

**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND
CRIME PANEL – 18 JUNE 2024**

REVIEW OF PANEL MEMBERSHIP

**REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE,
LEICESTERSHIRE COUNTY COUNCIL**

Purpose of Report

1. The purpose of this report is to consider the Panel's membership and any changes required to meet the balanced appointment objective as required by legislation.

Background and Current Arrangements

2. The Panel needs to review its membership at its Annual General Meeting and/or following elections which may have affected the Panel's political balance.

Legal Position

3. The Police and Crime Panel is a joint committee of the relevant Local Authorities. The statutory requirement is for a Police and Crime Panel of 10 Councillors and 2 Independent Members. The ten Councillors must include one from each local authority in the area.¹ The Panel may not exceed 20 members in all. When the Panel was established in 2012 the decision was taken to establish a Panel of 15 Members made up as follows:

- 8 Members representing the County Area (7 nominated by the districts and 1 by the County)
- 4 City Members
- 1 Rutland Member
- 2 Independent Co-opted Members.

This was to ensure that 'all parts of the relevant police area were appropriately represented hence the decision to allow 4 City representatives to reflect the fact it accounts for nearly 1/3rd of the population served by the Police. The Police and Crime Panel size was agreed with the Home Office and any change will require approval by the relevant Minister.

4. In making the appointments to the panel there is a requirement to '*secure that (as far as is reasonably practicable) the balanced objective is met*²'. This

¹ Sched 6 Police Reform and Social Responsibility Act 2011

² Sched 6 para 31.

means that local authority members of the Police and Crime Panel (when taken together) must -

- (a) represent all parts of the relevant police area.
- (b) represent the political make-up of -
 - (i) the relevant local authority, or
 - (ii) the relevant local authorities (when taken together);
- (c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

5. The most recent Home Office guidance³ issued in 2023 simply reflects the above stating: *'When appointing panel members, local authorities must consider, as far as is practicable, the balanced appointment objective laid out in the 2011 Act. This includes the make-up of the local areas, including the political make-up, and the required skills, knowledge and experience for the panel to function effectively. With the Home Secretary's consent, panels are able to co-opt further members, both elected and independent, up to a maximum panel size of 20.'*

Applications to co-opt additional panel members can be made for either of two reasons.

1. *Co-opting additional independent members (more than two) – this may be to ensure the panel meets the balanced appointment objective, so that it has the necessary skills, knowledge and experience.*
2. *Co-opting additional elected members – as well as the above, additional elected members may be requested to ensure the panel represents all parts of the relevant police area and the political make-up of the relevant local authorities'.*

It should be noted that the co-option is subject to Home Office ministerial approval.

6. There is no guidance on the qualification about practicability referred to above but generally this would be considered by assessing the balance between the difficulty/effort in achieving the outcome (the balanced objective) vs the difficulty (usually cost but that is not relevant in this case) of achieving the outcome. Broadly it will mean that the County Council as host should, working with the other local authority members, do all that it can to achieve the balanced objective but it is accepted that this may not always be possible i.e. there may be a good reason which prevents this being achieved in some cases.
7. The importance of the issue, and the balanced objective requirement reflecting the democratic process and electoral mandate, means that the effort required to achieve the outcome would be expected to be significant. Inconvenience

³ <https://www.gov.uk/government/publications/police-and-crime-panels/police-fire-and-crime-panels-guidance#panel-arrangements>

caused because allocations have already been made by the relevant local authorities (by convention appointing Community Safety Partnership Chairs) would be unlikely to be regarded as sufficient to meet the test – especially when there are a number of options (including changing the composition of the Panel by co-option etc) which have not yet been explored.

Current Political Balance

8. Since the election in 2023, affecting Leicester City Council, Rutland Council and the Leicestershire district councils, and taking account of a by election at the County Council in 2024, the political balance and allocation for the municipal year 2024/25 is as follows:

	Conservative	Labour	Lib Dem	Green	Ind
	5.44	3.14	3.14	0.60	0.74
Allocation	5	3	3	1	1

9. There were a number of complexities in achieving political balance for the municipal year 2023/24, which resulted in the composition of the Panel not aligning precisely with the mathematical requirements for political balance. There were no Independent appointees despite the calculation allocating one seat to an Independent Councillor. There were also four Labour appointees despite the mathematical allocation of three seats to Labour.
10. In considering the membership of the Panel at the Annual General Meeting in 2023, Panel members noted the changes in political control and that historically the panel had always comprised one extra Labour Member (to reflect the political control of the City Council) and one extra Conservative Member (to reflect the then political control of the district councils i.e., prior to May 2023).
11. To seek to align membership with the mathematical formulae for 2024/25, the County Council's Director of Law and Governance wrote to all Monitoring Officers in April 2024 requesting that they consider appointing a representative for 2024/25 from the same political party as the current representative. The exception to this was Melton Borough Council, which was requested to consider appointing a representative from the Independent Group rather than the Labour Group. This would have resulted in a politically balanced panel.
12. Following the annual meetings of appointing Councils, the membership of the Police and Crime Panel for 2024/25 again does not reflect the requirements for precise political balance. The Panel currently proposed comprises 5 Conservative members 5 Labour members and 3 Liberal Democrat members, i.e., 2 additional Labour members and no Independent or Green appointees.
13. Appointing Councils have followed the convention of appointing the Community Safety Portfolio Holder/Community Safety Partnership Chair to the Panel, reflecting the requirement for members to have the necessary skills, knowledge and experience, but not the requirement for the Panel to be politically balanced.

Members (Local Authority)

<u>Conservative</u> Mrs Taylor CC Cllr Phillimore Cllr Woodman Cllr Mahesh Cllr Agath	Leicestershire County Council Blaby District Council North West Leicestershire District Council Leicester City Council Leicester City Council
<u>Labour</u> Cllr Blackshaw Cllr Knight Cllr Cox Cllr Russell Cllr Dawood	Charnwood Borough Council Harborough District Council Melton Borough Council Leicester City Council Leicester City Council
<u>Liberal Democrat</u> Cllr Mullaney Cllr Loydall Cllr Wise	Hinckley and Bosworth Borough Council Oadby and Wigston Borough Council Rutland Council

Members (Independent)

14. Following a recruitment process completed in February 2022, two Independent Co-opted Members were appointed. Their term of office will end on 1 February 2026. At this point, therefore, no further changes are required to the Independent Co-opted membership. A report will be presented to a future meeting of the Panel to begin the process for considering any reappointments/recruitment as necessary.

Parisha Chavda
Salma Manzoor

Next Steps

15. Officers are seeking the views of the Home Office and the regional Police and Crime Panel network on whether the balanced objective is met, as far as is reasonably practicable. Any responses received prior to the meeting will be reported to members.
16. Officers are exploring with relevant appointing councils whether they would consider changing their representative to enable political balance to be achieved.

17. An option which has not yet been explored is to increase the size of the Panel by co-opting further elected members. This would require the Panel to make a resolution under paragraph 4 (4) or 13(4) of the Schedule 6 to *notify the Secretary of State of its reasons for deciding that the resolution would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met.* All members of the Panel would need to agree to a particular co-option.
18. Once the membership is agreed, Schedule 1 of the Constitution will need amending to reflect the current membership.

Recommendations

19. The Panel is asked to:
 - (a) Consider whether they feel that the Panel meets the balanced objective, as far as reasonably practicable, or whether there are further steps that should be taken.
 - (b) Agree that Schedule 1 of the Constitution should be amended to reflect the current membership.

Background Papers and Published Documents

- (i) The Police Reform and Social Responsibility Act 2011 (published)
- (ii) Leicester, Leicestershire and Rutland Police and Crime Panel Arrangements (published)
- (iii) Report of the City Barrister on Review of Panel Membership considered by the Police and Crime Panel on 26 July 2023 - <https://cabinet.leicester.gov.uk/documents/s144266/PCPMembershipReport2023.pdf>

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