

SHADOW EXECUTIVE

17 MARCH 2009

SUBJECT	APPOINTMENTS TO THE BEDFORDSHIRE POLICE AUTHORITY AND PROPOSED AMENDMENT OF REPRESENTATION ON THE BEDFORDSHIRE FIRE AUTHORITY (To consider further the appointment of representatives of Central Bedfordshire to serve upon the Joint Selection Committee for the Bedfordshire Police Authority, following an initial view from the Home Office. Additionally to consider a proposed amendment to the appointments to the Fire Authority)
REPORT OF	Director of Corporate Resources
<i>Contact Officer: Kathrin John (Tel: 01462 611033) Rob Mills (Tel: 0845 849 6274)</i>	

IMPLICATIONS

SUSTAINABILITY	None
FINANCIAL	Travelling and subsistence costs of the Central Bedfordshire observers during the transitional period will be met by Central Bedfordshire Shadow Authority. 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.
LEGAL	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 Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire, Cheshire and Wiltshire) Order 2009.
PERSONNEL/EQUAL OPPORTUNITIES	None
COMMUNITY DEV/SAFETY	None
TRADE UNIONS	None
HUMAN RIGHTS	None
KEY ISSUE	No
BUDGET/POLICY FRAMEWORK	No

OTHER DOCUMENTS RELEVANT TO REPORT

None

RECOMMENDATIONS:

That the Shadow Executive:-

- 1. agrees to the Home Office Minister's proposal to establish a Joint Selection Committee of 11 (comprising 3 members of Bedford Borough Council, 5 members of Central Bedfordshire Council and 3 members of Luton Borough Council);**
- 2. nominates 5 members to serve upon the Joint Selection Committee (it is suggested that subject to agreement with Bedford Borough Council this could be 4 Conservative and 1 Liberal Democrat);**
- 3. concurs with the proposal of Luton Borough Council that the composition of the Joint Selection Committee should be reviewed every two years and adjusted as necessary, to reflect any changes in population;**
- 4. approves the revised Constitution and Terms of Reference of the Joint Selection Committee, as set out at Appendix B.**
- 5. re-affirms its view that the Joint Selection Committee should allocate seats on the Police Authority to each relevant council on the basis of population and that therefore the allocation should be as follows:-**

Bedford Borough Council	2 seats
Central Bedfordshire Council	4 seats
Luton Borough Council	3 seats
- 6. makes nominations to the Police Authority on the assumption of 4 seats being allocated to Central Bedfordshire by the Joint Selection Committee (paragraph 16 (d) refers)**
- 7. delegates authority to the Interim Chief Executive, in consultation with the Leader and relevant Group Leaders, to make nominations to the Police Authority, as necessary, in the event that the Joint Selection Committee agrees to an alternative allocation of seats.**
- 8. endorses the appointment of Cllr A Duggan to represent Central Bedfordshire Council on the Bedfordshire Fire Authority until the elections in June, in place of Cllr M Gibson**

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, 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.

Background

Bedfordshire Police Authority

1. At its meetings held on 30 September and 28 October 2008 the Shadow Executive considered the arrangements for appointing members of the Shadow Council to serve on a Joint Selection Committee. The Joint Selection Committee would comprise members of Bedford Borough Council, Central Bedfordshire Shadow Council and Luton Borough Council, and its role would be to appoint members to serve on the Bedfordshire Police Authority from 1 April 2009, and who meanwhile would have observer status during the transition period (unless already a County Council member of the Police Authority)
2. At its meeting on 30 September 2009, the Shadow Executive:-
 - 2.1 agreed 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 (Luton Borough Council had also agreed this principle at its meeting held on 9 September 2009);
 - 2.2 given the convention for the Joint Selection Committee to comprise the Members nominated by each Council for appointment to the Police Authority, supported the establishment of a Police Authority Appointments Joint Selection Committee comprising:-
 - 2 representatives of Bedford Borough Council
 - 4 representatives of Central Bedfordshire Council
 - 3 representatives of Luton Borough Council;
 - 2.3 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 would be required to determine the membership;
 - 2.4 approved the proposed constitution and terms of reference of the Joint Selection Committee, recognising that, in the absence of agreement between the authorities, the number of seats to be allocated per authority, would be determined by the Secretary of State;

- 2.5 appointed Cllrs P Hollick, B Spurr, Mrs C Turner and B Golby as its nominees on the Joint Selection Committee/Police Authority in the event that Bedford Borough Council, agreed to the apportionment of seats, but agreed that the matter be brought back to the next meeting if agreement was not reached with Bedford.
3. At its meeting on 28 October 2008 the Shadow Executive was informed that Bedford Borough Council's Implementation Executive had 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.
4. The Shadow Executive accordingly agreed that the Leader of the Shadow Council should 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 Council, as formally agreed by both Central Bedfordshire and Luton Borough Councils;
 - (c) advising her of Central Bedfordshire's proposed appointments as agreed at the Shadow Executive meeting on 30 September 2008, pending determination of the allocation of seats; and
5. Authority was also delegated to the Interim Chief Executive, in consultation with the Leader, to confirm Central Bedfordshire's proposed appointments to the Joint Selection Committee/Policy Authority once the final allocation of seats had been determined.

Current Position

6. The Leader of the Council received a letter from Vernon Coker, Minister of State at the Home Office dated 27 January 2009, a copy of which is attached at Appendix A. Members will see from the letter that the Minister has indicated that he can only intervene after the Local Government (Structural Changes) (Areas and Membership of Public Bodies in Bedfordshire, Cheshire and Wiltshire) Order 2009 comes into force (it came into force on 28 January 2009). The Minister further believes that the proposal from Central Bedfordshire and Luton would give Bedford a disproportionately small representation in comparison with Luton on the Joint Selection Committee. Therefore if asked to intervene, the Minister would be minded to establish a larger Joint Selection Committee of eleven members and would then give 5 seats to Central Bedfordshire and 3 each to Luton and Bedford. The Minister further indicates his hope that the councils can reach an agreed decision without his intervention.
7. Members are reminded that the above composition (ie: 11 members) would apply only to the Joint Selection Committee. There would still only be 9 local authority places on the Police Authority.
8. The Joint Selection Committee is required, as far as practicable, to reflect the overall political balance of the councils taken as a whole.

Based on the current membership of the relevant councils, the political balance calculations are as follows:-

Authority	Conservative	Labour	Liberal Democrat	Independent	No party	Totals
Bedford	20	10	16	7	1	54
Central Beds	88	5	24	4	0	121
Luton	5	26	17	0	0	48
Totals	113	41	57	11	1	223
Stage 1 calculation (proportion of seats)	50.67%	18.39%	25.56%	4.93%	0.45%	100
Stage 2 Calculation (number of seats)	5.57 (6)	2.02 (2)	2.81 (3)	0.54 (0)	0.05% (0)	11

9. Luton Borough Council's current representatives (2 Labour and 1 Liberal Democrat) are appointed until May 2009. In order to achieve the overall political balance required, Bedford Borough and Central Bedfordshire between them need to nominate 8 members, 6 Conservative and 2 Liberal Democrats. The Council previously nominated 3 Conservative members and 1 Liberal Democrat to serve as its members on the Joint Selection Committee and to be the Council's nominations on the Police Authority. Clearly given the increase in the size of the Joint Selection Committee to 11 it would not be possible to follow the practice previously followed by Luton and the County Council of the members on the Joint Selection Committee also being the nominees for the Police Authority (ie: there will still only be 9 local authority seats on the Police Authority).
10. Luton Borough Council has indicated informally that it would support the proposal to establish a Joint Selection Committee of 11 members. It has also suggested however that the allocation of seats on the Joint Selection Committee be reviewed every two years and adjusted as necessary to reflect any changes in population.
11. The Shadow Executive of Bedford Borough Council will be considering the proposal suggested by the Home Office Minister at the meeting of its Implementation Executive on 19 March 2009.
12. As indicated above, there will still be 9 local authority seats available on the Police Authority. As previously reported, the relevant regulations do not prescribe how many members shall be appointed per authority to the Police Authority. The Shadow Executive has previously argued that representation per authority should be linked to population and both Central Bedfordshire and Luton have resolved that the number of representatives appointed per authority should be as follows:-

Bedford Borough	2 seats
Central Bedfordshire	4 seats
Luton Borough Council	3 seats

The Shadow Executive will, no doubt, wish to maintain this point of principle (which has in effect been re-inforced by the Minister) but ultimately it will be for the Joint Selection Committee to determine the appointments.
13. The Joint Selection Committee is, however, required to ensure that, so far as practicable, the appointments that it makes reflect the overall political balance of the Councils taken as a whole.
14. In this context, Members are asked to note that the political composition of both Central Bedfordshire and Bedford Borough Councils has changed since the original calculation of proportionality set out in the report to the Shadow Executive on 30 September 2009, Bedford now having 1 vacancy and Central Bedfordshire having 3 vacancies.

15. Based on the current membership of the relevant Councils, the political balance calculations are now as follows:

Authority	Conservative	Labour	Liberal Democrat	Independent	No Party	Totals
Bedford	20	10	16	7	1	54
Central Beds	88	5	24	4	0	121
Luton	5	26	17	0	0	48
Totals	113	41	57	11	1	223
Stage 1 calculation (proportion of seats)	50.67%	18.39%	25.56%	4.93%	0.45%	100%
Stage 2 calculation (number of seats)	4.56 (5)	1.65 (2)	2.30 (2)	0.44 (1)	0.04 (0)	9

16. The Shadow Executive is now asked to consider whether:-

- (a) to agree to the Home Office Minister's proposal to establish a Joint Selection Committee of 11 (on which Central Beds will have 5 seats) and to nominate 5 members (subject to agreement by Bedford Borough Council, this could be 4 Conservative and 1 Liberal Democrat leaving the Borough to nominate 2 Conservative and 1 Liberal Democrat) to serve upon that committee;
- (b) To concur with the proposal of Luton Borough Council that the composition of the Joint Selection Committee should be reviewed every two years and adjusted, as necessary, to reflect any changes in population;
- (c) To re-affirm the view that the number of places on the Police Authority per Council should be allocated by the Joint Selection Committee, having regard to population and that therefore the allocation should be as follows:-

Bedford Borough Council	2 seats
Central Bedfordshire Council	4 seats
Luton Borough Council	3 seats

- (d) To consider nominations to the Police Authority on the assumption of 4 seats being allocated to Central Bedfordshire by the Joint Selection Committee. Whilst both the allocation of the number of seats and the political nominations per Council will ultimately be a matter for the Joint Selection Committee to determine, it is assumed that Luton will wish to retain its current appointees (2 Labour, 1 Liberal Democrat). Assuming that this Council will also wish to retain its current political allocation (3 Conservative and 1 Liberal Democrat), there would remain 1 Conservative seat and 1 Independent seat to be filled by Bedford Borough Council); and
- (e) To authorise the Interim Chief Executive, in consultation with the Leader and other relevant Group Leaders, to make nominations for the Police Authority as may be necessary, in the event that the Joint Selection Committee agrees an alternative allocation of seats.

Bedfordshire Fire Authority

- 17. Members will recall that at its meeting held on 30 September 2008, the Shadow Executive approved appointments to the Bedfordshire Fire Authority. The Leader of the Council has advised that she wishes to change one of the Conservative Group representatives upon the Fire Authority. Specifically, the Leader wishes to appoint Cllr A Duggan to serve upon the Fire Authority in place of Cllr M Gibson.

<i>Background Papers:</i>	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
<i>Location of Papers:</i>	Committee Section, Priory House, Chicksands.
<i>File Reference:</i>	N/A