



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

DERBYSHIRE POLICE AND CRIME PANEL

9 SEPTEMBER 2021

Report of the Director of Legal and Democratic Services

BALANCED APPOINTMENT OBJECTIVE

1. Purpose

To enable the Panel to review its composition following the commencement of the new municipal year and to co-opt additional Councillor Members to ensure the Panel meets the statutory balance requirements.

2. Information and Analysis

2.1 Schedule 6 of the Police Reform and Social Responsibility Act 2011 outlines the responsibilities councils have in establishing and maintaining a police and crime panel.

2.2 The Act makes detailed provisions for panel composition under Parts 2 and 4 of Schedule 6. In brief, these include:

- Where a force area consists of 10 (as in Derbyshire) or fewer councils, the number of members of the panel will be 10, not including the co-opted members.
- Additional councillors may be co-opted onto the panel. The total size of the panel must not exceed 20 and the Secretary of State approves the co-options.
- Two independent co-optees should also be included in the panel membership.
- Composition should be carried out in accordance with the “fair representation objective” – essentially, each council in the force area must be represented by 1 member if the number of councils is 10 or more.

- Panels should be politically proportionate. This means that they should be proportionate according to the total number of councillors in the force area.

2.3 The Panel's 2 co-opted Independent Members are not covered by this report. They have been co-opted for an additional 1 year term following the variation of the Panel Arrangements and the term of office will end in January 2022.

2.4 Paragraph 31 of Schedule 6 puts the duty to produce a "balanced panel" on councils and panels. Relevant local authorities and panels must secure that (as far as is reasonably practicable) the balanced appointment objective is met. A "balanced panel" is one where the councillors on the panel (when taken together with any co-optees as necessary):

- Represent all parts of the relevant police area (geographical balance)
- Represent the political make-up on the relevant authorities (when taken together (political balance), and
- Have the skills, knowledge and experience necessary for the police and crime panel, to discharge its functions effectively.

2.5 Each of the 10 constituent authorities in Derbyshire has nominated a panel member for the new municipal year from its majority group and this has resulted in a Panel of 6 Conservative members and 4 Labour members. As outlined at appendix 2, this does not achieve political balance and so does not meet the balanced appointment objective.

2.6 The political balance of the Panel can be adjusted by co-opting additional Councillor Members to better meet the balanced appointment objective and paragraph 4 (4) of Schedule 6 enables the Panel to pass a resolution to have additional co-opted members. In considering political balance, appendix 2 to this report details the current political makeup of the 10 constituent local authorities and the relevant percentages. Appendix 3 to this report details the number of co-optees required to achieve political balance. As the maximum number of members permitted on the panel is 20, including 2 independent co-optees, the Derbyshire Police and Crime Panel can only co-opt a maximum of 8 Councillor Members. Based on the percentages outlined in appendix 3 to achieve, or support, the balanced appointment objective, the Panel is asked to consider one of the following options:

- a. Co-option of 3 Councillor members:
 - 1 Labour, 1 Liberal Democrat and 1 Independent
- b. Co-option of 7 Councillor members:
 - 1 Conservative, 2 Labour, 2 Liberal Democrat and 1 Independent.

2.7 Once the additional number of co-optees from each political group has been determined, the Panel must then consider which authorities to approach to seek further nominations for co-optees and in doing so, should consider the geographical balance and the skills and knowledge of potential co-optees in ensuring the balanced appointment objective can be met.

2.8 Derbyshire's panel is made up from members of unitary, county, district and borough councils. Therefore, in the two-tier authorities across Derbyshire, both the county and its districts will each have a member of the panel, whilst Derby City, as a unitary authority, will only have 1, despite its density of population. Therefore, Panel members may consider it appropriate to seek additional co-optees from Derby City.

2.9 Derbyshire is also a large county covering a wide geographical area with a diverse demographic, and there are also other heavily populated areas within the County, which the Panel may wish to take into account in determining the areas from which additional members should be sought. In addition, the Panel may wish to consider any identified areas with a higher crime rate in order to identify appropriate authorities to approach for further nominations.

2.10 In the event of the Panel determining that it would be appropriate to co-opt additional councillor members to the Panel, then that resolution must be approved by the Secretary of State as required by paragraph 4(4) of Schedule 6 of the 2011 Act. Therefore, until the Secretary of State has approved the number and identity of the co-optees, the co-optees do not become members of the Panel.

2.11 If appointed, a Councillor co-optee will hold office for the following municipal year, in accordance with the Derbyshire Police and Crime Panel – Panel Arrangements.

3. Alternative Options Considered

3.1 To appoint a number of co-optees other than 3 or 7. This will not create a balanced panel and will fail to meet the statutory requirements outlined in the Police and Social Responsibility Act 2011. Appointing more than 8 co-optees would also take the number of Panel members beyond the statutory maximum of 20.

3.2 To not appoint any Councillor co-optees. This will not create a balanced panel and will fail to meet the statutory requirements outlined in the Police and Social Responsibility Act 2011.

3.3 To appoint 3 or 7 Councillors as outlined above but to not consider the wider aspects of the balanced appointment objective. The Panel will not meet the

statutory requirements to achieve the balanced appointment objective as outlined in the Police and Social Responsibility Act 2011.

4. Implications

4.1 Appendix 1 sets out the relevant implications considered in the preparation of this report.

5. Consultation

5.1 Not applicable.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 – Police and Crime Panel Balanced Appointment Objective

7.3 Appendix 3 – Table outlining number of co-optees required to achieve the balanced appointment objective

8. Recommendations

That the Panel:

- a. Determines the number of additional councillor members to be appointed subject to the agreement of the Secretary of State, to enable the Panel to better fulfil its duty to meet the balanced appointment objective
- b. Determines which authority or authorities should be approved to provide the additional members, subject to the agreement of the Secretary of State and authorises the Director of Legal and Democratic Services and Monitoring Officer for Derbyshire County Council as the host authority to approach the identified authority or authorities for nominations to be put to the Secretary of State
- c. Agrees that the Director of Legal and Democratic Services and Monitoring Officer makes the necessary application to the Secretary of State to appoint the nominated co-optees upon receipt of the nominations from the identified authority or authorities.
- d. Agrees that should all members of the panel not be in attendance and therefore, a unanimous decision cannot be reached, the matter will be deferred and included on the agenda for the subsequent meeting, scheduled to take place on 18 November 2021 at County Hall, Matlock.

9. Reasons for Recommendation(s)

9.1 To ensure that the Derbyshire Police and Crime Panel meets the balanced appointment objective as part of the legislative requirements in respect of constituting a Police and Crime Panel for Derbyshire.

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Appendix 1

Implications

Financial

1.1 None directly arising out of this report.

Legal

2.1 Under Schedule 6 to the Police Reform and Social Responsibility Act 2011 a Police and Crime Panel may resolve that the Panel is to have a number of co-opted members. However, no such resolution may be passed unless:

- a. The 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

2.2 Paragraph 31 of Schedule 6 puts the duty to produce a “balanced panel” on councils and panels. A “balanced panel” is one where the councillors on the panel (when taken together with any co-optees as necessary):

- Represent all parts of the relevant police area (geographical balance)
- Represent the political make-up on the relevant authorities (when taken together (political balance), and
- Have the skills, knowledge and experience necessary for the police and crime panel, to discharge its functions effectively.

2.2 Supporting regulations, namely the Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 confirm that where a Panel decides it wishes to co-opt additional members Home Office approval must be sought and the reasons for determining that the requested number of co-optees will contribute to meeting, or better meeting the balanced appointment objective must be provided.

2.3 Therefore, co-optees do not become members of the Panel until the Secretary of State has approved the proposed resolution to co-opt in principle, the number of co-optees and the nominated co-optees themselves. Should the Panel agree a resolution to co-opt, the Secretary of State will be notified immediately following the Annual General Meeting to endeavour to ensure that the co-optees would be able to be invited as members to the next scheduled meeting of the Panel. Until approval has been received the co-optees cannot participate in Panel business.

2.4 Under Regulation 7 of the Police and Crime Panels (Nomination, Appointments and Notification) Regulations 2012, a Panel shall not co-opt a person who is a member of a relevant Local Authority unless all of the members of the Panel agree to that co-option. Therefore, all 10 constituting authority members (or their substitutes) and the 2 independent co-optees must agree to the proposal to co-opt, not just the members present at the meeting.

2.5 Should all members of the panel be in attendance or represented by a substitute but a unanimous decision cannot be reached, the matter must be referred to the Secretary of State pursuant to Schedule 6 paragraph 18 of the Police Reform and Social Responsibility Act 2011.

2.6 A police and crime panel must, in co-opting person who are members of relevant local authorities, secure that as far as is reasonably practicable, the balanced appointment objective is met.

Human Resources

3.1 None directly arising out of this report.

Information Technology

4.1 None directly arising out of this report.

Equalities Impact

5.1 None directly arising out of this report.

Corporate objectives and priorities for change

6.1 None directly arising out of this report.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising out of this report.

Appendix 2

Police and Crime Panel Balanced Appointment Objective

Political make-up of the 10 constituent local authorities (taken together)

Council	Cons.	Lab	Lib Dems	Ind	Derby Refor m & Non Group ed	Green	Total
Amber Valley	28	16	0	0	0	1	45
Bolsover	3	19	0	15	0		37
Chesterfield	0	28	17	3	0		48
Derby City	21	13	8	3	6		51
Derbyshire County	45	14	4	0	0	1	64
Derbyshire Dales (20 Conservative/2 Independents formed Group)	20	4	7	2	1 Non group ed	5	39
Erewash	29	16	1	1	0		47
NE Derbyshire	31	17	3	2	0		53
High Peak	16	22	3	0	0	2	43
South Derbyshire	15	15	0	5	1 Non group ed		36
TOTAL	208	164	43	31	8	9	463
TOTAL % of seats	44.92%	35.42%	9.28%	6.69%	1.72%	1.94%	

Appendix 3

The table below shows the number of co-optees required to achieve the balanced appointment objective. Please note that the maximum number of political co-optees allowed is 8 (given there are 10 constituent members and 2 independent members, out of a maximum Panel size of 20):

Number of political co-optees.	Conservative	Labour	Lib Dem	Indpdnt	Total number of Councillors on Panel
% of Total seats in Derbyshire	44.92%	35.42%	9.28%	6.69%	
0	6	4	0		10
%	60%	40%	0%		
1	6	5	0		11
%	55%	45%	0%		
2	6	4	1	1	12
%	50%	33 %	8%	8%	
3	6	5	1	1	13
%	46%	38%	8%	8%	
4	7	6	1		14
%	50%	43%	7%		
5	7	6	1	1	15
%	47%	40%	7%	7%	
6	7	6	2	1	16
%	44%	37%	12%	6%	
7	8	6	2	1	17
%	47%	35%	12%	6%	
8	7	8	2	1	18
%	39%	44%	11%	6%	