

By: Peter Sass – Head of Democratic Services
To: Kent and Medway Shadow Police and Crime Panel (PCP)
Subject: Membership of the Panel

1. Introduction

- 1.1 This paper follows the discussion on the composition of the PCP at the first meeting of the Shadow PCP on 10 May 2012. From the below options a formula can be adopted by the Panel for the selection of the full local authority membership of 18.
- 1.2 The Police Reform and Social Responsibility Act 2011 calls for local authority membership to achieve, 'as far as is reasonably practicable' the 'balanced appointment objective.' To achieve this objective, 'local authority members of a police and crime panel (when taken together) –
- (a) represent all parts of the relevant police area;
 - (b) represent the political make up of –
 - (i) the relevant local authority, or
 - (ii) the relevant local authorities (when taken together);
 - (c) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.'
- 1.3 The Shadow PCP agreed on 10 May 2012 that, in line with the Act, each local authority should appoint one Member to the PCP (which would be an appointment by the Leader of each Council), adding four co-opted 'top-up' Members to a total of 18 through which political proportionality should be achieved. One of these top-up Members should be given to Medway Council (also a Leader appointment) to meet the requirements of geographical balance.
- 1.4 An additional design principle was also agreed that the determination of the top-up seats should be a formula which is able to be applied in all situations, not just based on the current political composition of the relevant local authorities. It would be a formula applied annually as term limits were to be set for one year, and this would mean any election results (not including by-elections), or political composition changes for other reasons, would be able to be taken into account annually.
- 1.5 Appendix 1 sets out the political composition of Kent and Medway as at 16 July 2012.

2. Selecting a PCP Membership Allocation Formula

2.1 There are three parts to the Formula menu. Different sections can be selected from each (and elements within each amended) to enable the Kent and Medway PCP to select a tailor made formula. These are:

3. Minimum Requirements.
4. Allocation of 15 LA Members.

5 and 6. Allocating the top-up Members.

2.2 An additional compulsory 2 independent co-opted PCP Members are to be selected in a different manner which this paper does not consider (this is contained within item 6 of this agenda).

3. Minimum Requirements.

3.1 To take into account elections which occur at different times in different authorities, but to provide stability in the event of by-elections, it is proposed that the representation on the PCP be determined annually and be based on the political composition of the authorities as they are five working days after an all-out election.

3.2 For the purposes of determining totals across Kent and Medway, independent members will be counted individually unless they have notified their local authority they wish to form a group. Where this has happened in more than one authority, the totals shall not be aggregated but kept separate for each authority.

3.3 Where political groups also belong to registered political parties, the totals shall be aggregated.

4. Allocation of the 15 Local Authority Members.

4.1 Following the day of determination, the leaders of each local authority will be written to and invited to nominate 1, or in the case of Medway 2, representatives to the PCP by a specified date.

4.2 It is expected that the Leader of each authority shall nominate the 1 or 2 Panel Members from their ruling group (where a single ruling group exists). Where a Panel Member is selected from a different political group, the question for the Shadow PCP to determine is:

- Whether the nominee of the ruling group should be counted as a representative of the ruling political group or the political groups of which he/she is a member?

4.3 The answer does potentially impact which political groups are able to nominate one of the three top-up Panel Members.

5. Allocating the top-up Members - Method 1

5.1 Following the day of determination, the following formula shall be applied

$$\frac{\text{Total number of seats won by each political group}}{\text{Total number of Councillors across all 14 authorities}} \times 18$$

This formula shall give the total number of PCP seats that each political group should have (subject to rounding) if full proportionality were to be applied.

5.2 Subtracting the totals arising from the 15 seats already allocated from the indicative totals out of 18 will show where party totals need 'topping up.' It is proposed that top-up representation shall be requested from the three largest relevant groups in the 12 Borough/City/District authorities in Kent with the aim of reaching as close to the indicative totals as close as is possible.

5.3 The following table is an illustration based on the current political composition across Kent and Medway:

Table 1: Example of Top-up Allocations after Ruling Groups have allocated

	Conservative	Labour	Liberal Democrat	
Total Elected (out of 723)	510	126	52	
Percentage	70.539	17.427	7.192	
Indicative PCP seats /18	(13)	(3)	(2)	(18)
Expected seats after Ruling Group Allocation*	13	2	0	15
Top up seats required to achieve political balance	0	1	2	3
Total	13	3	2	18

* Assuming all ruling group nominations are from the ruling group, including 2 from Medway.

5.4 Using current figures, the top-up seats enable indicative proportionality to be realised. The Shadow Panel will need to determine which of the 14 authorities should be asked to nominate one of the three top-up Members.

5.5 If the Panel decided to ask those authorities with the largest proportion of relevant group members on that council for the top-up seats and using the results above and the distribution method outlined:

- Gravesham Labour Group would nominate 1 PCP Member.
- Maidstone Liberal Democrat Group would nominate 1 PCP Member.
- Canterbury Liberal Democrat Group would nominate 1 PCP Member.

6. Allocating the top-up Members - Method 2

6.1 This method has been adopted from the Modified d'Hondt Formula used for the 11 top-up Members elected on a London-wide basis to the London Assembly.

6.2 The formula for use in allocating top-up seats to the PCP would be as follows:

$$\frac{\text{Total Number of Seats Won}}{\text{PCP seats allocated by ruling group} + 1}$$

6.3 The group with the largest number after this formula has been applied would be allocated a top-up seat. The calculations would then be repeated in three rounds of allocation.

6.4 The following is an illustration based on the current political composition across Kent and Medway:

Table 3: Example of Top-up Allocations after Ruling Groups have allocated

	Conservative	Labour	Liberal Democrat	
Total Elected (out of 723)	510	126	52	
Seats after Ruling Group Allocation*	13	2	0	15
Round 1	$510/(13+1) = 36.4$	$126/(2+1) = 42$	$52/(0+1) = 52$	Liberal Democrat – 1 Top-up
Round 2	$510/(13+1) = 36.4$	42	$52/(1+1) = 26$	Labour – 1 Top-up
Round 3	$510/(13+1) = 36.4$	31.5	$52/(1+1) = 26$	Conservative – 1 Top-up
Total	14	3	1	18

* Assuming all ruling group nominations are from the ruling group, including 2 from Medway.

Using current political balance across Kent and Medway – for comparison

Percentage	70.539	17.427	7.192
Indicative PCP seats /18	(13)	(3)	(2)

6.5 This would result in the following top-up allocations to be made:

- Liberal Democrat = 1
- Labour = 1
- Conservative = 1

6.6 All party groups eligible for top-ups are ranked by proportionate size of the relevant group on that council, calculated as a proportion of the total strength in their respective local authorities out of the 12 Borough/City/District Councils. The largest group on the list is allocated a top-up representative. Once a party has been allocated all its top-ups, all those party groups are removed from the list, and once a second Member has been allocated from any authority, all groups from that authority are removed.

6.7 Applying this to the example above would result in the following:

- Maidstone Liberal Democrat Group nominating 1 PCP Member.
- Gravesham Labour Group nominating 1 PCP Member.
- Shepway Conservative Group nominating 1 PCP Member.

7. Recommendation

7.1 The Shadow Police and Crime Panel is asked to agree a formula for the selection of the full local authority membership of the Police and Crime Panel.