

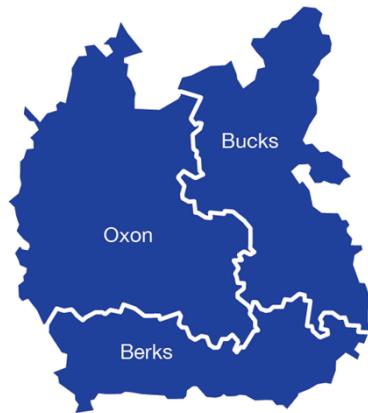


## Report to the Thames Valley Police & Crime Panel

**Title:** **Thames Valley Police and Crime Panel Arrangements and Rules of Procedure**

**Date:** **22 November 2019**

**Author:** **Monitoring Officer**



### Recommendations

1. That the Panel Arrangements for the Thames Valley Police and Crime Panel “the Panel” be updated (as attached in Appendix 1) to reflect:
  - a) That the Host Authority will be Oxfordshire County Council as at 1 January 2020.
  - b) The changes arising from local government reorganisation in Buckinghamshire which take effect from 1 April 2020.
2. That the Panel’s Rules of Procedure be amended (as attached in Appendix 2) to include the appointment of four co-opted members from Buckinghamshire Council due to local government reorganisation in Buckinghamshire. The four co-opted members are in addition to the one member nomination to the Panel from Buckinghamshire Council. The changes take effect from 1 April 2020 and are required in order to satisfy the requirements of the Police Reform and Social Responsibility Act 2011 and produce a balanced panel.
3. That subject to the Panel’s agreement to recommendation 2 that agreement be sought from the Home Secretary each time co-optees are appointed by Buckinghamshire Council.

### Reasons for recommendations

- 1.1 The recommendations support the duty for councils to produce a balanced panel in accordance with the Police and Reform and Social Responsibility Act 2011. The recommendations ensure that Buckinghamshire Council maintains its numerical member representation on the Panel following local government reorganisation and the reduction in the number of appointing councils in Buckinghamshire.

## **Options**

- 2.1 That the Thames Valley Police and Crime Panel arrangements be amended as recommended ensuring that five members (one nominee and four co-optees) continue to represent Buckinghamshire Council to ensure a balanced panel is maintained.
- 2.2 That no change be made to the Thames Valley Police and Crime Panel arrangements resulting in one member representing Buckinghamshire Council (rather than the current five) resulting in a numerical under representation on the Panel for Buckinghamshire Council.

## **Purpose of Report**

- 3.1 To seek authority to request that agreement be sought from the Thames Valley Police and Crime Panel to amend the Panel's arrangement to enable 4 co-optees and one member nomination to be appointed to the Panel to represent Buckinghamshire Council thereby maintaining a balanced panel after the number of appointing councils in Buckinghamshire (excluding Milton Keynes) reduces from five to one on 1 April 2020.
- 3.2 The proposal to have 4 co-optees and one member representative appointed by Buckinghamshire Council, rather than 5 member representatives, is due to the legislation which prevents more than one representative being appointed by each local authority in areas where there are more than 10 local authorities in a single police area such as Thames Valley. It is therefore proposed that 4 co-optees be appointed to maintain a geographically balanced panel as provided for by the legislation.

## **Background**

- 4.1 From 1 April 2020, a single new Buckinghamshire Council will replace:
  - Aylesbury Vale District Council
  - Buckinghamshire County Council
  - Chiltern District Council
  - South Bucks District Council
  - Wycombe District Council
- 4.2 The Buckinghamshire (Structural Changes) Order 2019 came into force on 23 May 2019 and created a Shadow Authority for the non-metropolitan district council of Buckinghamshire to be established on 1 April 2020. This was a direct result of the announcement by the Secretary of State regarding a change to the future structure of Local Government in Buckinghamshire.
- 4.3 The Thames Valley Police and Crime Panel arrangements state that the Panel is comprised of 18 elected members (one from each of the local authorities in the Thames Valley). Therefore, the Panel arrangements need to be updated to reflect this legislative change.

## **Legislation and procedural requirements**

- 5.1 Schedule 6 of the Police Reform and Social Responsibility Act 2011 provides that the Police and Crime Panel must make arrangements and rules of procedure. The Panel is required to agree any changes to the rules of procedure. Whilst not totally prescriptive the legislation provides a clear framework for governance, which includes expectations around Panel membership being applied in relation to the number and type of local authorities in the police force area.

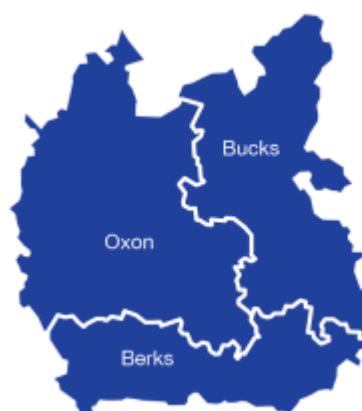
## **How appointments are made**

- 6.1 Appointments of elected Members to the Panel are made by each of the local authorities in accordance with their own procedures and in making their appointments to the Panel each individual authority shall have regard to the requirement in the Act that appointments shall be made with a view to ensuring that the ‘balanced appointment objective’ is met so far as is reasonably practicable.
- 6.2 Schedule 6 of the Police Reform and Social Responsibility Act 2011 makes detailed provisions on Panel composition under Parts 2 and 4 of Schedule 6 and under Section 31 places a duty on councils to produce a ‘balanced panel’ which means that the councillors on the panel
- a) represent all parts of the police area
  - b) represent the political make-up of the Authorities (when taken together)
  - c) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively
- 6.3 Paragraph 4 of the Act on membership and status states that where a force area consists of more than 10 authorities there will be as many members as there are local authorities in the force area plus the two required independent co-opted Members. The upper limit on the size of the panel is 20. Therefore Thames Valley PCP is at its maximum size currently with 5 Members from Buckinghamshire, five from Oxfordshire, six for each of the Unitary Councils in Berkshire, one from Milton Keynes Council, one from Oxford City.

## **Suggested change to the rules of procedure**

- 7.1 Currently one nominee is appointed from each local authority. Due to local government reorganisation there will be a single Council in Buckinghamshire from 1 April 2020. This will mean that Buckinghamshire will only have one member representing the area where previously it had five. This will create a geographical imbalance with regards to population as shown below:

- Berkshire population 905,000 with 6 representatives
- Combined Buckinghamshire population 765,800 currently with 6 representatives (Buckinghamshire Council: 535,900; Milton Keynes Council: 229,900)
- Oxfordshire population 682,000 with 6 representatives



- 7.2 For many areas (but not all) once the two independent co-opted members have been appointed, the panel can consider co-opting additional councillors to meet the balanced appointment objective. To avoid geographical imbalance it is recommended that due to local government reorganisation that four members be co-opted onto the Panel for Buckinghamshire to ensure that the Panel's representation is balanced geographically, and that the Panel's Rules of Procedure be amended (as attached in Appendix 2 with the proposed amendments shown in bold and underlined ).

## **Guidance on representation**

- 8.1 The Local Government Association guidance states that in an area in which there are both unitary and county/district councils, there could be a perceived imbalance in the geographical representation on the panel due to the requirement that each authority in the force area must be represented by at least one member. This is because in two-tier areas both the county and its districts will each have a member on the panel, while a neighbouring unitary, however large in terms of size or population, would only have one member on the panel.
- 8.2 There is a political balance objective and this has historically been met by each authority appointing a representative from the Council's majority political group. It would be difficult to achieve a political balance from the overall number of Council seats across the Thames Valley Police Area due to the size of the Panel (currently 18 authorities and in future 14) and the limit on the number of nominees being 18 members and 2 co-optees. It is also important to recognise the requirement to meet the required political balance also needs to be set against good practice; the Panel should operate and conduct its business on a non-political basis in order to be fully effective.

## **Requirement to notify the Home Office**

- 9.1 The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 require that where a panel co-opts local authority members, the panel must notify the Home Office of their names and of the local authority of which they are a member. The panel must also explain the reasons for deciding that co-opting these individuals will help them meet, or better meet, the balanced appointment objective. Indications from the Home Office in respect of the proposals in this report are that approval is likely to be automatic provided the co-options do not weight the balance on the panel in favour of one particular interest.

## **Updates to the Panel arrangements**

- 10.1 Paragraph 3.0 of the Panel arrangements attached at Appendix 1 refers to Membership which needs to be updated to reflect the change in composition following the implementation of Local Government Reorganisation in Buckinghamshire on 1 April 2020
- 10.2 Subject to the Panel's agreement, 3.1 (panel composition) will need to be amended to reflect that the Panel comprises:
- a) 14 elected members (one from each of the Oxfordshire district councils (4), one for each of the Unitary Authorities in Berkshire (6), and one each for Oxfordshire County Council, Oxford City Council and Milton Keynes Council.

This number includes Buckinghamshire Council who will have one member plus four further local authority co-opted Members to meet with the balanced panel objective (see 3.1 c)).

- b) Two co-opted members who may not be members of the local authorities in the Thames Valley Police area;
  - c) Four co-opted members from Buckinghamshire Council to meet the balanced appointment objective (in addition to 3.1 a)
- 10.3 The heading in 3.11 will be amended to refer to co-opted members who may not be members of local authorities in the Thames Valley Police area. The proposed amendment are shown in bold and underlined at Appendix 1.

### **Host authority**

- 11.1 The Panel agreed at the meeting on 6 September 2019 that the host authority, currently South Bucks District Council, will change to Oxfordshire County Council. This change will take place on 1 January 2020. The Panel's arrangements will therefore be updated to reflect this change.

### **Financial Implications**

- 12.1 There are no direct financial implications arising from the recommendations in this report.

### **Legal Implications**

- 13.1 The recommendations support the duty for councils to produce a balanced panel in accordance with the Police and Reform and Social Responsibility Act 2011.

### **Equalities Implications**

- 14.1 No specific equalities implications arise from the recommendations in this report.

### **Next Steps**

- 15.1 Subject to the proposals being agreed, the Panel arrangements will be updated with the change to hosting taking effect from 1 January 2020. The change to the local authority co-optees will take effect from 1 April 2020 when the new Buckinghamshire Council will be established.

<b>Background Papers</b>	<p>None other than those referred to in the report.</p> <p><a href="https://democracy.buckscc.gov.uk/documents/s59999/Panel%20arrangements%20guidance.pdf">https://democracy.buckscc.gov.uk/documents/s59999/Panel%20arrangements%20guidance.pdf</a></p> <p><a href="https://www.southbucks.gov.uk/article/8102/Thames-Valley-Police-and-Crime-Panel">https://www.southbucks.gov.uk/article/8102/Thames-Valley-Police-and-Crime-Panel</a></p> <p><a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117477/police-and-crime-panel.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/117477/police-and-crime-panel.pdf</a></p> <p><a href="http://www.legislation.gov.uk/ukpga/2011/13/schedule/6/enacted#schedule-6-paragraph-10-6">http://www.legislation.gov.uk/ukpga/2011/13/schedule/6/enacted#schedule-6-paragraph-10-6</a></p>
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