

<b>SHADOW EXECUTIVE</b>
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<b>28 OCTOBER 2008</b>
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<b>SUBJECT</b>	<b>APPOINTMENTS TO THE BEDFORDSHIRE POLICE AUTHORITY</b> (To consider further the appointment of representatives of Central Bedfordshire to serve upon the Bedfordshire Police Authority, following Bedford Borough Council's decision on 7 October 2008)
<b>REPORT OF</b>	<b>Interim Monitoring Officer</b>
<i>Contact Officer: Kathrin John (Tel: 01462 611024) Rob Mills (Tel: 0845 849 6274)</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	None
<b>FINANCIAL</b>	Travelling and subsistence costs of the Central Bedfordshire observers during the transitional period will need to be met by Central Bedfordshire Shadow Authority. These costs can be accommodated within the provision made for Members' travelling in the Scheme of Members' Allowances for the Shadow Authority. The Independent Remuneration Panel have also considered whether other allowances should be paid to the Central Bedfordshire observers and will be making recommendations to the Shadow Council thereon. Once full membership of the Police and Fire Authorities is assumed on 1 April 2009, allowances for the Council's representatives will be paid by the police and fire authorities respectively.
<b>LEGAL</b>	The requirements in relation to the appointment of Members to the Police Authority are set out in the Police Act 1996, the Police Authority Regulations 2008 and the Draft Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire, Cheshire and Wiltshire) Order 2008.
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None
<b>COMMUNITY DEV/SAFETY</b>	None
<b>TRADE UNIONS</b>	None

<b>HUMAN RIGHTS</b>	None
<b>KEY ISSUE</b>	No
<b>BUDGET/POLICY FRAMEWORK</b>	No

<b>OTHER DOCUMENTS RELEVANT TO REPORT</b>
None

**RECOMMENDATIONS:**

**That the Shadow Executive:-**

- 1. notes the decision of Bedford Borough Council's Implementation Executive, at its meeting held on 7 October 2008, not to support the allocation of seats in proportion to the respective populations of Bedford Borough Council, Central Bedfordshire Council and Luton Borough Council;**
- 2. endorses the proposal for the Leader of the Shadow Council to write formally to the Home Secretary:-**
  - (a) requesting that in the absence of agreement between authorities, she determine the composition of the Joint Selection Committee;**
  - (b) requesting that seats be allocated in proportion to the respective populations of Bedford Borough Council, Central Bedfordshire Council and Luton Borough Councils, as formally agreed by both Central Bedfordshire and Luton Borough Councils;**
  - (b) advising her of Central Bedfordshire's proposed appointees, as agreed at the last meeting, pending determination of the allocation of seats; and**
- 3. delegates authority to the Interim Chief Executive, in consultation with the Leader, to confirm Central Bedfordshire's proposed appointments to the Joint Selection Committee/Police Authority once the final allocation of seats has been determined.**

*Reason for Recommendation: In order to comply with the provisions of The Local Government (Structural Changes) (Membership of Public Bodies in Bedfordshire, Cheshire and Wiltshire) Order 2008 when enacted, to progress the arrangements for establishing a Joint Committee with Bedford and Luton Borough Councils to select Members to represent Central Bedfordshire on the Bedfordshire Police Authority.*

## **Introduction**

1. At its last meeting the Shadow Executive considered the arrangements for appointing members of the Shadow Council to serve on:
  - 1.1 a Joint Selection Committee, comprising members of Bedford Borough Council, Central Bedfordshire Shadow Council and Luton Borough Council, to appoint members who will serve on the Bedfordshire Police Authority from 1 April 2009, and meanwhile have observer status during the transition period (unless already a County Council member of the Police Authority)(the Joint Selection Committee is required to be established within 14 days of the coming into force of the relevant Structural Change Order); and
  - 1.2 the Bedfordshire Fire and Rescue Authority from 1 April 2009, also with observer status during the transition period.
2. The Shadow Executive resolved:
  - 2.1 that the arrangements for local authority representation on the Bedfordshire Police Authority and Bedfordshire Fire Authority be noted;
  - 2.2 that the principle of allocating the 9 local authority seats upon the Police Authority in proportion to the respective populations of Bedford Borough Council, Central Bedfordshire Council and Luton Borough Council, be supported;
  - 2.3 that, given the convention for the Joint Selection Committee to comprise the Members nominated by each Council for appointment to the Police Authority, the establishment of a Police Authority Appointments Joint Selection Committee, be supported comprising:
    - 2 representatives of Bedford Borough Council
    - 4 representatives of Central Bedfordshire Council
    - 3 representatives of Luton Borough Council;
  - 2.4 that it be noted that, in the event of the authorities failing to reach agreement with regard to the composition of the Joint Selection Committee, the Secretary of State will be required to determine the membership thereof;
  - 2.5 that the proposed constitution and terms of reference of the Joint Selection Committee, as set out in Appendix A to the report of the Interim Monitoring Officer, be approved, subject to the proviso that, in the absence of agreement between the authorities, the number of seats to be allocated per authority, shall be determined by the Secretary of State;

- 2.6 (a) that Members be appointed to serve on the Joint Selection Committee and for nomination to represent Central Bedfordshire, upon the coming into force of The Local Government (Structural Changes) (Membership of Public Bodies in Bedfordshire, Cheshire and Wiltshire) Order 2008, on the Bedfordshire Police Authority until the local authority elections in 2009, pending any final confirmation as may be needed by the Secretary of State regarding the number of seats to be allocated to each authority;
- (b)(i) that in the event that Bedford Borough Council, at its Implementation Executive on 7 October 2008, agrees to the apportionment of seats as detailed in Recommendation 3 above, and having regard as far as is practicable to the political proportionality requirements that at least one of Bedford Borough's two seats be allocated to a Conservative Party Member, Central Bedfordshire appoints Cllrs P Hollick, B Spurr, Mrs C Turner and B Golby in this respect;
- (b) (ii) that in the event that agreement is not reached with Bedford Borough over the number and allocation of seats detailed above, this matter be brought back to the next meeting of this Shadow Executive;
- 2.7 that Cllrs A D Brown, M Gibson, R Johnstone, P Snelling and J Street be appointed upon the coming into force of The Local Government (Structural Changes) (Membership of Public Bodies in Bedfordshire, Cheshire and Wiltshire) Order 2008 to represent Central Bedfordshire on the Bedfordshire Fire Authority until the local authority elections in 2009.
3. At its meeting on 7 October 2008, Bedford Borough Council's Implementation Executive agreed unanimously not to support the position adopted by Central Bedfordshire's Shadow Executive on 30 September and by Luton Borough Council on 9 September that the apportionment of the 9 local authority seats on the Bedfordshire Police Authority as between Bedford, Central Bedfordshire and Luton should be in proportion to their respective populations. It is understood that the Implementation Executive took the view that the approach was not reasonable as it did not take account of differential crime patterns, police resourcing levels etc.
4. The Borough Council's Members' Services Manager has accordingly been instructed to write to the Secretary of State (the Home Secretary) asking her to determine the membership of the Police Authority Appointments Joint Selection Committee as provided under the Police Authority Regulations 2008. It is understood that Bedford Borough Council also intends to ask the Secretary of State to consider a method whereby an elected Mayor may have a seat on a Police Authority.

5. As a result of the failure to agree the composition of the Joint Selection Committee, the Secretary of State will be required to determine its membership.
6. To safeguard Central Bedfordshire's position, the Leader of the Shadow Council, as an interim measure, wrote to the Minister for Local Government on 10 October 2009, advising him of the Shadow Authority's position and seeking his support in requesting the Home Secretary to endorse the principle of allocation of seats according to population.
7. In the light of the decision of Bedford Borough Council it is now proposed that the Leader, on behalf of the Shadow Council, write formally to the Home Secretary to request her to determine the composition of the Joint Selection Committee. The Shadow Executive is requested endorse this course of action.

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**Background Papers:** Police Act 1996  
Police Authority Regulations 2008  
Bedfordshire Fire Services (Combination Scheme) Order 1996  
Draft Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire, Cheshire and Wiltshire) Order 2008

**Location of Papers:** Committee Section, Priory House, Chicksands.

**File Reference:** N/A