

Committee Name and Date of Committee Meeting

Council – 10 November 2021

Report Title

Appointment of an Additional Independent (Co-Opted Member) to the Police and Crime Panel

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Sharon Kemp, Chief Executive

Report Author(s)

Jason Field, Solicitor and Police and Crime Panel Legal Adviser

Linda Noble, Service Improvement and Scrutiny Officer / Police and Crime Panel Support Officer

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Ward(s) Affected

None

Report Summary

The Police and Crime Panel had a significant turnover of Members in May 2021. One of the current independent members suggested that the Panel consider an application to the Secretary of State (Home office) for an additional independent (co-opted) member.

The proposal to appoint a third independent member is a necessary means of ensuring there is some critical mass – however small – of constitutionally secured consistency in the membership of the Panel. A third independent (co-opted) member would give a membership of 12 elected Members from across the four South Yorkshire Districts and 3 independent (co-opted) members recruited by advertisement.

In addition to an application to the Secretary of State, the proposal for an extra independent (co-opted) member requires a change to the Police and Crime Panel's arrangements and these have to be approved by the four District Councils. This decision should be unanimous across all four Districts to proceed.

Recommendations

1. That Full Council endorse the Police and Crime Panel's decision taken on 20th September 2021 to commence the process to appoint a third independent (co-opted) member.

List of Appendices Included

Appendix 1 Report to Police and Crime Panel, 20th September 2021

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Not required

Council Approval Required

You should refer to [Appendix 9 of the Constitution – Responsibility for Functions](#) – to check whether your recommendations require approval by Council, as well as Cabinet or a committee. You should take advice from Democratic Services if you are not sure.

Yes

Exempt from the Press and Public

No

Appointment of an Additional Independent (Co-Opted Member) to the Police and Crime Panel

Background

- 1.1 The Police and Crime Panel (PCP) is a Joint Committee that was established in 2012 to support and scrutinise Police and Crime Commissioners. The Panel has 12 Members – 10 elected from the four District Councils taking account of political proportionality across other Joint Authority bodies such as Fire and Rescue Authority and Pensions Authority – plus two independent (co-opted) members recruited by advertisement.
- 1.2 Given the significant turnover of Members following the local elections in May 2021, the PCP is now made up of almost wholly new Members. There is no set tenure for Members of Joint Authorities so Members can serve for one year as a minimum which impacts on consistency of knowledge and the effectiveness of the Panel.
- 1.3 The proposal to appoint a third independent member is a necessary means of ensuring there is some critical mass – however small - of constitutionally secured consistency in the membership of the Panel, thus ensuring the work of the Police and Crime Commissioner is adequately supported and scrutinised, and good governance is demonstrated.

2. Key Issues

- 2.1 The appointment of a third independent (co-opted) member would not impact on the political proportionality of the Panel. There would be 10 elected Members and 3 independent (co-opted) members.
- 2.2 The issues are set out in Appendix 1 – the report to the Police and Crime Panel on 20th September 2021.
- 2.3 To proceed with an application to the Secretary of State (Home Office), the decision will need to be approved by all four District Councils.

3. Options considered and recommended proposal

- 3.1 An increase in elected Members would have significant implications for the political proportionality across the other Joint Authorities. The alternative is for the Police and Crime Panel's membership to remain at 12. For the reasons set out in the report this option is not preferred. The Panel, therefore, hopes Rotherham Council will support their decision to approach the Secretary of State (Home Office) for permission to recruit an additional independent (co-opted) member.

4. Consultation on proposal

- 4.1 The report at Appendix 1 was submitted to the Police and Crime Panel on 20th September 2021 and is part of a public agenda pack that is published on the website. The approval to proceed would not impact on any section of the community within Rotherham; it would strengthen the Panel's ability to support

and scrutinise the Police and Crime Commissioner thus improving policing for the communities of South Yorkshire.

5. Timetable and Accountability for Implementing this Decision

- 5.1 There is no prescribed timetable for proceeding with the business case to the Secretary of State (Home Office); it can be submitted at any time during the year.
- 5.2 Accountability rests with the Chief Executive of Barnsley MBC as Clerk to the Police and Crime Panel and host Authority.

6. Financial and Procurement Advice and Implications

- 6.1 There are no financial implications for Rotherham Council as all allowances for Police and Crime Panel members – including independent (co-opted) members - are paid from the Grant allocated to the host Authority by the Home Office.
- 6.2 However, if the proposal is successful across all four local authorities, and the Secretary of State provides approval, then the Grant to the host Authority will increase by £920.00 per annum, which is the Home Office recommended allowance for a member of the Police and Crime Panel.

7. Legal Advice and Implications

- 7.1 The Panel's Legal Advisor has provided his comments in paragraphs 5-8 of the report to the Panel on 20th September 2021 (see Appendix 1).

8. Human Resources Advice and Implications

- 8.1 There are no human resource implications.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no children, young people and vulnerable adults implications.

10. Equalities and Human Rights Advice and Implications

- 10.1 There are no direct equalities and human rights implications for Rotherham Council.

11. Implications for CO₂ Emissions and Climate Change

- 11.1. There are no implications for CO₂ Emissions and Climate Change.

12. Implications for Partners

- 12.1 There are no implications for partners working with Rotherham Council

13. Risks and Mitigation

- 13.1 The only risk associated with this report is that all four District Councils do not agree with the proposal, and the process to apply to the Secretary of State (Home Office) for an additional independent (co-opted) member could not be progressed.

14. Accountable Officer(s)

Ultimately, Chief Executive of Barnsley (as host Authority)

Jason Field, Solicitor and Police and Crime Panel Legal Adviser, Barnsley MBC

Linda Noble, Service Improvement and Scrutiny officer / Police and Crime Panel Support Officer, Barnsley MBC

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	20/10/21
Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.