

Local Government North Yorkshire and York

8 July 2016

North Yorkshire Police and Crime Panel: Allowances for Community Members

1.0 Purpose of the Report

1.1 To ask LGNYY to:

- (a) consider the Panel's request on the payment of an allowance for its Community Members; and
- (b) support a referral to the NYCC Independent Remuneration Panel to (re)consider whether those Members should qualify for the payment of a responsibility allowance and the amount that should be payable.

2.0 Background

2.1 The North Yorkshire Police and Crime Panel currently comprises:

- ten appointed (elected) Members (Councillors appointed by each of the 9 local authorities, with two from City of York);
- one co-opted (elected) Member (a Councillor co-opted for as long as is needed to ensure that the political balance on the Panel broadly reflects that of the total of all Councillors who make up the ten local authorities); and
- two independent co-opted members, referred to colloquially as the "Community Members" to distinguish them from any co-opted elected members or Independent councillors. The Community Members are essentially volunteers appointed for a four-year term to support the Panel in its remit of providing checks and balances to the Police and Crime Commissioner's performance and plans for policing.

2.2 The Police Reform and Social Responsibility Act 2011 states that the Panel arrangements may make provision about the payment of allowances to Panel members. Funding from the Home Office can be used (up to £920 per panel member) to cover:

- a. the expenses and an allowance for "Community Members";
- b. the expenses of Panel members who are also councillors.

It has been agreed previously that the appointed (elected) Members of the Panel will claim any travel and subsistence expenses incurred via their host authority's scheme for Member expenses and allowances. The one co-opted (elected) Member to the Panel and the two Community Members are entitled to claim for reasonable expenses incurred while undertaking Panel business and such claims are reimbursed by the lead authority (North Yorkshire County Council (NYCC)) from the Home Office grant.

2.3 Community Members and the co-opted (elected) Member are also entitled to claim Dependant Carers' Allowance, where appropriate, in line with NYCC's own Member

expenses scheme. No other allowances are currently paid to the Panel's Community Members.

- 2.4 No general allowance is paid to the appointed and co-opted elected Members sitting on the Panel as they already receive an allowance as a Councillor from their own local authority scheme. However, a Special Responsibility Allowance is currently paid to the Panel Chair and its two Vice Chairs, equivalent to 3 units and 1 unit of responsibility respectively from NYCC's own Members scheme (£4,632 and £1,544). This was because it was deemed by the host authority's Independent Remuneration Panel that the responsibility and commitment for these particular elected Members was analogous to that required of the Chair and Vice Chair to a Scrutiny Committee at NYCC.
- 2.5 The Panel has considered the potential for payment of an allowance to its Community Members on a number of occasions. Previously it has not supported the principle of an allowance for Community Members, but now believes that the issue should be reconsidered. The most recent Panel discussion acknowledged a better understanding of the complexity of the role of Panel members and that there is an increasing commitment required from Community Members; details of which are outlined within 3.2 below.
- 2.6 The Panel is a Joint Committee of the nine local authorities. LGNYY has been a valuable point of reference for the Panel when it was being established and subsequently in assisting with the determination of panel arrangements and financial issues. The Panel would therefore welcome LGNYY's views on the proposal to provide an allowance to its Community Members and would additionally welcome support to take this proposal forward for consideration by the NYCC Independent Remuneration Panel (IRP) (the agreed mechanism in the arrangements for the Panel agreed by the nine local authorities).

3.0 Community Members: factors for consideration

3.1 Time commitment and complexity of role

The Panel currently has a scheduled calendar of meetings which requires attendance at least five times per year, along with the requisite preparation time. This does not take into account exceptional meetings, such as for confirmation hearings for Chief Officer appointments. The Panel is also currently considering adding extra meetings into the calendar to enable it to better deal with the considerable range of issues that require its attention over the course of the year, which could result in the panel meeting 6 to 7 times per year. In addition, Community Members can and have become heavily involved in reviewing complaints made against the Police and Crime Commissioner and convening Complaints Sub-Committees, as well as on occasions Chairing these meetings. This can be very complex work and requires a considerable degree of preparation. These are factors which the Panel has recently acknowledged – with the benefit of four years' experience – as constituting a greater degree of time commitment, preparation work and ability to handle complex material than perhaps has been recognised when the issue has been reviewed on previous occasions. Current Community Members have also highlighted that they do not have access to particular facilities as readily as the elected Members on the Panel, such as photocopying, admin support, a Members' Room and so on.

3.2 Recruitment

The current term for the Community Members expires over the summer and as such a recruitment exercise was recently held to recruit two Community Members for a four-year term from October 2016. The recruitment was advertised extensively and

promoted across a number of sectors and using different media. The posts were advertised as requiring a day per month equivalent of preparation and meeting time but it was emphasised that there may be additional commitment required outside of this nominal commitment, for example for member development. It was also emphasised that Community Members would be able to claim reasonable expenses and Dependant Carers' Allowance, where applicable. At least a dozen enquiries were received by NYCC from individuals interested in the posts and it is assumed that others will have reviewed the application material directly via the North Yorkshire Partnerships website.

- 3.3 However, in spite of this campaign, only three applications were made for the two posts, in comparison with around 30 applications made in 2012. Feedback is currently being sought from those individuals who expressed an initial interest in the posts and provided contact details, to ascertain if there were particular reasons which deterred them from applying. To suggest that the absence of an allowance deterred applications from applying would be pure conjecture at this stage. However, it is interesting to note that the applications received are all from individuals who are self-employed, who work on a very flexible basis and would be determined as belonging to a relatively high socio-economic group. As such, these applicants would not be relinquishing earnings to be able to commit time to attend and prepare for Panel business. It is therefore feasible that individuals in regular paid employment or on a low income, for example, may feel that they would be at a disadvantage if they committed themselves to undertaking such a role. Whilst the Panel would not wish an allowance for a Community Member to become a motivating factor for an application, it is unlikely that a relatively nominal sum offered would result in this and the Panel consider that it may represent a nominal compensation

3.4 Comparison with other Panels

A recent, albeit fairly limited, survey has been undertaken of other Police and Crime Panels to determine the arrangements put in place for Community Members. It appears that over a third of Panels pay their Community Members some sort of allowance. Of those Panels which do pay an allowance, this is fixed at a proportion of a unit of responsibility; the rationale being that it is fixed at a fraction of the nominal allowance for elected members and to cover a specific role/responsibility. In monetary terms the majority of Community Member allowances appear to be set somewhere between £600 and £900 per annum.

4.0 Proposal

- 4.1 As highlighted at paragraph 2.2, the Panel is able to make provision for an allowance to its Community Members following a recommendation from the Independent Remuneration Panel for North Yorkshire County Council. Such an allowance for Community Members would be annual and paid for the period of service (i.e. it would be subject to pro-rata for someone serving for only part of a year); the regulations do not permit payment based on specific attendance at meetings.
- 4.2 In giving consideration to the level of proposed allowance, the Panel felt it important not to determine an arbitrary or notional figure which may open it up to questions around how this had been arrived at. Rather they agreed that it would be preferable to adopt the approach taken by other authorities employing a proportion of a fixed unit of responsibility. Panel Members took the view that a half-unit of responsibility (i.e. £772) would represent a sum equivalent to that offered by other authorities and provide some compensation for a Community Members' costs and potentially considerable time commitment, without placing the allowance over and above that which would be paid to an elected member.

- 4.3 Any agreement reached at this stage on a proposal would need to be referred on to the NYCC IRP for their consideration as to (a) whether they feel the payment of an allowance is appropriate given the context outlined above and (b) if appropriate, whether the amount proposed would be suitable. At the time of formation of the Panel in 2012, the IRP considered more broadly the issue of allowances for Panel Members and, as no proposal was put to the IRP for Community Member allowances and because no such allowance is payable to an added member of a NYCC Scrutiny Committee, the IRP determined at this point that no Community Member allowance would be paid. However, the Panel feel it is timely to ask the IRP to give specific consideration to allowances for Community Members given the factors outlined above.

5.0 Recommendation

5.1 That LGNYY:

- (a) discusses the Police and Crime Panel's consideration to pay an allowance to its Community Members; and
- (b) supports a referral of the proposal to the NYCC IRP for its consideration.

Neil Irving

Assistant Director, Policy and Partnerships
NYCC

neil.irving@northyorks.gov.uk

27 June 2016