

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 X 540,115 = 7.76 9 / 626,213.40 X 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	19184	13.6	16.5	Violence against the person	4116	16.3	-4.5%	
	Anti-social behaviour	60853	43.3	58.5	Anti-social behaviour	14586	57.9	-11.0%	
					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