

**REVIEW OF MEMBERSHIP – BALANCED APPOINTMENT OBJECTIVE**

**Purpose of the Report**

1. To consider the Panel's membership and any changes required to meet the balanced appointment objective as required by legislation.
2. An earlier version of this report was on the agenda for the Panel's annual meeting of 4 June 2018. Members agreed that the item should be withdrawn from the agenda for that meeting to enable further clarification to be sought about the voting rights of Independent Members on this issue; whether the vote needed to be unanimous and the proportionality calculations.

**Information and Advice**

3. The Panel needs to review its membership at its Annual Meeting in June (or following elections which may have affected the Panel's political balance).
4. The previously agreed Panel Arrangements for Nottinghamshire states the following regarding co-options of Members:-

*36. Changes to the Panel Arrangements can only be made with the unanimous approval of all the local authorities in the Nottinghamshire Force area. The only exception to this requirement is that the Panel can decide to increase the number of co-opted members, subject to Secretary of State approval. Any councillor co-options also require the agreement of all the members of the Panel.*

5. This therefore clarifies that decisions to appoint independent or councillor co-opted members do need to be unanimous and require the agreement of all Panel Members in attendance (including the Independent Co-opted Members). If a Panel Member was to abstain from the vote then this could not be deemed to be unanimous.

**Elected members and proportional representation**

6. The Police and Social Responsibility Act 2011 stipulates that Police and Crime Panels must represent all parts of the relevant area, be as politically balanced as possible and have a membership that has the necessary skills, knowledge and experience.
7. Following the County Council elections in May 2017, the political balance of the Panel changed and the number of elected members needed to reduce. At the Panel meetings of 29 June 2017 and 18 September 2017 it was agreed to reduce the number of elected members on the Panel from 15 to 10, subject to further review of the additional 2 co-optee places previously granted to Nottingham City

Council (this had been a long-standing arrangement initially agreed by the Panel in October 2012, in light of the City's relative population).

8. The Panel membership agreed for 2017/18, subject to further review of the City Council's co-options, was therefore:-

<b><u>Council</u></b>	<b><u>Number of Members</u></b>	<b><u>Political Party of Members</u></b>
Ashfield District Council	1	Labour
Bassetlaw District Council	1	Labour
Broxtowe Borough Council	1	Conservative
Gedling Borough Council	1	Labour
Mansfield District Council	1	Mansfield Independent Forum
Newark & Sherwood District Council	1	Conservative
Nottingham City Council	2 (subject to review)	Labour x 2
Nottinghamshire County Council	1	Conservative
Rushcliffe Borough Council	1	Conservative

9. Following the change in control at Ashfield District Council (through which Labour no longer hold the majority), the political balance across the County has been recalculated. The Leader of the Ashfield Independents Group is now the Leader of the District Council and has been nominated as that Council's representative on the Panel.
10. In light of this change of nomination it is no longer possible for the Panel to be politically balanced with 10 elected members (as Labour are entitled to 5 seats, the Conservatives are entitled to 4 seats and the Mansfield Independent Forum is entitled to 1 seat). By increasing to at least 11 members, a further place becomes available for the Ashfield Independents (on the basis that they are the next largest political party across the Panel's area).
11. In order to achieve political balance the Panel therefore needs to increase to at least 11 elected members, apportioned as follows:-

<b>Total Seats</b>	<b>Labour</b>	<b>Conservative</b>	<b>Mansfield Independent Forum</b>	<b>Ashfield Independents</b>
11	5	4	1	1

12. In agreeing this increase the Panel will also need to decide which Council should be approached to provide the additional Labour member co-optee required. One option is that this could be offered to Nottingham City Council in light of the previous decision in 2012 to offer additional places to the City Council in respect of the population of its electoral area. The Labour Group of Nottinghamshire County Council has also expressed an interest in taking up this place.
13. If the Panel is minded to offer this place to Nottingham City Council then Members could also consider offering a further co-opted Member place to the

City in order to reinstate the full complement of two co-opted places as per the agreement of 2012. If it is decided to do this, those places would be apportioned as follows:-

<b>Total Seats</b>	<b>Labour</b>	<b>Conservative</b>	<b>Mansfield Independent Forum</b>	<b>Ashfield Independents</b>
12	6	4	1	1

14. This apportionment would offer political balance and an additional place would offer the Panel greater resilience in terms of widening the pool of Panel Members available to attend meetings.

### **Council Representatives**

15. Other than the change in Ashfield, there have been no other changes to representation on the Panel reported by the relevant Councils.

### **Independent Members**

16. The Panel has agreed to commence a recruitment process in November 2017 to review the existing co-options. The Vice-Chair of the Panel will chair the recruitment panel which will consist of elected members only and work on this process will commence shortly.

### **Other Options Considered**

17. The Panel could continue to operate with 10 elected members but political balance would not then be possible. If it is not possible to agree a course of action unanimously then the Home Office will be notified accordingly as part of the regular notifications required in claiming the grant for the Panel.

18. The Panel could ask Ashfield District Council to nominate a Labour representative, thereby ensuring political balance with 10 elected members, but each Council is entitled to decide its own representative. The Panel is required to try and ensure that its membership is as politically balanced as possible.

### **Reason/s for Recommendation/s**

19. To enable the Panel to meet the balanced appointment objective to the best of its ability.

### **RECOMMENDATIONS**

- 1) That the Panel agrees to co-opt one additional Labour elected member to enable political balance, thereby meeting the balanced appointment objective.
- 2) That the Panel decides which Council should be approached to nominate a member for this place.

- 3) That, subject to the outcomes of recommendations 1 and 2, the Panel considers whether to co-opt a further Labour elected member from Nottingham City Council, in order to reinstate the full complement of two co-optees from that Council originally agreed in 2012.
- 4) That the Secretary of State be informed of the changes in the Panel's membership as appropriate.

#### Background Papers and Published Documents

- 1) Police Reform and Social Responsibility Act 2011 (published)
- 2) Nottinghamshire Police and Crime Panel's Panel Arrangements (published)
- 3) Political Balance calculations
- 4) Report to Police and Crime Panel meeting of 19 October 2012 and minutes of that meeting (published)
- 5) Reports to Police and Crime Panel of 29 June 2017, 18 September 2017 and 4 June 2018 and minutes of those meetings.

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