

KENT COUNTY COUNCIL

SHADOW KENT AND MEDWAY POLICE AND CRIME PANEL

MINUTES of a meeting of the Shadow Kent and Medway Police and Crime Panel held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 24 July 2012.

PRESENT: Mr P M Hill, OBE (Chairman) Kent County Council, Cllr M O'Brien (Vice-Chairman) Medway Council, Cllr H Barker, Shepway District Council, Cllr Mrs A Blackmore, Maidstone Borough Council, Cllr Mrs S Chandler, Dover District Council, Cllr Mrs I Johnston, Thanet District Council, Mr J A Kite, MBE, Dartford Borough Council, Cllr M Rhodes, Tonbridge and Malling Borough Council, Cllr P Fleming, Sevenoaks District Council, Cllr G Clarkson, Ashford Borough Council and Cllr P Todd, Canterbury City Council

ALSO PRESENT: Mr G Hooper (Chief Executive, Kent Police Authority) and Ms K Nicholson (Programme Manager for PCC Transition, Kent Police Authority)

IN ATTENDANCE: Mr P Sass (Head of Democratic Services) and Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee)

UNRESTRICTED ITEMS

5. Minutes of the Meeting held on 10 May 2012

(Item 2)

- (1) It was confirmed that named substitutes for elected and co-opted members could be appointed to the Kent and Medway Police and Crime Panel and notified to the Head of Democratic Services at KCC. This was also set out within the Panel Arrangements at paragraph 5.1.
- (2) RESOLVED that the minutes of the meeting held on 10 May 2012 are correctly recorded and that they be signed by the Chairman as a correct record.

6. Presentation Graham Hooper (Chief Executive KPA) PCP/PCC

(Item 3)

- (1) Mr Graham Hooper, Chief Executive of Kent Police Authority presented to Members on the roles, responsibilities and statutory duties of the Police Crime Commissioner and the Police and Crime Panel.
- (2) Mr Hooper referred Members to the Policing Protocol Order 2011 and the Shadow Strategic Policing Requirement November 2011 which he undertook to circulate to members of the panel. POST MEETING NOTE: These documents were circulated to members on 25 July 2012.
- (3) Mr Hooper's presentation was circulated to members on 25 July 2012 and is also attached as an Appendix for information.

7. Terms of Reference/Panel Arrangements/Rules of Procedure

(Item 4)

- (1) Members requested that the para 2.2 of the Panel Arrangements be amended to read: The Police Crime Commissioner (PCC) and *their deputy* cannot be a member of the PCP.
- (2) Following the meeting of the Shadow Police and Crime Panel, the approval of the Secretary of State would be sought for the co-opted councillor members.
- (3) Referring to para 2.5 (c) of the Panel Arrangements Members considered that in making their appointments to the Kent and Medway Police and Crime Panel the leaders of each authority should be asked to ensure that his or her appointed member(s) has the skills, knowledge and experience necessary for the Panel to discharge its functions effectively as set out in the Terms of Reference.
- (4) Para 4.7 of the Panel Arrangements should be removed. It was agreed by the Shadow Panel that the Independent Members of the Panel would be recruited through an advert and application process rather than approaching specific bodies. Note: *Para 4.7 previously read: Where the appointed Independent Member is an expert the nominating body may change their nominee at any point and on doing so shall give notice to the Head of Democratic Services (KCC)*
- (5) Para 6.2 of the Panel Arrangements should be amended to read: ...all councils will *be invited to* contribute equally towards the actual costs incurred by the Host Authority.
- (6) Para 6.3 of the Panel Arrangements should be amended to read: ... In the event of the PCP being wound up the Host Authority will *be invited to* defray and recover from the other members any associated costs...
- (7) The Police and Crime Panel would meet in public unless matters of an exempt nature were to be discussed. The Panel would be invited to consider webcasting its meetings when it meets formally in November 2012.
- (8) A Member queried whether a Commissioner could continue in post if he/she was declared bankrupt. Following guidance from the electoral commission paragraph 18.6 will be added to the Procedure Rules to read the following:

18.6 Bankruptcy in itself is not a disqualification. If the PCC has been bankrupt he/she is not disqualified from standing for election or remaining a PCC on that basis. Only those who are subject to a bankruptcy restrictions order or interim order, a debt relief order or interim order, or a debt relief restrictions undertaking are disqualified from standing for election or remaining as a PCC.

RESOLVED that:-

1. Subject to the amendments noted above the Shadow Police and Crime Panel agree the Terms of Reference, Panel Arrangements and Procedure Rules.
2. Kent County Council, Medway Council and all District Councils in Kent be asked to obtain agreement to these arrangements and rules to enable the PCP to be formally constituted by November 2012.

8. Formula Setting out Panel Membership - To Follow (Item 5)

- (1) It had previously been agreed by the Shadow Panel that the Kent and Medway Police and Crime Panel would consist of 20 Members.
- (2) 15 seats would be leader appointments, which included an additional seat for Medway Council in recognition of the geographical makeup of Kent. Three additional seats (top-up seats) would ensure that the panel represented the political makeup of the relevant local authorities (when taken together).
- (3) Members discussed the question set out in point 4.2 of the paper and although there were differing views came to a consensus that a nominee of the leader should be counted as a representative of the political group of which he/she is a member.
- (4) It was also agreed that the county political associations would be advised of the number of top up seats allocated to their party and be asked to decide which local authorities should be asked to nominate. It is then for the local authority to nominate a named councillor to enable the panel to consist of 13 conservative councillors, 3 labour and 2 liberal democrats, reflecting the political makeup of Kent and Medway as at 24 July 2012.
- (5) Members agreed that the membership of the Panel should be reviewed annually.

RESOLVED that:-

1. the Kent and Medway Police and Crime Panel should consist of 20 members. 18 councillor members and two compulsory independent members. 15 of the councillor members (one from each district, one from KCC and two from Medway) should be leader appointments and the three top-up members should be requested from all political associations in the county to meet the political balance objective; and
2. Membership of the Kent and Medway Police and Crime Panel should be reviewed annually.

9. Appointment of Independent Co-opted Members (Item 6)

- (1) Members discussed the recruitment process for the two compulsory independent persons on the Kent and Medway Police and Crime Panel.
- (2) Concerns were raised around the Shadow Panel appointing the independent persons for the formal Panel. However the timescale was short and there

was nothing precluding the Shadow Panel from appointing the independent persons.

- (3) Members agreed that a small sub-group should be set up to begin the appointment process for the independent persons. The sub-group would consist of the Chairman (Mr Mike Hill) and Vice-Chairman (Cllr Mike O'Brien) of the Shadow Panel along with Councillors Annabelle Blackmore and Gerry Clarkson.
- (4) Following discussion with the sub-group of the Shadow Panel an advert, in line with the Local Government Association example included within the agenda papers, would be circulated to all districts, Medway Council and Kent County Council inviting applications for the role of one of the two independent persons on the Panel and also posted on relevant websites.
- (5) The sub-group would then shortlist the applications and interview prospective candidates before reporting back to the Shadow Panel to appoint the final two persons.

RESOLVED that:-

1. A sub-group be formed of the Chairman and Vice-Chairman of the Shadow Panel and Councillors Annabelle Blackmore and Gerry Clarkson;
2. An advert be placed with the Borough and District Councils, Medway Council, Kent County Council and on relevant websites;
3. The sub-group be asked to shortlist the applications, interview the prospective candidates and report back to the full Shadow Panel to make the appointments.

10. Code of Conduct for PCP Members

(Item 7)

- (1) The report before the Shadow Panel suggested that the Elected Members on the Panel should be bound by their respective authority's Code of Conduct on the basis that they were appointed to the Panel by their respective authorities and that the two independent members should be asked to abide by the Cabinet Office Code of Conduct for Board Members of Public Bodies.
- (2) After discussion Members agreed that as Police and Crime Panel members they would sign up to the Code of Conduct for Board Members of Public Bodies in addition to the code of their own authority which they were already bound by as councillors

POST MEETING NOTE as 'co-opted' members of the Panel the two independent members must abide by the Code of Conduct adopted by the local authority but the Panel will need to decide which local authority code will apply as there are several different codes.

RESOLVED that:-

1. Elected members on the Panel be bound by their respective authority's Code of Conduct as well as signing up to the Code of Conduct for Board Members of Public Bodies

2. As co-opted members onto the Panel the two independent members must abide by the Code of Conduct adopted by the local authority, the Panel should decide which local authority code will apply.

11. Communications Protocol

(Item 8)

RESOLVED that the communications protocol for the Kent and Medway Police and Crime Panel be agreed as circulated.

12. Work programme for the Police and Crime Panel

(Item 9)

(1) The work programme would be revised for the next meeting on 4 October.

RESOLVED that the work programme for the formal panel be noted.