

Sussex Police and Crime Panel

4 July 2016

Annual Review of Membership and Proportionality

Report by The Clerk to Sussex Police and Crime Panel

Recommendations

That the Panel:

1. Renews the appointment of Mr Graham Hill, Independent Co-opted Member, to take effect immediately.
2. Agrees the appointment of Mr Peter Nightingale as an Independent Co-opted Member of the Panel for a one-year term, renewable for up to five years.
3. Agrees to amend its Constitution to permit Independent Co-opted Members to have substitutes (per para 2.8); and
4. Subject to agreeing recommendation 3, agrees the appointment of Ms Susan Scholefield as a substitute Independent Co-opted Member.
5. Agrees whether either or both of East and West Sussex County Councils should be invited to appoint an additional local authority member (see para 2.16), for a one-year period of office; and
6. Subject to agreeing recommendation 5, agrees the appointment of a Liberal Democrat councillor from East Sussex County Council, and a United Kingdom Independence Party councillor from West Sussex County Council, to take effect immediately.

1. Background

- 1.1 The Constitution of Sussex Police and Crime Panel requires it to review its political make-up and size once a year, at its annual meeting.
- 1.2 To inform this consideration, following May's local authority (LA) elections, officers in each of the 15 local authorities in Sussex provided the host authority with details of the political make-up of their authority, summarised in [Appendix 1](#).
- 1.3 For comparison, [Appendix 2](#) gives the equivalent data for 2014/15.

2. Discussion

- 2.1 The Panel is required to consider the political composition of borough, county, district and unitary authorities across Sussex to ensure that the political proportionality of the Panel mirrors (as closely as is practical) the political make-up of Sussex as a whole. During the review of the membership

the Panel must agree: if it approves the reappointment of the independent co-opted members; if the County Councils in Sussex should provide a second representative; and the political affiliation of any additional County Council members.

Independent Members

- 2.2 Independent Co-opted Members have one-year terms and can be re-appointed annually for up to five years before the position must be re-advertised. The renewal of the appointment should be considered in the light of experience of the Panel's previous year of operation.
- 2.3 Following the resignation of Mrs Sandra Prail, the Panel had a vacancy for an Independent Co-opted Member. The Act requires the Panel to have a minimum of 2 Independent Co-opted Members. A recruitment process was undertaken which identified 13 candidates, of whom seven were invited for interview. The interview panel comprised Cllr Watson OBE, Cllr Bentley and Cllr Simmons. The Panel is asked to agree the appointment of Mr Peter Nightingale, the recommended candidate, to the role of Independent Co-opted Member.
- 2.4 Mr Graham Hill has given notice that he does not wish to re-apply for the position of Independent Co-opted Member when it becomes vacant in July 2017. In order to avoid the cost and bureaucracy associated with running another recruitment process in 2017, the Chairman and Vice Chairman decided to recruit for candidates for both vacancies during the process outlined in 2.3 above. The recommended candidate for appointment as Independent Co-opted Member at the annual meeting in 2017 will be Ms Susan Scholefield.
- 2.5 The Panel's Constitution does not currently make provision for Independent Members to have substitutes, which is at odds with the provision for LA Members. However, the Act makes it clear that two Independent Members is the minimum requirement. Due to unavoidable commitments and illness, it has sometimes been the case that the Panel has met with only one Independent Member in attendance. Under the present circumstances, allowing the recommended candidate for 2017 to act as substitute for the Independent Members in 2016/17 would allow them to be better prepared for their appointment in July 2017, and would provide cover in case either Independent Member is ever unable to attend PCP business during this time.
- 2.6 The Panel's Constitution currently states "Two independent persons will also be co-opted to the Panel, with no provision for substitution."
- 2.7 It is proposed to amend the Panel's Constitution to instead state "*Two independent persons will also be co-opted to the Panel. The Panel shall have the ability to appoint substitute Independent Co-opted Members. Any substitute Independent Co-opted Member will be subject to the same terms of recruitment, appointment and membership as applies for full Independent Co-opted Members.*".

- 2.8 It is proposed to appoint Ms Susan Scholefield to the role of substitute Independent Member for 2016/17.

Additional Local Authority Members

- 2.9 Schedule 6, paragraph 31 of the Police Reform and Social Responsibility Act 2011 requires the Panel to consider (“from time to time”) whether available seats could be assigned to additional LA Members to enable the balanced appointment objective to be met, or more effectively met. If so, the Act requires the Panel to exercise this option. The balanced appointment objective is that the LA Members of the Panel (when taken together) represent the political make-up of the relevant local authorities (when taken together).
- 2.10 The Panel can have no more than 20 members. Given that two must be Independent Members, the Panel can have a maximum of 18 LA Panel Members.
- 2.11 Subject to the agreement of the Home Secretary, the Constitution grants Brighton and Hove City Council (B&HCC) an additional seat, to address geographical imbalance. The additional seat needs to be re-appointed by B&HCC annually, and must be used, as far as possible, to redress any political imbalance.
- 2.12 It is expected that each local authority appoints a representative to the Panel from its majority party.
- 2.13 As B&HCC have no Liberal Democrat or United Kingdom Independence Party (UKIP) councillors, the allocation of the second B&HCC seat to a Conservative councillor for 2016/17 is the most effective means of contributing towards the balanced appointment objective.
- 2.14 For clarity, (including an additional Conservative member from B&HCC) the political party make-up of a 16-councillor Panel for 2015/16 would comprise:
- | | |
|-------------------|----|
| Conservative: | 12 |
| Labour | 3 |
| Liberal Democrat: | 1 |
- Total “core” LA members: 16
- 2.15 The Constitution states that an additional Local Authority Member may be appointed from each of the county councils on the agreement of the Panel, to address any perceived imbalance in political proportionality. Such members will have a one-year period of office. The Panel should review its proportionality against the political make-up of Sussex and determine the arrangement it wishes to operate for 2016/17.

- 2.16 In 2015/16 East and West Sussex County Councils were invited to appoint an additional Liberal Democrat councillor and an additional UKIP councillor respectively. Considering the data in appendix 1, and given that the additional member from B&HCC 2016/17 is again Conservative, the most politically proportionate Panel would again arise if one county council appointed a Liberal Democrat councillor, and the other appointed a UKIP councillor for 2016/17.
- 2.17 Since the Liberal Democrats remain the largest minority group in East Sussex County Council, and UKIP the largest minority group in West Sussex County Council, appointments along these lines are proposed.
- 2.18 For clarity, make-up of the resulting 18-councillor Panel, by political party, will be:

Conservative:	12
Labour	3
Liberal Democrat:	2
UKIP	1

Total LA Members 18

3. **Resource Implications and Value for Money**

- 3.1 For 2016/17, the Home Office will provide up to £920 per Panel Member for travelling expenses.

4. **Risk Management Implications**

- 4.1 The Panel must strive to be politically and geographically proportionate. Failure to adequately do so risks breaching the relevant terms of the Act.

5. **Other Considerations – Equality – Crime Reduction – Human Rights**

- 5.1 Not applicable.

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Appendices

[Appendix 1](#) - Political Make-up of Sussex Local Authorities (16/17)

[Appendix 2](#) - Political Make-up of Sussex Local Authorities (15/16)