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| <b>Meeting Date</b> | <b>MONDAY 20<sup>TH</sup> SEPTEMBER 2021</b>  |
| <b>Report of</b>    | <b>LEGAL ADVISER TO THE PANEL</b>   |
| <b>Subject</b>      | <b>ADDITIONAL INDEPENDENT MEMBER – CONSIDERATION TO COMMENCE THE PROCESS WITH LOCAL AUTHORITIES AND THE HOME OFFICE</b> |

## **EXECUTIVE SUMMARY**

In May 2021 the Panel experienced a considerable turnover of Members, including a new Chair and Vice-Chair.

With that in mind a suggestion has been made by one of our Independent members that an additional Independent member, who would serve for a maximum of eight years and a minimum of four, unless they wished to resign from their role, would provide resilience through continuity of knowledge and skills, and this would mitigate the turnover of Members year on year.

## **RECOMMENDATION(S)**

Members of the Police and Crime Panel are recommended to:-

- a) Consider whether to increase the number of co-opted members to three.
- b) If the Panel resolve to increase membership:
  - i) Seek the approval of the four South Yorkshire authorities to amend the Panel Arrangements to allow three co-opted members (the precise wording to be approved in consultation with the Chair);
  - ii) Seek approval from the Secretary of State for the increase in number of co-opted members;
  - iii) If approval is granted from the Secretary of State and the four South Yorkshire authorities, undertake a recruitment exercise for another independent co-opted member using the same process as undertaken for the last independent member recruitment

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Main Report

## **BACKGROUND**

1. The Police and Crime Panel has no minimum tenure for elected Members serving on the Panel. Its predecessor, the Police Authority, had a tenure of four years. This allowed Members sitting on the Panel to build up a wealth of knowledge around the Force which, in turn, improved governance and scrutiny.
2. In 2021 the Panel experienced its greatest turnover of Members for some years, with seven of the ten elected Members being new to the Panel, and a new Chair and Vice-Chair. The Panel also recruited to a new independent member role in June following the resignation of a long-standing Independent member on health grounds.
3. Our existing Independent member, Professor Adrian James, suggested that the Panel may wish to consider approaching the Home Office to request permission to recruit an additional Independent member. This report asks Members to give consideration to that request.
4. It should be noted that such an approach to the Home Office requires a business case and it can take up to three months for them to consider. Given the pandemic in 2020, and the current workload of the Home Office, it may be that this request could take longer than three months. That said, this should not dissuade the Panel from making an impartial decision based on the information provided.

## **LEGAL CONSIDERATIONS**

5. Under paragraph 3, Schedule 6 of the Police Reform and Social Responsibility Act 2011 the Panel can increase the number of co-opted members by resolution, but subject to approval by the Secretary of State and amendment of Panel Arrangements. The additional co-opted member can be an independent member or a councillor.
6. If the Panel wished to appoint an additional councillor as a third co-opted member several conditions must be met –
  - the unanimous approval of the Panel is required;
  - a resolution must be passed explaining how the political balance objective is met and
  - the approval of the Secretary of State would be necessary
6. These requirements are not necessary if the Panel wished to appoint another Independent member as a third co-opted member.
7. Should the Panel be granted permission by the Home Office to recruit an additional member, the Panel Arrangements will need to be amended to increase the Panel co-opted membership three. Amending Panel Arrangements requires the approval of all four South Yorkshire Authorities. If approval is not granted by all the authorities the number of co-opted members will remain at two notwithstanding any Secretary of State approval
8. The proposal in this instance is to go out to recruit an independent member as a third co-opted member rather than appoint a councillor and the recommendation reflects this at b) iii)

## HEALTH AND SAFETY IMPLICATIONS

9. There are no direct health and safety implications associated with this report.

## EQUALITY & DIVERSITY IMPLICATIONS

10. There are no direct equality and diversity implications associated with this report.

| List of background documents  |         |  |
|---|---------|--|
| Police Reform and Social Responsibility Act 2011 Schedule 6 Paragraphs 3 and 4<br>Police and Crime Panel (Nominations, Appointments and Notifications) Regulations 2012 |         |  |
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