

**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL – 3 OCTOBER 2017**

**APPOINTMENT OF INDEPENDENT CO-OPTED MEMBERS OF THE
POLICE AND CRIME PANEL**

REPORT OF THE HEAD OF DEMOCRATIC SERVICES

Purpose of Report

1. At the request of some Panel Members and in line with the resolution of the Panel on 2 February 2016 this report has been brought to enable Panel Members to reconsider the arrangements for co-opted independent members of the Police and Crime Panel going forward and whether amendment is required to the Panel's Terms of Reference.

Background

Legislation

2. Part 2 of Schedule 6 of the Police Reform and Social Responsibility Act 2011 states that Police and Crime Panels are able to have members co-opted by the Panel and the appropriate number of co-opted members is:

“(a) two, or

(b) if a resolution of the panel under sub-paragraph (4) is in force, the number of co-opted members specified in that resolution.

(4) A police and crime panel may resolve that the panel is to have the number of co-opted members specified in the resolution; but no such resolution may be passed unless –

(a) that number of co-opted members is greater than two;

(b) the secretary of state agrees that the panel should have that number of co-opted members; and

(c) the total membership of the panel, including that number of co-opted members, would not exceed 20.”

Terms of Reference

3. The Terms of Reference of the Leicester, Leicestershire and Rutland Police and Crime Panel, approved when the Panel was created in 2012, state at Section 2, Paragraph 4:

The Panel shall be made up of a minimum of 10 councillors and two independent members. Co-opted members shall be appointed in accordance with paragraphs 9-13 below and may be appointed in accordance with paragraph 17 below.

4. Section 2, Paragraph 9 of the Terms of Reference states:

The Panel shall co-opt two independent members on to the Panel for a term being the length of office of the Police and Crime Commissioner, with a view to ensuring the Panel has the necessary skills, knowledge and experience to carry out its functions.

5. Section 2, paragraph 17 of the Terms of Reference states:

The Panel, once established, may agree to co-opt additional members drawn from the local authorities to ensure the balanced appointment requirement, as far as reasonably practicable.

Recruitment process

6. When establishing the Leicester, Leicestershire and Rutland Police and Crime Panel in 2012, a sub-committee of councillors including Messrs Pendleton and Slater and former members of the Panel (Cllr. B. Roper, Cllr. S. Russell and Cllr. D. C. Bill) supported by Leicestershire County Council officers led on this process and, following a recruitment process, Mrs. Helen Carter and Col. Robert Martin were appointed. Their original term of office was due to come to an end with the termination of the PCC's term of office in May 2016.

Reappointment

7. The issue of independent members was considered again by the Police and Crime Panel at its meeting on 2 February 2016. The minutes of that meeting reflect that Panel Members were of the view that Col. Martin and Mrs. Carter had both served the Panel well over the previous four years, however some panel Members thought that it was not helpful to have the co-opted members' serve coterminously with the PCC as it might provide a lack of continuity at a time of significant change. The Panel therefore resolved unanimously:

“That the current independent co-opted members of the Police and Crime Panel, Col. Robert Martin and Mrs. Helen Carter, be re-appointed for a period of four years, pending a review in the Summer of the Panel's constitution.”

Independent Members on Police and Crime Panels in other areas

8. Of the 39 Police and Crime Panels in England 36 have 2 Independent Members which is the statutory minimum. The remaining Panels are Avon and Somerset, and Northamptonshire, with 3 Independent Members each, and Nottinghamshire who have 4 Independent Members on their Police and Crime Panel. Nottinghamshire, Avon and Somerset, and Northamptonshire Police and Crime Panels all obtained approval from the Secretary of State to appoint additional Independent members in accordance with the statutory requirements.

9. The term of office of Independent Members on most other Police and Crime Panels is not coterminous with that of the Police and Crime Commissioner and various approaches have been followed. Whilst the LLR Police and Crime Panel has been able to retain the same Independent Members for the whole period that the Panel has been in operation, this has not been the case for other panels and so for various reasons the Independent Member's term of office are not coterminous with that of the PCC. For example, in the case of Kent and Medway Police and Crime Panel, the Independent Members have been appointed until October 2020 which means that they will remain in place for 5 months after the PCC elections. Similarly Lincolnshire Police and Crime Panel has appointed its Independent Members until September 2020. On Gloucestershire Police and Crime Panel, one independent Member's term runs coterminously and one does not.

Options for Leicester, Leicestershire and Rutland Police and Crime Panel in the future

10. The Panel has several options with regard to these appointments:
- (a) Allow the current independent Members to continue to serve until May 2020 in accordance with the panel decision of 2 February 2016 with an intention to appoint in 2020 for a further 4 years.
 - (b) Agree that a new recruitment process be carried out immediately to recruit two or more independent members for a term to be decided by the Panel. The present independent members could, if they were minded to, re-apply to serve on the Panel.
 - (c) Amend the terms of reference so that independent members are to be appointed mid-way through the term of the PCC i.e after 2 years, and in the interim re-appoint the current independent Members until May 2018.
 - (d) Increase the number of Independent Members on the Panel and begin a new recruitment process. As per the legislation set out above this would require agreement of the Secretary of State.

Amending terms of reference

11. Were option (c) above to be approved then Section 2, Paragraph 9 of the terms of reference could be amended to read as follows:

The Panel shall co-opt two independent members on to the Panel for a term of 4 years commencing at the mid-way point in the Police and Crime Commissioner's term of office, with a view to ensuring the Panel has the necessary skills, knowledge and experience to carry out its functions.

This would result in recruitment processes taking place in May 2018, May 2022 and so on.

Recruitment Process

12. If the Panel were to decide to commence a new recruitment process, an outline timescale for this process is set out below.

Recommended timescale	Activity required
3 October 2017	Panel agrees which members will serve on appointing sub-committee
9 October 2017	Advertisement for applicants is placed in the Leicester Mercury (six week advertising period)
20 November 2017	Deadline for applications
w/c 27 November 2017	Shortlisting
w/c 4 December 2017	Interviews
End of December 2017	Appointments made
January 2018	Induction sessions held (should new members be appointed)
31 January 2018	New appointee's first Panel meeting

13. The secretariat at Leicestershire County Council would support the recruitment process.
14. LGA Guidance suggests that short-listing, interviewing and selection of the independent co-optees may be delegated to a selection panel or sub-committee of the PCP. It is proposed that, as it did in 2012, the Panel considers appointing a sub-committee at an early stage to enable their full engagement in the process.

Recommendations

- (a) The Panel is asked to consider the following:
- (i) whether it wishes to amend the term of the current Independent members or whether it wishes to proceed with a recruitment process;
 - (ii) whether it wishes to amend its Terms of Reference with regard to whether the co-opted members' serve coterminously with the PCC.
 - (iii) whether it wishes to make any other amendments to the Terms of Reference on any other issue.
- (b) If the Panel is minded to start a new recruitment process a subcommittee of three PCP members be appointed to shortlist and interview candidates.

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Appendices

Leicester, Leicestershire and Rutland Police and Crime Panel Terms of Reference