

DERBYSHIRE POLICE AND CRIME PANEL

19th November 2020

**Report of the Director of Legal & Democratic Services of Derbyshire
County Council**

RECRUITMENT OF INDEPENDENT MEMBERS

1. Purpose of Report

For the Panel to consider extending the term of office of the two current independent co-opted members.

2. Information and Analysis

Schedule 6 of the Police Reform and Social Responsibility Act 2011 requires police and crime panels to co-opt at least two non-political independent members and to stipulate within their Panel Arrangements the length of the term of office for both appointed and co-opted members; as well as any conditions for the re-appointment of appointed and co-opted members to the Panel.

The Panel Arrangements for the Derbyshire Police and Crime Panel require the Panel to co-opt at least two independent members and the term of office is stipulated to be 4 years. The Panel Arrangements also set out the process for recruitment and appointment.

The current term of office for the Panel's two current Independent Members, Dr Stephen Handsley and Mrs Vicky Newbury is due to end in January 2020. Therefore, in accordance with the Panel Arrangements, a recruitment process for new independent members would need to be commenced.

However, it is proposed that the Panel considers whether the terms of the Panel Arrangements should be varied to extend the term of office for the current Independent Members to enable them to continue on the Panel for a further 12 months until January 2021 and serve a term of 5 years. Commencement of a recruitment process for new members would, therefore, be delayed until January 2021.

The term of office for the current PCC was due to end in 2020 and elections were due to take place on 7th May 2020. In light of the current covid-19 pandemic and in accordance with the Coronavirus Act 2020, the elections for the Police and Crime Commissioner were postponed until 2021 and the term of office for serving PCC's was extended for a further 12 months. Therefore, extending the term of office for the current Independent Members would reflect action taken in respect of police and crime commissioners.

Additionally, as a result of the continuing pandemic there are practical concerns regarding the conducting of a recruitment process as the process would need to be undertaken virtually and on-line. This presents difficulties in conducting a full and thorough recruitment process.

Should the Panel determine not to extend the term of the current independent members, then it will be necessary to undertake a recruitment process so that the Panel remains fully constituted. The Panel Arrangements are attached at Appendix 1 and set out the principles of the recruitment process for Derbyshire at paragraph 4. In accordance with the procedure stipulated at paragraph 4, applications would be considered against agreed eligibility criteria by the Chair and Vice-Chair, who would also interview candidates. To ensure sufficient capacity to review potential candidates, the Panel may wish to consider constituting a small working group to review potential candidates.

In the event of a recruitment process being undertaken, the role would be advertised on each of the ten constituent councils' websites, as well as within appropriate press releases and social media. The role would also be advertised in the local press.

3. Legal Considerations

As outlined within the report

4. Other Considerations

In preparing this report the relevance of the following factors has been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health and transport considerations.

5. Background Papers

File held by the Director of Legal and Democratic Services and Monitoring Officer for Derbyshire County Council.

6. Officer's Recommendations

That the Panel agrees:

1. to vary the Panel Arrangements for the next twelve months so that the current independent members can serve a term of office of five years, with the effect that the terms of office for Mrs Vicky Newbury and Dr Stephen Handsley are extended for a further 12 months until January 2021; and
2. that a recruitment process for two new independent members should commence prior to the end of the extended term of office in January 2021 and that upon conclusion of that recruitment process, the Panel Arrangements revert to a term of office for independent members being for four years.

Simon Hobbs

**Director of Legal and Democratic Services and Monitoring Officer for
Derbyshire County Council**

Derbyshire Police and Crime Panel

Panel Arrangements

1. Operating Arrangements

Derbyshire County Council shall act as the host authority in establishing the Police and Crime Panel and provide necessary officer support.

2. Membership

2.1 The Panel shall be made up of 1 councillor from each of the 10 constituent authorities (8 District/Borough Councils, 1 City Council, 1 County Council), together with at least two independent members and sufficient co-opted councillor members as are necessary to achieve the balanced appointment objective.

2.2 All members of the Police and Crime Panel may vote in proceedings of the Panel.

3. Casual Vacancies

3.1 A vacancy on a Police and Crime Panel arises when a councillor or independent member resigns from the membership of the Panel.

3.2 Each council will fill vacancies for their councillor representative(s) on the Panel in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 4.

4. Independent Members

4.1 The Police and Crime Panel shall co-opt at least two independent members onto the Panel. Independent members' terms of office shall be four years.

4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.

4.3 Information packs should be prepared and sent to those requesting application forms.

- 4.4 The applications will be considered against a agreed eligibility criteria and then the Chairman and Vice-Chairman of the Panel will consider applications and interview candidates.
- 4.5 Following the interviews, the Chairman and Vice-Chairman will make recommendations to the Panel about membership.

5. Appointment of Councillor Members

Councillor members will normally be appointed at the Annual General Meeting of each council. It is recognised that each council may choose to appoint from within the membership of the majority group. However, councils should also 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. Term of Office

- 6.1 A councillor member shall be appointed annually to the Panel to hold office for the following municipal year and all such appointments shall be notified to the host authority no later than 31 May in each year, subject to the proviso that he or she shall cease to be a member of the Panel if he or she ceases to be a member of the appointing council (and does not on the same day again become a member of that council).
- 6.2 An independent member shall be appointed in accordance with section 4 for a term of four years.
- 6.3 Each council will give consideration to the 'balanced appointment objective' in its annual appointment process. Where possible a council will give consideration to continuity of membership to enable the Panel's expertise and skills to be developed for the effective scrutiny of the Police and Crime Commissioner.

7. Resignation and Removal of Councillor Members

- 7.1 A council may decide in accordance with its procedures to remove its member(s) from the Panel at any time and upon doing so shall give written notice to the host authority of the change in its member(s).
- 7.2 A member may resign from the Panel at any time by giving notice to the appointing council who will inform the host authority.

- 7.3 In the event that any member resigns from the Panel, or is removed from the Panel by his or her council, the council shall immediately take steps to nominate and appoint an alternative member to the Panel, in accordance with the agreed arrangements.

8. Non-Attendance at Meetings

- 8.1 Where a councillor member fails, throughout a period of six consecutive months from the date of his or her last attendance, to attend any meeting of the Panel then the host authority shall recommend to the relevant council that due consideration be given to removing the member from the appointment to the Panel and the appointment of a replacement member from that council.
- 8.2 Where an independent member fails, throughout a period of six consecutive months from the date of his or her last attendance, to attend any meeting of the Panel then the Panel may terminate his or her appointment and shall immediately take steps to co-opt a replacement independent member in accordance with section 4 above.

9. Allowances and Expenses

- 9.1 Each council has the discretion to pay its representative(s) on the Panel special responsibility allowances and to reimburse reasonable expenses incurred. No allowance or expenses payments will be made by the Panel itself to councillor members. Any allowances or expenses which may be made to councillor members arising out of Panel membership shall be determined and borne by the appointing council for each Panel member individually.
- 9.2 The host authority, on behalf of the Panel will reimburse reasonable expenses to independent members provided that this is agreed as part of the annual budget approved by the Panel.

10. Conduct

- 10.1 All councillor members must observe the Code of Conduct of their appointing council and any related protocols as agreed by the Panel.
- 10.2 Independent members must observe the Code of Conduct of the host authority and any related protocols as agreed by the Panel.

11. Validity of Proceedings

The validity of the proceedings of the Panel shall not be affected by a vacancy in the membership of the Panel or a defect in appointment.