

Linda Sperry

APPENDIX D

From: Mr. M. J. Hunt
Sent: 08 May 2012 09:08
To: David Morgan
Cc: Mrs. M. E. Newton; Mr. J. Miah; 'jo fox'
Subject: P&C Panel

Dear David,

Please accept the attached as a formal objection.

Thanks. Max.

Max Hunt , 58 William Street, Loughborough. LE11 3BZ T: 01509 217283 M:07793 369888

14/05/2012

7th May 2012

David Morgan
County Solicitor
Leicestershire County Council
Glenfield
LEICESTER LE4 8RA

Dear David,

Leicestershire Police and Crime Panel

On behalf of our Group I am writing to ask you to consider exactly how the political co-options would be made in Leicestershire and Rutland for the new Police and Crime Panel. A proposal which double counts the electorate in the administrative County cannot be acceptable.

As we understand, the Police & Crime Panels are made up of up to 20 members being:

1. One representative from Each Local authority (ie *one per Unitary, District and County*)
2. *Two Independent Co-opted Members*
3. Further political co-options "*represent the political make-up of....the relevant authorities (when taken together)*";

Leicester City is seriously disadvantaged by the first apportionment where Districts carry seven times the weight of the City Council.

The further political co-options are crucial in correctly determining political control and that must be demonstrated. We cannot allow double counting of county areas in calculating co-options. Why should I and the many other twin-hatted Members at the County Council we should count twice that of a City Councillor?

A simple way of eliminating 'double counting' would be to eliminate the lowest tier (ie Districts and Unitaries) or by taking the upper tiers (ie County and Unitaries). The results for Leicester City, County and Rutland (LLR) would be as follows:

	Raw Counts		Districts + Unitaries		County + Unitaries	
Tory	52%	7	49%	7	40%	7
Lab	26%	4	29%	4	41%	7
LDem	19%	2	17%	3	11%	2
Indep		2		2		2
Total		15		16		18

The first raw apportionment contains the double counting and does not represent the political make-up of the LLR area which does not have a Conservative majority – even in the 2010 General Election (43%-29%-24% across LLR).

The other two options remove the double counting. Of these the County and Unitaries would have greater parity than the District and Unitaries.

An alternative approach which is already embedded within the LGA constitution Section 4.3 (attributed to Rawlings and Thrasher) is, briefly, with reference to the overall electorate represented by the councillors of each party, immediately after the last principal elections of the member authorities. Full details are, of course, available to you from the LGA.

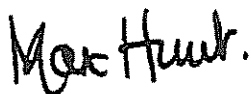
Please would you therefore give this your full consideration. We would lodge a strong appeal against the first option, which is clearly unfair to the City and to Parties, like ours which do better in the City than in Districts.

We have two other questions concerning the Act:

a) What term is set for the appointments? If it is, for example, four years, we may not be able to alter membership if and when the balance changes. At the moment the Leics Police Authority (LPA) alters the balance annually after every local election, as does the LGA in its constitution

b) Are Co-opted Independent and Political Co-opted Members able to vote for the Chair in the first meeting. This is a question Joe Orson asked at the LPA.

Yours sincerely,



Max Hunt CC
Leader of the Labour Group

Cc
Sir Peter Soulsby,
Rt Hon Keith Vaz MP,
Jon Ashurst MP,
Liz Kendall MP,
Dr Matthew O'Callaghan

David Morgan

From: Linda Sperry on behalf of David Morgan
Sent: 06 June 2012 09:46
To: Mr. M. J. Hunt
Cc: David Morgan
Subject: POLICE AND CRIME PANEL : COMPOSITION

Dear Max

I am writing in response to a number of emails you have sent to me. I have replied to some of them, but I hope you will accept my apologies for the delay in replying to that of 8 May and 27 May. I have indeed been immersed in other issues, but I have also been giving some thought to the points you made and to the drafting of the 'panel arrangements'.

Panel arrangements are defined as 'arrangements for the establishment and maintenance of a police and crime panel'. It is the responsibility of the local authorities in the police area to make those arrangements. The detailed provisions about panel arrangements are to be found in Schedule 6 of the 2011 Act and include issues such as term of office, resignation and removal of members, payment of allowances (if any) and promotion of and support for panels.

It seems likely that the County Council on behalf of all the members will have to submit panel arrangements for consideration by the Secretary of State at some point in June or July. The Chief Executive of the Police Authority is trying to seek clarification on this point from the Home Office. However, it does seem to me that this does mean that a report on the proposed arrangements will have to go to each constituent member of the panel for that authority to approve the arrangements. How that is done will depend upon the governance arrangements at different authorities.

At the County Council and, I would expect other authorities with an executive and scrutiny system, a report will go to the Cabinet or equivalent body. I am happy to ensure that your comments are made known to the Cabinet.

When I have finalised the proposed arrangements and, hopefully, have some better idea from the Home Office of their expectations, I will write to all District Council Chief Executives to advise them of the requirements. I would therefore be grateful if you would note, in the context of Charnwood Borough Council, that I have not yet advised the Chief Executive of the procedure which I think will have to be followed.

All of the local authorities involved will have to have regard to the balanced appointment requirement, including that of political balance. I propose that LCC as the host authority will carry out a review of the membership to provide advice to all the local authorities when making their appointments of the application at that point in time of the political balance requirement. This will mean that we will have to conduct a review at appropriate intervals in the light of Council elections, by-elections, if of a sufficient number or of critical importance, or even in the case of parties splitting or mass defections from one party to another.

I would expect the terms of office to be determined by each authority when appointing its member and, unless current arrangements change, the majority of districts will appoint at their Annual General Meeting.

I have set out above the process which I think will now have to be followed as this may help

you in thinking about how to take your arguments forward as to the composition of the panel.

I do note that in your email of 27 May, you make the point that the best way forward would be to form a consensus and that this is absent at the present time. If this were a case of dealing with a single authority, then I would feel much happier about that proposition. I do not think it is realistic to expect there to be a consensus of all of the parties in all of the authorities across the whole police area. In these circumstances I have to be pragmatic and the degree of consensus achieved so far is in fact far better than I had expected some months ago.

I turn now to the points you make in your letter to me of 7 May which was attached to email of the following day. I have found the paper that you send to me from the County Council Network helpful in this regard. It is interesting that the CCN pointed out the complexity of applying the current provisions in a two-tier area and that the provisions did not recognise the different scale of participating authorities. The legislative requirement is that local authority members 'represent the political make up of ... the relevant local authorities (when taken together)'. This is the basis upon which I have aggregated the membership of the authorities; you refer to this in your letter of 7 May as 'raw accounts'.

Paragraph 6 of the CCN paper appears to acknowledge that the legislative requirements do not recognise the different scale of participating authorities and that the government did not choose to adopt the CCN proposals in this regard. The legislation could have referred to the panel being representative of the political make up of the area as a whole, in which case arguments to look at the proportionate representation of the parties for the whole population of the police area, rather than by reference to particular local authorities, would have been more relevant. As the legislation stands, I would argue that the approach I have taken is reasonable and reflects the legislative requirements.

I do not accept the proposals in your letter of 7 May of eliminating 'double counting' by eliminating the lowest tier or by taking the upper tiers, as that does not reflect the statutory requirement of one member per authority in an area such as Leicestershire where there are 10 constituent authorities, whatever their size in terms of population.

In your letter of 7 May, you also raised two further questions. I have commented on the issue of the term for appointments above. In relation to your second question, whether co-opted independent and political co-opted members are able to vote for the chair at the first meeting, my view is that it is for the Police and Crime Panel once established to make those appointments and that as a consequence, the panel when it first takes office will comprise the ten members drawn from the authorities. I would expect those members to select the chair and deputy chair for the panel.

I hope the above is of assistance.

David Morgan
County Solicitor