propose the alignment of subsequent appointment periods to the local election cycle. This will provide continuity of Panel Membership, facilitate the development of the Panel and its membership and corresponds to the period of office agreed at the Panel's meeting on 6 July 2012 for Co-opted Independent Members of the Panel.

Section 3 – Appointment of co-opted members.

- 5.3.2 Paragraphs 3.2 and 3.3 of the arrangements reflect the legal position regarding the appointment of additional local authority Members as co-optees.
- 5.3.3 The process set out in Paragraphs 3.5-3.7 of the draft Panel Arrangements, reflects the recruitment process agreed at the Panel's meeting on 6 September 2012.

Paragraph 7 – Budget and costs of the Panel

- 5.3.4 As noted in paragraph 4.7 of the report, Bedford Borough Council, as host authority, will receive a grant from the Home Office to meet the panel's administrative and support costs and other expenses. It is envisaged that this grant will fully meet the Panel's costs.

Paragraph 8 – Allowances and Expenses

- 5.3.5 As drafted, this paragraph provides that any Special Responsibility Allowance that may in future be agreed for the Panel's Chair would be met from the Home Office grant together with expenses (eg mileage) for local authority Members. These would be payable in accordance with each Constituent Authorities Allowances Scheme. Co-opted Independent Members expenses would also be met from the Home Office grant.

Paragraph 10 – Promotion of the Panel

- 5.3.6 The means of promoting the work of the Panel identified in paragraph 10.1 of the Arrangements are not necessarily exhaustive, and it is recognised that as its role and work develops, the Panel may wish further work to be undertaken to promote its role.
- 5.3.7 It is envisaged that, following publication, the Annual Report referred to in paragraph 10.1 (c) would be formally considered by each Constituent Authority at a full Council meeting.

Appendices: Appendix A - Proposed Panel Arrangements for the Bedfordshire Police and Crime Panel

BEDFORDSHIRE POLICE AND CRIME PANEL

PANEL ARRANGEMENTS

1. Operating Arrangements

- 1.1 Bedford Borough Council shall be the host Authority for the Bedfordshire Police and Crime Panel (“the Panel”) and will provide the necessary administrative and other support to enable the Panel to undertake its functions.
- 1.2 The Panel shall be made up of a minimum of 10 Local Authority Members and two independent members.

2. Local Authority Membership of the Panel

- 2.1 All Unitary Authority Members are eligible to be members of the Panel, unless they are disqualified by virtue of the Police Reform and Social Responsibility Act 2011.
- 2.2 The Panel will include the following numbers of members from each constituent authority:

Bedford Borough Council – 3 members
Central Bedfordshire Council – 4 members
Luton Borough Council – 3 members
- 2.3 Appointments will be made in accordance with a scheme drawn up after each election to ensure the local authority membership of the Panel is, as far as is practicable, politically balanced within and across the constituent Councils. In making their appointments, the constituent Councils will also have regard to the need, as far as practicable, to meet the “balanced appointment objective” set out in paragraph 31 of Schedule 6 to the Police Reform and Social Responsibility Act 2011.
- 2.4 Local Authority Members of the Panel will initially be appointed by their respective authorities until the date of their respective annual meetings in May 2015 and thereafter for a period of 4 years terminating on the date of their respective authority’s annual meeting in that year. Any appointment to a vacancy which arises following the resignation or removal of a member will be for the balance of the outgoing Member’s period of appointment.
- 2.5 Local Authority Members of the Panel will not be able to appoint substitute Members in the event that they are unable to attend a meeting.

3 Co-opted Members

- 3.1 In accordance with the Police Reform and Social Responsibility Act 2011, the following may not be co-opted members of the Panel:
- a) the Police and Crime Commissioner for the Police Area.
 - b) a member of staff of the Police and Crime Commissioner for the area.
 - c) a Member of the civilian staff of the Police Force for the Bedfordshire Police area.
 - d) a Member of Parliament
 - e) a Member of the National Assembly for Wales
 - f) a Member of the Scottish Parliament
 - g) a Member of the European Parliament
- 3.2 An elected member of any of the Panel's Constituent Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.
- 3.3 If, having obtained the agreement of the Secretary of State to appoint more than two co-opted Members, the Panel has three or more co-opted Members, an elected member of any of the Constituent Authorities may be a co-opted Member of the Panel provided that at least two of those other co-opted Members are not elected members of any of those Authorities and that the local authority Member's co-option has been agreed unanimously by the Panel.
- 3.4 A co-opted Member shall be a Member of the Panel for four years unless they resign or their appointment is terminated by the Panel on an earlier date in accordance with paragraph 3.10 of these Arrangements.
- 3.5 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel and, as far as practicable, help to secure the meeting of the balanced appointment objective;
 - b) The selection process will be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria; and,
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

- 3.6 All applications will be considered against agreed eligibility criteria by a Sub-Committee of the Panel established for that purpose which will also interview shortlisted candidates. The Sub-Committee will comprise one member from each Constituent Authority appointed so as to secure as far as practicably possible political balance.
- 3.7 Following the interviews of shortlisted candidates, the Sub-Committee will make recommendations to the full Panel about those applicants to be appointed as Co-opted Independent Members of the Panel.
- 3.8 A Co-opted Independent Member of the Panel may resign from the Panel by giving written notice to the Head of Members' Services, Bedford Borough Council.
- 3.9 The Panel may from time to time consider whether it should exercise its power to change the number of co-opted Members to enable the balanced appointment objective to be met, or to be more effectively met if it considers the number should be changed, it must exercise that power accordingly, but may not appoint additional co-opted Members without the Secretary of State's agreement to do so. The total number of co-opted members of the panel may not exceed 10.
- 3.10 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of all the Panel Members at the time when the decision is made vote in favour of doing so for any of the reasons set out below, and on doing so shall give written notice to the co-opted Member concerned:
- a) if the co-opted Member has been absent from Panel meetings for more than six months without the consent of the Panel.
 - b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified.
 - c) if the co-opted Member is deemed to be unable or unfit to discharge his or her functions as a co-opted Member of the Panel or;
 - d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.
- 3.11 In the event that a co-opted member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two co-opted independent members remain appointed to the Panel, and in the absence of two such members shall make arrangements to ensure that the requisite number of co-opted independent Members are appointed, in accordance with the procedures set out in paragraphs 3.5 - 3.7 of these arrangements.

- 3.12 Co-opted Independent Members of the Panel will be able to apply for re-appointment for a further term, provided that they have not ceased to be eligible for co-option in the intervening period.
- 3.13 In appointing co-opted Members who are not elected members of any of the Authorities, the Panel must secure, so far as is reasonably practicable that the Local Authority and co-opted Independent Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.14 Co-opted Members of the Panel will not be able to appoint substitute Members in the event that they are unable to attend a meeting.

4. Casual Vacancies

- 4.1 A vacancy will arise on the Panel when a Local Authority Member or co-opted member resigns from the membership of the Panel.
- 4.2 Each Constituent Authority will fill vacancies for Local Authority Members in accordance with the arrangements in their respective Constitutions.
- 4.3 Vacancies for co-opted independent members will be filled in accordance with the selection process outlined in paragraphs 3.5 – 3.7 of these arrangements.

5 Term of Office

- 5.1 Local Authority members shall initially be appointed to the Panel by their respective authorities for the period until their annual meetings in May 2015 and thereafter for a period of four years, terminating on the date of their authority's annual meeting in the relevant year. All such appointments shall be promptly notified to the Head of Members' Services at Bedford Borough Council.
- 5.2 A Local Authority Member shall automatically cease to be a member of the Panel if they cease to be a member of the Authority concerned (and do not on the same day again become a member of the Authority).
- 5.3 Each Authority will give consideration to the 'balanced objective requirement' in its appointment process. Where possible, an Authority will give consideration to continuity of membership to enable the Panel's expertise and skills to be developed for the effective scrutiny of the Police and Crime Commissioner.
- 5.4 Co-opted Independent Members of the Panel shall be appointed for a period of four years and will be eligible to apply for re-appointment for

further periods in accordance with paragraph 3.12 of these arrangements.

6 Resignation and removal of Local Authority Members on the Panel

- 6.1 An Authority may decide in accordance with its own procedures, to remove any of its appointees from the Panel at any time and upon doing so shall give written notice to the Head of Members Services at Bedford Borough Council of the change in its representation.
- 6.2 A Local Authority Member may resign from the Panel at any time by giving notice to the appointing Council who will inform the Head of Member Services at Bedford Borough Council.
- 6.3 In the event that any local authority Member resigns from the Panel, or is removed from the Panel by his or her authority, the authority concerned shall immediately take steps to nominate and appoint a replacement Member to the Panel and shall notify the name and contact details for the replacement member to the Head of Member Services at Bedford Borough Council.
- 6.4 If a Local Authority Panel Member fails to attend meetings of the Panel for a six month period without the Panel's consent, the Chair of the Panel shall request the relevant authority to consider removing the member concerned from the Panel and appointing a replacement member from that authority.

7 Budget and Costs of the Panel

- 7.1 A draft budget for the operation of the Panel shall be drawn up by the Host Authority in January each year, and shall be approved by the Panel. All Panel costs will be contained within the budget which will not exceed the Home Office Grant for the Panel's operation.
- 7.2 The constituent authorities will provide free of charge accommodation for meetings of the Panel held at their offices. Any other costs relating to those meetings will be met by the Panel from its own budget.

8 Allowances and Expenses

- 8.1 No allowance will be paid by the Panel itself to elected members except following consideration of a report from the host authority's Independent Remuneration Panel and the approval of any proposed allowances by the constituent authorities. All Panel members will be entitled to claim mileage expenses for attending panel meetings and events at the rate set out in their respective authority's Members Allowances Scheme, the costs of which will be reimbursed from the Home Office Grant for the Panel's operation.

- 8.2 The Host Authority, on behalf of the Panel, will reimburse the travel expenses of co-opted Members who are not members of a constituent local authority at the rate payable by the host authority to its Panel Members.

9 Rules of Procedure

The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) appointment and removal of the Chair of the Panel;
- b) formation of sub-committees;
- c) making of decisions;
- d) arrangements for convening meetings; and
- e) circulation of information

10 Promotion of the Panel

10.1 The Panel, as a minimum, shall be promoted by:

- a) the establishment and maintenance of dedicated open-access web pages, to be accessible from each Constituent Authority's website, including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
- b) the issuing of regular press releases about the panel and its work; and,
- c) the publication of an annual Panel report on its work during the preceding year.

10.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the constituent Authorities in relation to the functions of the Panel by the provision of briefings before the election of the Police and Crime Commissioner, and thereafter on the work of the Panel.

11 Validity of Proceedings

11.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or any defect in a Panel member's appointment.

11.2 All Panel members (including co-opted members) must observe the Panel's Procedure Rules, any Code of Conduct and any related Protocols (*note: further regulations may follow on this issue*).

11.3 The proceedings of the Panel and the content of these Arrangements are subject to the provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with

that Act. In the event of any conflict between the Act or Regulations, and these Arrangements, the requirements of the legislation will prevail.