

NORTH YORKSHIRE COUNCIL
17 May 2023
**Proposed Governance Changes to the North Yorkshire Police,
Fire and Crime Panel**

Report of the Assistant Chief Executive Legal and Democratic Services

1.0 PURPOSE OF REPORT

- 1.1 To seek the agreement of the council to implementation of changes around the governance and membership arrangements of the North Yorkshire Police, Fire and Crime Panel.

2.0 BACKGROUND

- 2.1 The North Yorkshire Police, Fire and Crime Panel (“the PFC Panel”) is a joint committee of North Yorkshire Council and City of York Council. Its role is to ensure a ‘check and balance’ function is undertaken in relation to the performance of the Police, Fire and Crime Commissioner for North Yorkshire.
- 2.2 Legally, the Panel must comprise ten councillor Members, who represent the police force area of York and North Yorkshire. Prior to local government reorganisation (“LGR”) in April 2023, the weighting of Panel seats represented eight for North Yorkshire (made up of appointees from the district/borough councils and North Yorkshire County Council) and two seats for City of York. It is now incumbent on the two member councils to agree a suitable weighting of allocated seats and this paper sets out a proposal to that effect.
- 2.3 Additionally, the Panel would like to take the opportunity of reviewing governance and membership arrangements to recommend that a Substitute Member scheme is agreed. Furthermore, that the Panel reduces its current make-up of having two Vice Chairs to having just one Vice Chair.
- 2.4 These proposals must be taken to each of North Yorkshire Council and City of York Council respectively.
- 2.5 By way of broader context, just to note that subject to government approval, following mayoral elections in 2024, it is anticipated that the office of Police, Fire and Crime Commissioner will sit within the remit of the mayoral office. The PFC Panel will continue as currently under these arrangements in its scrutiny of the performance of the Commissioner’s role.

3.0 SEAT WEIGHTING ON THE PANEL

- 3.1 There is no statutory guidance as to how the allocation of the ten councillor seats should be split across the constituent authorities. The legal requirement is that the authorities which make up the Panel determine their own arrangements in this respect and that any modifications to these arrangements are agreed by each member authority. The Panel created its own Arrangements in 2012 and these set out that eight Members are appointed from North Yorkshire area and two are appointed from York. However, this was partly to recognise that there should be an elected representative from each district/borough council and also one from North Yorkshire County Council, hence eight North Yorkshire Members.

- 3.2 Having sought guidance from the Home Office as to whether there are any additional governance considerations for the Panel following LGR, the Home Office has advised that the Panel may need to review its seat allocation across the two Appointing Authorities in relation to population size. This is due to the fact that the consequence of a move to unitary can impact on geographical balance.
- 3.3 The population of York is around 211,000. The population of North Yorkshire is approximately 620,000. York therefore roughly speaking has an entitlement from 2023/24 to 25% of the allocated councillor seats across the combined York and North Yorkshire area, i.e. 2.5.
- 3.4 On the basis of an approximate 75/25% population split, the Panel could of course retain its current 8/2 ratio of North Yorkshire to York seats but clearly the population balance means that there is similarly an argument for increasing York's allocation by one and reducing that for North Yorkshire by one.
- 3.5 Moving towards a 7/3 split of seats would arguably lend a more balanced recognition of the shift towards having just two Appointing Authorities while also ensuring a fair reflection of population spread across the force area. As such, the council is asked to agree to this amendment to the Panel Arrangements.
- 3.6 It then follows that each Appointing Authority will be responsible for ensuring that its appointments reflect the geography and political landscape in each authority area.

4.0 OTHER MODIFICATIONS TO PANEL GOVERNANCE

Substitute Members' Scheme

- 4.1 There is currently no Substitute scheme for Panel Members written into the Panel Arrangements. Introducing such a scheme for the Panel would bring greater resilience to its meeting arrangements and attendance. A proposed scheme has been drafted – based on that currently used by North Yorkshire Council - and included at Appendix A. It is proposed that, once agreed, this is incorporated into the Panel Arrangements.

Reduction to one Vice Chair

- 4.2 Finally, consideration has been given to the roles of Chair and Vice Chair on the Panel. Due to the tripartite nature of local government arrangements in the Panel structure prior to LGR, it was agreed among council Leaders from 2012 that two Vice Chairs would be appointed to the Panel, thus satisfying the need for a representative from each of NYCC, City of York and the district councils to fill the three seats of Chair and Vice Chair. This agreement was made locally among the councils at the time but was not written into the Panel Arrangements or Rules of Procedure. The existing Rules of Procedure anticipate that appointments are made annually for a Chair and "Deputy Chair".
- 4.3 Going forward, as there are now two Appointing Authorities, it would seem logical to reduce this to one Chair and one Vice Chair, with an appointment held by each of the authorities. The 'pros' of having an additional Vice Chair are clearly a more resilient arrangement however it may be difficult to determine who takes up the third seat. In addition, on a purely financial basis, with the withdrawal of the annual income provided to the PFC Panel from Hambleton District Council from April 2023 which has previously supported Panel administration, there would be a small financial saving to be made against the Home Office grant by not providing for an additional

Vice Chair's allowance. In view of the extremely tight budget position for the Panel this would be of benefit.

4.4 The council is therefore recommended to agree that the Panel has one Vice Chair, appointed annually by the Panel. Furthermore, that North Yorkshire Council and City of York Council will each take up either the seat of Chair or Vice Chair, to be appointed annually by the Panel.

4.5 If agreed, a minor consequential amendment would need to be made to the Constitution to reflect the change in Special Responsibility Allowances to a single Vice Chair (Schedule 1 of the Member's Allowance Scheme for North Yorkshire Council). It is proposed that the Monitoring Officer be authorised to make any necessary consequential amendments.

5.0 FINANCIAL IMPLICATIONS

5.1 There are no significant financial implications arising from this report. However, it should be noted that if the Council were to determine that there remain two Vice Chairs to the PFC Panel, in the absence of any district council contributions to the Panel following LGR, the payment of the additional Special Responsibility Allowance to a second Vice Chair (currently just under £3,700) would draw from the relatively limited funds available to the Council as host authority under the Home Office grant scheme.

6.0 LEGAL IMPLICATIONS

6.1 There are no significant legal implications arising from this report. Under the Police Reform, and Social Responsibility Act 2012, the constituent authorities to the PFC Panel are legally able to determine their own Arrangements and the changes proposed in this paper do not require further review or validation by the Home Office. Any modifications must, however, be formally agreed by each of North Yorkshire Council and City of York Council.

7.0 EQUALITIES IMPLICATIONS

7.1 There are no significant equalities implications arising from this report.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 There are no significant climate change implications arising from this report.

9.0 REASONS FOR RECOMMENDATIONS

9.1 The implementation of LGR alters the governing structure of the PFC Panel, reducing to two constituent authorities. Home Office guidance clarifies that it is good practice to review the impact of this on seat weighting when taking into account proportionality of population size for each authority. A proposal of moving to a 7/3 split of seat allocation between North Yorkshire Council and City of York Council would provide for a fairer representation of population spread than currently.

9.2 The introduction of a Substitute Members' Scheme for the PFC Panel would ensure greater resilience at Panel meetings.

9.3 A reduction to one Vice Chair appointment on the PFC Panel would ensure that provision is made for a seat to be held by each constituent authority in the roles of

Chair and Vice Chair. This reduction would also enable a small saving to be made against the grant received for administration of the Panel.

10.0 RECOMMENDATIONS

- i) That the seat allocation on the PFC Panel be agreed as seven (7) seats for North Yorkshire Council and three (3) seats for City of York Council;
- ii) That a Substitute Member Scheme is implemented for the PFC Panel, as outlined in Appendix A, and adopted within the Panel's Arrangements;
- iii) That the PFC Panel has one Vice Chair appointment, to be appointed by the Panel in July 2023 and annually thereafter.
- iv) That the Monitoring Officer be authorised to make any consequential amendments to the North Yorkshire Council Constitution.

APPENDICES:

Appendix A – Proposed Substitute Members Scheme for the PFC Panel

BACKGROUND DOCUMENTS:

- [PFC Panel Arrangements](#)
- [PFC Panel Rules of Procedure](#)

(see <https://nypartnerships.org.uk/pfcp>)

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5 May 2023

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Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

APPENDIX A

Proposed Substitute Member Scheme for Police, Fire and Crime Panel

To be written into the Panel Arrangements

- Each constituent Authority will agree its own arrangements for the appointment of Substitutes to the Panel. The proper officer of each constituent Authority shall have authority to give effect to those nominations.

For North Yorkshire Council

- Political groups of North Yorkshire Council may nominate some or all their Members to be substitutes for appointed Members of the Police, Fire and Crime Panel.
- Arrangements for any substitute Member shall be made by the Member for whom the substitution is being sought or if that Member is unavailable or it is not practical for them to do so then by their political group leader by giving notice to the proper officer as soon as practicable before the meeting to which the substitution relates.

For City of York Council

- In line with the Authority's Constitution, up to three named substitutes shall be allowed for each political Group. Independent Councillors may also be appointed to act as named substitutes for other Independent Councillors within this rule.
- Where no named substitute is available a political group may instruct the Chief Operating Officer or the Monitoring Officer to replace for the duration of particular meeting, an existing Member with another substitute identified by the political group.
- If a meeting which is attended by a substitute is adjourned, then the substitute will have the right to attend on the adjourned date in place of the original Member. If the substitute is unable to attend, then the original Member or another named substitute may attend.

General

- In the event of notification not being provided/received before the start of the meeting then the substitute shall not be treated as a member of the Panel for the purposes of being able to speak or vote.
- Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.