

North Yorkshire Police, Fire and Crime Panel

7 February 2022

Co-option of Third Independent Member to the Panel - Update

1 Purpose of Report

- 1.1 To update the Panel on the position regarding the application for a third co-opted independent member.

- 2 In November 2021, the Panel agreed to co-opt a third independent member, Mags Godderidge. This was on the basis of seeking to more robustly meet the balanced appointment objective by ensuring that certain skill/knowledge gaps identified on the Panel could be filled.
- 3 Under the governing legislation, the Panel had to pass a resolution to do this – which was agreed on 4th November 2021 – and then a formal application had to be submitted to the Home Office to seek the approval of the Secretary of State.
- 4 A response was provided from the Minister of State for Crime, Policing and Probation on 5th January 2022 (received 17th January), consenting to the Panel's request. A copy of the letter is provided at Appendix A. As such, this formalises Mags's role on the Panel as a co-opted independent member, to serve a four-year term until 3rd November 2025.
- 5 The Panel's Arrangements have been duly updated to reflect this change in the membership position for the Panel, as provided at Appendix B. As highlighted at section 4.7 of the Arrangements, the Panel must always, legally, have a minimum of two co-opted independent members but may now have three going forward, without the need for further request to the Home Office to incorporate this number. Any requirement identified above three co-opted members would of course require further application to the Home Office.

6 Recommendations

- 6.1 That the Panel notes the update provided.

Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council

28th January 2022

Background Documents:

Appendix A – Correspondence from the Rt Hon Kit Malthouse MP (dated 5th January 2022)

Appendix B – The Arrangements for the North Yorkshire Police, Fire and Crime Panel (updated 25th January 2022)



Home Office

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5 January 2022

**Co-option of an additional independent member to the North Yorkshire Police,
Fire and Crime Panel**

Thank you for your recent letter to the Secretary of State, requesting agreement to increase the number of co-opted independent members attending the North Yorkshire Police, Fire and Crime Panel. I have noted your advice that co-opting an additional independent member will allow the Panel to better meet the 'balanced appointment' objective set out in the Police Reform and Social Responsibility Act 2011.

I can confirm that as the Minister of State for Crime, Policing and Probation, I have reviewed your request under delegated authority from the Home Secretary. As such, I am able to formally agree to your request to pass a resolution to co-opt an additional independent member to the North Yorkshire Police, Fire Crime Panel, bringing the total number of co-opted independent Panel members to three. I understand that this will increase the membership of the Panel to a threshold within the maximum permitted by legislation.

Yours sincerely,

Kit Malthouse MP
Minister of State for Crime, Policing and Probation

North Yorkshire Police, Fire and Crime Panel

Panel Arrangements

The Agreement is made between the following:

The Council of the City of York of
The County Council of North Yorkshire of
The District Council of Craven of
The District Council of Hambleton of
The Borough Council of Harrogate of
The District Council of Richmondshire of
The District Council of Ryedale of
The Borough Council of Scarborough of
The District Council of Selby of

In the Agreement the above Authorities are referred to together as 'the Authorities'.

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') introduced structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner ('PCC') for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel ('the Panel') for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 As of 15th November 2018, further to the PCC taking on governance and oversight of the North Yorkshire Fire and Rescue Service, the PCC became the Police, Fire and Crime Commissioner ('PFCC'). This gave the PFCC operational responsibility for this service in addition to setting the fire and rescue precept, drafting and consulting on a fire and rescue plan, producing an annual fire statement and appointing a Chief Fire Officer.
- 1.5 Consequently, the Panel's remit broadened to encompass scrutiny of the performance of the PFCC's functions in respect of oversight and governance of the Fire and Rescue Service. The Panel therefore become the Police, Fire and Crime Panel ("the Panel").

1.6 Any references to the powers conferred on the Panel by 'the Act' and accompanying Regulations within these Arrangements assume the extension of these powers as enacted in statute in 2018 to extend the Panel's scrutiny functions to cover fire and rescue matters.

2.0 General Principles

2.1 Each Authority and each Member of the Panel must comply with the Panel Arrangements.

2.2 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PFCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

2.3 While the Panel is there to challenge the PFCC, it must also exercise its functions with a view to supporting the effective exercise of the functions of the PFCC for that force area. Section 3 outlines these functions.

2.4 The Panel is a joint committee of the Authorities.

2.5 The Authorities agree the Panel Arrangements.

3.0 Functions of the Police, Fire and Crime Panel

3.1 The Panel may not exercise any functions other than those conferred by the Act.

3.2 The functions of the Panel set out at paragraphs 3.3 - 3.8 below may not be discharged by a Committee or Sub-Committee of the Panel.

3.3 The Panel is a statutory consultee on the development of the PFCC's Police and Crime Plan and Fire and Rescue Plan, and must:

- a) review the draft Police and Crime Plan and Fire and Rescue Plan (and a variation to these); and,
- b) report or make recommendations on the draft Plans, which the PFCC must take into account.

3.4 The Panel must comment upon the Annual Reports of the PFCC for policing and fire and rescue (for the latter, this is sometimes referred to as an annual fire statement), and for that purpose must:

- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act;
- b) ask the PFCC at that meeting such questions about the Annual Reports as the Members of the Panel think appropriate;
- c) review the Annual Reports; and,
- d) make a report or recommendations on the Annual Reports to the PCC.

- 3.5 The Panel must undertake a review of the policing and fire and rescue service precepts proposed by the PFCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precepts in accordance with the Act and Regulations made thereunder.
- 3.6 The Panel must review, make a report to and make recommendations to the PFCC in relation to the appointment of a Chief Constable and a Chief Fire Officer by the PFCC. This is in accordance with the requirements set out in Schedule 8 of the Act and the Panel will have a right of veto in respect of these appointments in accordance with the Act and Regulations made thereunder.
- 3.7 The right of veto in paragraphs 3.5 and 3.6 will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
- 3.8 The Panel must review, make a report to and make recommendations to the PFCC in relation to the appointment of the PFCC's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act.
- 3.9 The following functions must also be undertaken by the Panel but may be delegated to a Sub-Committee of the Panel:
- 3.10 The Panel shall receive notification from the PFCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the PFCC as to whether or not the PFCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
- 3.11 The Panel must review or scrutinise the decisions or actions of the PFCC in the discharge of his/her functions and make reports or recommendations to the PFCC with respect to the discharge of the PFCC's functions. The Panel may carry out investigations into the decisions of the PFCC, and into matters of particular interest or public concern.
- 3.12 The Panel must publish any reports or recommendations made by it to the PFCC in a manner which the Panel will determine and must also send copies to the Authorities.
- 3.13 The Panel may require the PFCC or a member of his/her staff to attend the Panel to answer questions necessary for the Panel to undertake its functions, provided that such questions shall not:
- a) relate to advice provided to the PFCC by his/her staff;
 - b) in the view of the PFCC:
 - i) be against the interests of national safety;
 - ii) jeopardise the safety of any person; or,
 - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or,

- c) be prohibited by any other enactment.
- 3.14 If the Panel requires the PFCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable or Chief Fire Officer to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.
- 3.15 The Panel may require the PFCC to respond in writing to a report or recommendation from the Panel to the PFCC.
- 3.16 The Panel may suspend the PFCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 3.17 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

4.0 Membership

4.1 General

4.2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:

- a) represent all parts of the police force area;
- b) represent the political make-up of the Authorities; and,
- c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

4.3 In appointing co-opted Members who are not elected members of any of the Authorities the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

4.4 The Panel shall consist of ten Members appointed by the Authorities in accordance with the requirements of fair representation as follows:

4.5 One Member appointed by each of:

- a) the North Yorkshire County Council.
- b) the District Council of Craven.
- c) the District Council of Hambleton.
- d) the Borough Council of Harrogate.
- e) the District Council of Richmondshire.
- f) the District Council of Ryedale.
- g) the Borough Council of Scarborough.

h) the District Council of Selby.

4.6 Two Members shall be appointed by the City of York Council.

4.7 The Panel shall also include up to three independent members co-opted by the Panel. There must be a minimum of two independent co-opted members on the Panel. *[Home Office approval for a third co-option was granted in January 2022].*

4.8 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the membership of the Panel shall not exceed 10.

4.9 Panel Members will not be able to appoint substitute Members in the event that they are unable to attend a meeting.

4.10 Appointed Members

4.11 The Authorities shall each nominate an elected member to be a Member of the Panel, and in the case of the City of York, two Members shall be nominated. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.

4.12 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the Panel from the defaulting authority in accordance with the provisions in the Act.

4.13 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.

4.14 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to nypcp@northyorks.gov.uk

4.15 An appointed Member may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at nypcp@northyorks.gov.uk and to their Authority via the relevant Authority's department as deemed appropriate.

4.16 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.

4.17 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

4.18 Co-opted Members

4.19 The following may not be co-opted Members of the Panel:

- a) the PFCC for the Police/Fire and Rescue Area.
- b) a member of staff of the PFCC for the area.

- c) a member of the civilian staff of the Police Force for the area.
 - d) a Member of Parliament.
 - e) a Member of the National Assembly for Wales.
 - f) a Member of the Scottish Parliament.
 - g) a Member of the European Parliament.
- 4.20 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.
- 4.21 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.
- 4.22 A co-opted Member shall be a Member of the Panel for four years.
- 4.23 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
 - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria; and,
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
- 4.24 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Lead Authority on behalf of the Panel at nypcp@northyorks.gov.uk
- 4.25 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.
- 4.26 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:
- a) if the co-opted Member has been absent from the Panel for more than three months without the consent of the Panel;
 - b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;

- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel; or,
 - d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.
- 4.27 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.
- 4.28 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

5.0 Budget and Costs of the Panel

- 5.1 The annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne between the Authorities on the basis of population, and further also on the basis of the County Council and the respective District Council for a North Yorkshire District Area sharing equally the cost in respect of the population of that Area.
- 5.2 The population shall be determined by reference to the population data (mid-year estimates) issued by the Office of National Statistics for the year in which this agreement is made, and reviewed in accordance with that data every four years.
- 5.3 A draft budget for the operation of the Panel shall be drawn up by the Lead Authority in February each year, and shall be approved by the Authorities (for example via Local Government North Yorkshire and York). All costs will be contained within the budget.

6.0 Lead Authority

- 6.1 The County Council of North Yorkshire shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.
- 6.2 As host authority, the County Council will ensure that support and guidance is provided to executive and non-executive members and officers of the Authorities in relation to the functions of the Panel as and when required.

7.0 Rules of Procedure

- 7.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to:
- a) the appointment and removal of the Chairman;
 - b) the formation of sub-committees;
 - c) the making of decisions;

- d) the arrangements for convening meetings; and,
- e) the circulation of information.

8.0 Allowances

- 8.1 The payment of a responsibility allowance to Panel Members was considered by the Independent Remuneration Panel for North Yorkshire County Council (“the NYCC IRP”) in December 2018. In February 2019, the IRP published its recommendation that every Member of the Panel should be paid an equivalent of one unit of allowance (aligned to the NYCC allowances scheme); further that the Vice Chairs should each receive a Special Responsibility Allowance of two units and the Chair an SRA of four units. Co-opted independent members will also receive one unit of allowance.
- 8.2 This recommendation was made by the NYCC IRP in recognition of the expanded scrutiny role of the Panel from November 2018 and to reflect the complexity and responsibility of the matters dealt with by the Panel.
- 8.3 It was subsequently agreed via the Leaders of North Yorkshire and York that each constituent authority to the Panel will consider – via its own IRP – the recommendation to pay their Member an allowance. These costs will not be met by North Yorkshire County Council.
- 8.4 The Lead Authority will continue to ensure an allowance is payable to its co-opted independent members from the Home Office grant.

9.0 Promotion of the Panel

- 9.1 The Panel arrangements shall be promoted by:
 - a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
 - b) activities agreed via the Panel’s communications plan and media protocol, such as press releases and social media promotion of meetings/agendas; and,
 - c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.

10.0 Validity of Proceedings

- 10.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.
- 10.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

Version Control

First agreed by Authorities	June 2012
Amended to reflect inclusion of FRS	4 December 2018
Update on Member Allowances	1 December 2019
Updated to reflect Home Office approval of third co-opted member.	25 January 2022