



AGENDA

JOINT APPOINTMENTS COMMITTEE - KENT POLICE AUTHORITY

Tuesday, 14th June, 2011, at 12.00 pm
Meeting Room 8, 3rd Floor, Gun Wharf,
Dock Road, Chatham, Kent ME4 4TR

Ask for: **Peter Sass**
Telephone: **01622 694002**

Refreshments will be available outside the meeting room

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- A1. Membership and Substitutes
- A2. Election of Chairman
- A3. Minutes - 14 July 2009 (1 - 2)
- A4. Kent Police Authority - Division of seats between Kent County Council and Medway Council (3 - 10)
- A5. Membership of Kent Police Authority - Vacancies (11 - 16)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such times which may arise the meeting is likely NOT to be open to the public)

Membership of Joint Appointments Committee:-

KCC: Mr Bryan Cope, Mrs Trudy Dean, Mr Alex King and Mr John London

Medway: Councillors Rodney Chambers, David Carr, Peter Hicks and Barry Kemp

Peter Sass
Head of Democratic Services
Kent County Council
01622 694002

Monday, 6 June 2011

KENT COUNTY COUNCIL

MEDWAY COUNCIL

Joint Appointments Committee – Kent Police Authority

Minutes of a Meeting held at Sessions House, County Hall, Maidstone on Tuesday 14 July 2009

Present:

Kent County Council: Mr B Cope and Mr A King.

Medway Council: Cllr R Andrews (substituting for Cllr Mrs J Bamber), Cllr K Bamber, Cllr T Goulden and Cllr G Juby.

Officers: Geoff Wild – Director of Law and Governance
Peter Sass – Head of Democratic Services and Local Leadership

1. Election of Chairman

- (1) Members present agreed that Mr A King should chair this meeting

2. Membership

(Item 1)

- (1) The Committee noted that Mr B Cope, Mrs T Dean, Mr A King and Mr J London had all been appointed by KCC to serve on this Committee until further notice.

2. Minutes – 1 June 2007

(Item 2)

- (1) The Minutes of the meeting held on 1 June 2007 were agreed as a correct record.

3. Membership of Kent Police Authority – Vacancies

(Item 3 – Report by Head of Democratic Services and Local Leadership, Kent County Council)

- (1) The Committee was advised that the terms of office of the seven previous Kent County Council Members of the KPA had expired and so there were seven vacancies which needed to be filled.
- (2) The appointments needed to reflect the political proportionality of Kent County Council and Medway Council taken together. New proportionality figures had been calculated following the Kent County Council elections in June 2009 and these indicated that six of the vacancies should be filled by a KCC Conservative Member and one by a KCC Liberal Democrat Member. The Kent County Council Conservative Group had nominated Mr Cubitt, Mr Gates, Mr Hill, Mr Snelling, Mrs Stockell and Mr Wickham and the Liberal Democrat Group had nominated Mr Chittenden to fill these vacancies.

- (4) During the meeting, questions were asked by the Medway Councillors about the terms of reference and constitution of this Joint Committee and the division of seats on the KPA between Kent County Council and Medway Council. Mr Wild advised that the original decision to decide the division of seats was determined on the basis of seven factors; tax base, population, electorate, land area, police incidents, recorded crimes and the number of police officers. Members agreed that a review should be conducted initially at officer level between the two Councils, but that a small Member level group was needed to consider the results of the review, with Members being appointed by the Leaders of each authority and that the outcome of the review should be reported back to this Joint Committee within 12 months' time.
- (5) RESOLVED that:-
- (a) It be noted that, on the basis of the new proportionality figures calculated following the Kent County Council elections in June 2009, the allocation of places between political groups on the KPA change to Conservatives 7, Labour 1, Liberal Democrat 1;
- (b) Mr Cubitt, Mr Gates, Mr Hill, Mr Snelling, Mrs Stockell and Mr Wickham (Conservative) and Mr Chittenden (Liberal Democrat) be appointed as Members of the KPA each for a four-year term expiring in May 2013
- (c) The Head of Democratic Services and Local Leadership (KCC) be instructed to carry out a review of the criteria used to determine the division of places between the two authorities on the KPA and, in addition, to clarify the terms of reference and constitution of this Joint Committee; the review to be carried out jointly with officers at Medway Council and to include the creation of a small sub group of Members to be appointed by the Leaders of both authorities, to consider the results of the review and that the outcome of the review should be reported back to this Joint Committee within 12 months' time.

By: Peter Sass - Head of Democratic Services, Kent County Council

To: Kent and Medway Joint Appointments Committee – 14 June 2011

Subject: Kent Police Authority – Division of Seats between Kent County Council and Medway Council

Classification: Unrestricted

1. Introduction

1.1 At the meeting of the Joint Appointments Committee (JAC) of the Kent Police Authority (KPA) on 14 July 2009, the Head of Democratic Services at Kent County Council was instructed to carry out a review of division of seats between Kent County Council and Medway Council.

2. Statutory basis for the KPA

2.1 The KPA is an independent statutory body established under the Police Act 1996 (the Act). It is responsible for securing the efficiency and effectiveness of the Kent County Constabulary and is financed partly by central government grant, partly by Council Tax. It also has duties relating to the reduction of crime and disorder through partnerships, youth justice and securing best value from the police service on a similar framework to that applied to local authorities.

2.2 The membership of KPA and the appointment process is governed by Schedule 2 of the Act. It comprises 17 Members who fall into three categories:

- Nine Members drawn from the “constituent” Councils, i.e. Kent County Council and Medway Council; it is these Members who are appointed by the JAC
- Three Magistrates appointed by a Panel drawn from the Kent Petty Sessional Divisions
- Five independent Members who are appointed through advertising and long-listing by a Panel appointed jointly by the Secretary of State and the Council/Magistrate Members of the Authority, and short-listing by the Secretary of State with the final decision being made by the 12 Councillor and Magistrate Members.

3. Membership of the KPA

3.1 The Act makes no provision as to how many Members should be appointed from each constituent council. This is a matter for the JAC which, following a statistical comparison between Kent County Council and Medway Council in 1997, determined that the figures would point to one Member being appointed from Medway and eight from the County Council.

3.2 When the division of the nine local authority seats on the KPA was originally determined in 1997, seven criteria were used in making the statistical comparison:

- tax base
- population
- electorate
- land area
- police incidents

- recorded crimes and
- the number of police officers

However, despite the statistical comparison pointing to an 8:1 division, the JAC considered that a more appropriate representation for the Medway Council would be two Members. The Committee therefore agreed an allocation at that time of two seats for the Medway Council and seven seats for the Kent County Council.

3.3 A more recent analysis, conducted in late 2009 (using the same factors as adopted in 1997) was undertaken and the results are shown in **Appendix 1** to this report. This indicates that the appropriate allocation would be two seats for the Medway Council and seven for the Kent County Council, i.e. no change to the current division of seats.

4. Terms of Reference of the JAC

4.1 It is proposed that the Joint Committee recommends approval of its formal Terms of Reference to each constituent Council, as follows:

“The Joint Appointments Committee is appointed jointly by Kent County Council and Medway Council under paragraph 2(2) of Schedule 2 to the Police Act 1996 and The Police Authority Regulations 2008 to appoint the nine councillor members of the Kent Police Authority from amongst members of the two appointing councils, having due regard to the requirements on the Committee under The Police Authority (Community Engagement and Membership) Regulations 2008.

4.2 In accordance with paragraph 8 of The Police Authority Regulations 2008, the JAC should ensure that, so far as is practicable, the nine councillor members that it appoints to the KPA reflect the balance of the parties for the time being prevailing among the members of the two councils taken as a whole. The current memberships of Kent County Council and Medway Council indicate the balance of appointments should be:

- Conservative: 7
- Labour: 1
- Liberal Democrat: 1

5. Membership of the JAC

5.1 The number of members of the JAC, and the number of those members to be appointed by each council, shall be such as the councils may agree or, in the absence of agreement, to be determined by the Secretary of State.

5.2 Section 15 of the Local Government and Housing Act 1989, which requires the membership of certain bodies to be based on political proportionality, does not apply to the Joint Appointments Committee. Kent County Council and Medway Council have previously agreed that the JAC should comprise eight Members, four from each of the two Councils. The two Councils may agree to vary this by mutual consent.

5.3 If the proportionality principles were applied, the division of seats between Kent County Council and Medway Council would be as follows:

KCC = 84 Members

Medway = 55 Members

$8/139 \times 84 = 4.83$ (5 seats)

8/139 X 55 = 3.16 (3 seats)

6. Recommendation

6.1 The Committee is recommended to:

- (a) Agree to recommend to each Council the approval of the Terms of Reference of the JAC in paragraph 4.1 of this report.
- (b) Consider whether to recommend any change to the composition of the JAC taking into account the advice in paragraphs 5.1 to 5.3 of the report, noting that each Council would have to consider and agree any proposed change
- (c) Review the division of the number of seats between Kent County Council and Medway Council on the Kent Police Authority in line with the assessment of criteria in **Appendix 1** and paragraphs 3.3 and 4.2 of this report.

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Background Papers: None

Appendix 1

CRIME STATS – Kent VS Medway

7 criteria used to determine the division of seats between the two authorities;

	Kent County Council division	Medway Council division	Seat division based on 9 Members
TAX BASE	2009/10 Tax base (Band D equivalent properties): 540,115 KCC Band D charge: £1,026.27 (+2.44%)	2009/10 Tax base (Band D equivalent properties): 86,098.40 Medway Band D charge: £1,293.04	540,115 : 86,098.40 7.8 : 1.2
	http://www.kent.gov.uk/council-and-democracy/council-tax-and-finance/council-spending/our-spending-and-funding.htm	http://www.medway.gov.uk/f20090115r-6.pdf?file=86622 http://www.medway.gov.uk/index/council/counciltax.htm	Calculation 540,115 + 86,098.40 = 626,213.40 $9 / 626,213.40 \times 540,115 = 7.76$ $9 / 626,213.40 \times 86,098.40 = 1.24$
POPULATION	The most recent population data for Kent comes from the 2008 Mid Year Population Estimates produced by the Office for National Statistics (ONS), showing a total of 1,406,600 people.	The most recent population data for Kent & Medway comes from the 2008 Mid Year Population Estimates produced by the Office for National Statistics (ONS), showing a total in Medway of 253,500.	1,406,600 : 253,500 5.55 : 1 7.6 : 1.4
	http://www.kent.gov.uk/Community/kent-and-its-people/facts-and-figures/population.htm	http://www.kent.gov.uk/Community/kent-and-its-people/facts-and-figures/population.htm The resident population of Medway, as measured in the 2001 Census, was 249,488	Calculation 1,406,600 + 253,500 = 1,660,100

			(9/1660100) X 140660 = 7.63 (9/1660100) X 253,500 = 1.37			
ELECTORATE	At the May 2009 election the KCC electorate was 1,047,913	At the European Elections the Medway electorate was 184,000	1,047,913 : 184,000 7.7 : 1.3			
		electoralservices@medway.gov.uk				
LAND AREA	The land area of KCC is 354,464 hectares or 3,544 sq. km or 1,366 sq. miles.	The land area of Medway is 19,203 hectares or 192 sq. km or 74 sq. miles.	354,464 : 19,203 8.5 : 0.5			
	Research & Intelligence, Chief Executive's Department, Kent County Council					
POLICE INCIDENTS	Summary for All Areas (Kent & Medway)			Used recorded crime information as more reliable.		
	Trend	Crime type	Last 12 Months		per 1,000 population	Change
		Vehicle crime	12443		7.6	-12.4%
		Burglary	12697		7.7	-6.5%
		Robbery	941		0.5	-13.1%
		All crime	114833		70.2	-9.3%
		Violence against the person	23300		14.2	-4.5%
		Anti-social behaviour	75438		46.1	-10.6%

POLICE INCIDENTS	Summary for KCC area (minus Medway figures) using above population figures				Summary for Medway				Used recorded crime information as more reliable.
	Crime type	Last 12 Months	KENT per 1,000 population	MEDWAY per 1,000 population	Crime type	Last 12 Months	per 1,000 population	Change	
	Vehicle crime	10063	7.2	9.5	Vehicle crime	2380	9.4	-16.1%	
	Burglary	10785	7.7	7.7	Burglary	1912	7.5	-22.9%	
	Robbery	750	0.5	0.8	Robbery	191	0.7	-13.1%	
	All crime	94682	67.3	81	All crime	20151	80.0	-10.9%	
	Violence against the person			16.5	Violence against the person	4116	16.3	-4.5%	
	Anti-social behaviour	19184	13.6		Anti-social behaviour	14586	57.9	-11.0%	
	Anti-social behaviour	60853	43.3	58.5	www.kent.police.uk/crimestats/?bcu=Medway				
RECORDED CRIMES	2008-09 Kent (excluding Medway): 99,391				2008-09 Medway: 21,400				99,391 : 21,400
	82.3% of total recorded crime				17% of total recorded crime				7.4 : 1.6
	70.7 recorded crimes per 1000 population				84.4 recorded crimes per 1000 population				70.0 : 84.4
	(With above population figures)				(With above population figures)				4.1 : 4.9
								70.7 + 84.4 = 155.1 9 / 155.1 X 70.7 = 4.1 9 / 155.1 X 84.4 = 4.9	
Data Management Assistant, Central Support Team, Kent Partnership									

NUMBER OF POLICE OFFICERS	3370	429	3370 : 429
			8 : 1
	2.4 Police Officers per 1000 population	1.7 Police Officers per 1000 population	2.4 : 1.7
			5 : 4
			$2.3 + 1.7 = 4.1$ $9 / 4.1 \times 2.4 = 5.27$ $9 / 4.1 \times 1.7 = 3.73$
	Information on the Home Office website regarding the number of Police Officers in the Kent Police Force Area (including Medway). As at 31 March 2009 there were 3,799 police officers, of these 429 were in Medway. (3370 in KCC area) www.homeoffice.gov.uk/rds/pdfs09/hosb1309supptabs2.xls		

TOTAL AVERAGE RATIO: KCC 7: 2 MEDWAY

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By: Peter Sass - Head of Democratic Services, Kent County Council

To: Joint Appointments Committee – Kent Police Authority, 14 June 2011

Subject: MEMBERSHIP OF KENT POLICE AUTHORITY - VACANCIES

Classification: Unrestricted

(1) The Committee is appointed jointly by Kent County Council (KCC) and Medway Council under paragraph 2(2) of Schedule 2 to the Police Act 1996 (“the Act”) to appoint the nine Councillor Members of the Kent Police Authority (KPA) from among Members of the two appointing Councils. The Committee has previously agreed that seven of the places should be filled by Kent County Councillors and two by Medway Councillors.

(2) The current serving Members are as follows:

Member	Council	Party	Expiry of Term of Office
Mr I Chittenden	KCC	Lib Dem	May 2013
Mr J Cubitt	KCC	Con	May 2013
Mr M Gates	KCC	Con	May 2013
Councillor P Godwin	Medway	Lab	May 2011
Mr M Hill OBE	KCC	Con	May 2013
Mr M Snelling	KCC	Con	May 2013
Mrs P Stockell	KCC	Con	May 2013
Mr A Wickham	KCC	Con	May 2013
Councillor Reckless	Medway	Con	May 2011

(3) Members will note that the terms of office of the two Medway Council Members have now expired. Under Schedule 2 of the Act, in making appointments to the KPA, the Committee is required to reflect the political proportionality of KCC and Medway Council taken together.

(4) The new proportionality figures, following the Kent County Council by-elections in December 2010 and January and February 2011 and the Medway Council elections in May 2011 are set out in the following table:

	Con	Lab	LD	Ind Group	Ind	Total
KCC	73	3	7	0	1	84
Medway	35	15	3	2	0	55
Total	108	18	10	2	1	139
KPA seats proportional share	6.99	1.16	0.65	0.13	0.06	
KPA seats proportional share rounded	7	1	1	0	0	9
<i>KPA seats as at present</i>	<i>7</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>0</i>	<i>9</i>

(5) KPA Members are appointed for four year terms and can only be removed if the political balance calculations change. As can be seen from the above table, the allocation of places between political groups on the KPA is the same as it was before the KCC By-Elections and the Medway Council Elections. Accordingly, in order to achieve political proportionality, the Committee needs to appoint one Conservative Member and one Labour Member from Medway Council to fill the vacancies on the KPA. These appointments, in addition to the existing Kent County Council Liberal Democrat and Conservative Members, will achieve the desired outcome.

(6) The Committee is advised, however, of the impact of The Police Authority (Community Engagement and Membership) Regulations 2010 ("the Regulations"), which came into force of 17 March 2010 and need to be considered by the Joint Appointments Committee in relation to the current vacancies on the KPA. Specifically, in exercising its power to appoint members of a police authority, the Joint Committee shall:

"(a) ensure that, so far as reasonably practicable, the persons appointed by them:

- (i) Represent the interests of a wide range of people within the community in the police area of the police authority;
- (ii) Include persons with skills, knowledge or experience which are perceived by them to be under-represented among the existing members of the police authority;
- (iii) Promote diversity within the force and the police authority in question; and
- (iv) Are likely to commit sufficient time and to take an effective role in the work of the police authority;

(b) explain to the police authority, if so requested, how it met the requirements of sub-paragraph (a).

(c) have regard to any guidance issues or approved by the Secretary of State as to the qualities required by persons who serve as members of the police authority."

(7) In accordance with paragraph 2.5 of the joint Local Government Association (LGA)/Association of Police Authorities (APA) Guidance (“the Guidance”) on appointing Councillor Members to Police Authorities, police authorities are invited to take preparatory steps ahead of the appointment of any new Members, such as conducting a skills audit, considering relevant competencies, or establishing other desirable qualities for elected Members. In good time before the appropriate meeting of the Joint Committee, the police authority should write to the local authorities in its area, setting out those key qualities and competencies which are under-represented on the police authority.

(8) To assist police authorities with this, the Guidance contains a number of key competencies for police authority Members, which have been agreed by the Home Office. The Guidance also encourages police authorities to consider whether they wish to request specific skills, such as strategic planning or financial management, as well as taking into account their most recent reports from Her Majesty’s Inspector of Constabulary (HMIC)/Audit Commission on what the authority needs to do better. In addition, the Guidance invites police authorities to provide information about the time commitment expected of elected Members, the diversity of the existing police authority membership, as well as information about the communities within its area and which of these, if any, are under-represented on the police authority.

(9) In relation to the appointment of elected Members to fill the current vacancies on the KPA, the temporary Chief Executive of the KPA has written to the Joint Committee (see letter attached at **Appendix 1**), in which he states that the KPA would particularly welcome:

- Members from minority ethnic communities
- Female Members and
- Members with experience of professional policing standards, policing performance or community safety.

Whilst not mentioned specifically in the KPA letter, the statutory guidance says that the time commitment required of police authority members is between 7 and 10 hours per week and can be more.

(10) Once the Joint Committee has considered the letter from the KPA, it will need to determine how best to meet their requirements. This will require assessing whether the desired qualities can be met amongst the individual elected Members who are available to be appointed to the authority in accordance with the principles set out in paragraphs (11) and (12), below.

(11) Members should be aware that the Regulations place a duty on the Joint Committee to ensure, as far as reasonably practicable, that the key requirements notified by the KPA are met (in addition to the other three requirements set out in (i), (iii) and (iv) in paragraph 6 above). In this regard, the Joint Committee should keep an audit trail of decisions made and the reasons for making them. In particular, the Joint Committee must be able to explain how it met the four requirements set out in paragraph 6 above if requested to do so by the police authority.

(12) Furthermore, the Joint Committee must have regard to the “public sector equality” duty under section 149 of the Equalities Act 2011 in appointing members to the KPA. This requires local authorities, when exercising any of their functions, to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act
- advance equality of opportunity between persons who share a relevant protected characteristics and those who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Failure to comply with these duties could expose the committee to a challenge by way of judicial review.

(13) Medway Council has advised that their two nominated representatives to serve on the KPA are Councillor Craig Mackinlay (Conservative) and Councillor Paul Godwin (Labour). As Members will know, although the Committee is required to make appointments to reflect political proportionality, it is not obliged to have regard to the wishes of the political groups or appointing authorities in deciding which individual Members of the relevant Councils it will appoint.

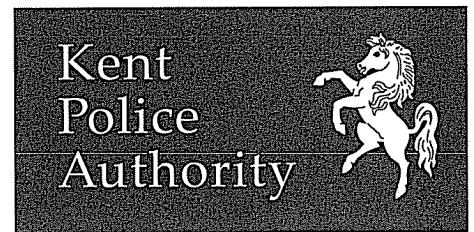
(14) If the Committee decides to appoint the Members nominated by Medway Council to fill the vacancies on the KPA it may wish, in line with its normal policy, to appoint them for a four-year term expiring in May 2015 (coinciding with the next Medway Council election).

RECOMMENDATION

(15) The Committee is recommended to:

- (a) confirm that the allocation of places between political groups on the KPA stays the same as it currently is in accordance with the table in paragraph 5 following the Kent County Council By-Elections and the Medway Council elections;
- (b) appoint one Medway Council Conservative Member and one Medway Council Labour Member for a four-year term expiring in May 2015 to fill the two vacancies on the KPA.
- (c) Set out clearly the reasons for its decision under (b), above, and how it has taken account of the representations of the KPA.

Peter Sass
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Background Papers: None



**From Temporary Chief Executive of the Authority
Mike Campbell**

Mr Peter Sass
Head of Democratic Services and Deputy
Monitoring Officer
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Fax: 01622 604489
e-mail: Mike.campbell@kent.pnn.police.uk
Ask For: Mike Campbell
Date: 27 May 2011

Dear Peter

Appointment of Police Authority Members

I understand that following the recent Medway Council election, the Medway and Kent Joint Committee is to meet soon to make a decision on the appointment of two Members of the Police Authority. I am writing to advise you of the qualities we would particularly welcome amongst those appointed, in order that the Joint Committee may take this into account in accordance with Regulation 5 of the Police Authority (Community Engagement and Membership) Regulations 2010.

At present the Authority's 15 Members include three women, but no people from a minority ethnic background. There are significant minority ethnic communities across the area served by the Authority, especially in Medway, and the Authority would therefore particularly welcome Members from this quarter. The Authority seeks to reflect the communities it serves and would therefore also welcome additional female Members.

The Government proposals to replace Police Authorities in May 2012 means that an existing understanding and knowledge of both policing and the role of Police Authorities is vital if new Members are to be effective in the time available.

Current Members have a wide range of skills and experience, but the challenges of the budget reduction in the coming year means that Police Authority oversight is focussing on the management of change and the maintenance of policing and performance standards. With this in mind, we would like the Medway Member to have experience of professional standards, policing performance or community safety.

I hope this information is of help to the Joint Committee in its deliberations.

Yours sincerely

Mike Campbell
Temporary Chief Executive

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