



## **REPORT TO THE SOUTH WALES POLICE AND CRIME PANEL**

**8<sup>th</sup> September 2017**

### **Membership of the South Wales Police and Crime Panel**

#### **Purpose of the Report**

To advise the Panel of the membership of the South Wales Police and Crime Panel and to consider the “balanced appointment objective” (see para. 2.5 of this report).

#### **1.0 Introduction / Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 (‘the Act’) introduced new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 Under the Act, Police Authorities in England and Wales were abolished in November 2012 and replaced by a directly elected Police and Crime Commissioner (PCC). The PCC has responsibility for the totality of policing within their Force area and for holding the force Chief Constable to account, on behalf of the public, for the operational delivery of policing.
- 1.3 The Act states that each police force area in Wales is to have a Police and Crime Panel (PCP) established and maintained in accordance with Part 3 of Schedule 6 of the Act (Panels established by the Secretary of State).
- 1.4 In Wales, PCP’s are established by the Secretary for State, who must establish and maintain a separate police and crime panel for each police area in Wales. In Wales, a PCP is not a committee or joint committee of any local authority, and members are appointed by the Secretary of State, having been nominated by their own local authority. This is a result of the Welsh Governments refusal to allow Parliament to place duties on local authorities in Wales as this is a devolved responsibility. In England local authorities are responsible for the establishment of PCP’s with the Secretary of State only being required to intervene in certain circumstances.
- 1.5 South Wales Police is a multi authority police force area (‘the police force area’) and covers seven local authority areas, these being:- Bridgend

County Borough Council; Cardiff Council; Merthyr Tydfil County Borough Council; Neath Port Talbot County Borough Council; Rhondda Cynon Taf County Borough Council; the City and County of Swansea; and the Vale of Glamorgan Council.

- 1.6 The PCP is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.

## **2.0 Membership of the South Wales Police and Crime Panel**

- 2.1 The process for meeting the required balance of appointments is set out in the Panel arrangements. Following the local elections in May 2017 the following political balance for the Councillor membership should have applied to the South Wales Police and Crime Panel:

Labour	<b>6</b>
Conservative	<b>2</b>
Independent	<b>1</b>
Plaid Cymru	<b>1</b>
<b>Total Councillor membership</b>	<b>10</b>

- 2.3 However each local authority is responsible for making its own individual nomination(s) and the following table reflects the current political balance of the Panel. As can be seen the Panel is not politically balanced when compared to the table at 2.1 above.

Labour	<b>7</b>
Conservative	<b>2</b>
Independent	<b>1</b>
Plaid Cymru	<b>0</b>
<b>Total Councillor membership</b>	<b>10</b>

- 2.4 Based on the nominations received, the Host Authority notified the Home Office and has subsequently had formal Home Office agreement to these nominations. The composition of the South Wales Police and Crime Panel is as per the table at 2.3 above i.e.

<b>Local Authority</b>	<b>Panel Member</b>	<b>Political Representation</b>
Bridgend County Borough Council	Cllr Richard Young	Labour
Cardiff Council	Cllr Timothy Davies	Conservative
Cardiff Council	Cllr Bernie Bowen-Thomson	Labour
Merthyr Tydfil County Borough Council	Cllr Kevin Gibbs	Independent
Neath Port Talbot County Borough Council	Cllr Peter Rees	Labour
Rhondda Cynon Taf County Borough Council	Cllr Rhys Lewis	Labour
Rhondda Cynon Taf County Borough Council	Cllr Robert Smith	Labour
City and Council of Swansea	Cllr Christine Richards	Labour
City and Council of Swansea	Cllr Kelly Roberts	Labour
Vale of Glamorgan Council	Cllr John Thomas	Conservative

2.5 Subsequent to the formal Home Office agreement, the Home Office has contacted the host local authority concerning the “balanced appointment objective”.

This objective is that 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.

2.6 It is (b)(ii) above that the Home Office wants the Panel to consider and address. In doing so there are a number of points to consider. These include<sup>1</sup>:-

- The Panel’s “Panel Arrangements” provide that the Panel may review at any time the appropriateness of the Membership in line with the provisions within the Police Reform and Social Responsibility Act and The Police and Crime Panel (Nominations, Appointments and notifications) Regulations 2012.
- There are two main ways in which adjustment can be made towards achieving a politically balanced Panel:
  1. A council or councils are invited to nominate an opposition councillor as their representative to serve on the panel; or

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<sup>1</sup> **Police and Crime Panels** - Panel arrangements and the balanced appointment objective. Local Government Association publication (May 2012)

2. The ability to co-opt additional councillors on to the panel is used to achieve political balance, with one or more councils having both administration and opposition members on the panel.
- Where a council is allocated additional seats on the panel to make the numbers up to the minimum 10 required, these additional places could be used to help create the required balance.
  - In the situation the panel finds itself in, the panel will need to consider other options such as amending the allocation of panel members per council, or looking at how additional co-optees might resolve the situation.
  - Extra co-opted seats could be allocated to particular councils who had strong support for an opposition party i.e. Plaid Cymru, that needed better representation on the panel. However co-opting an additional Councillor member to the Panel will produce an imbalance between the 7 participating Local Authorities. For instance if the additional Plaid Councillor were to come from Cardiff, RCT or Swansea they would end up with three members on the Panel, when some Councils will only have one member. The same goes should the Plaid Cymru co-opted member come from a Council that currently only nominates 1 member- they could be seen to be over represented by those Councils (of a similar size) who only nominate one member.
  - In some cases it may be difficult to achieve political balance, especially where it is not possible to co-opt additional councillors on to the panel. Councils may not be persuaded to nominate opposition members to achieve complete political balance and as the Home Office legal clarification points out, in recognition of this the Police Reform and Social Responsibility Act states that the balanced appointment objective must be secured “as far as is practicable”.
  - Whatever membership is eventually agreed on, the rationale for the membership of the Panel needs to be robust enough to withstand legal challenge.

### **3.0 Recommendations that**

- 3.1 The membership of the South Wales Police and Crime Panel as set out in this report at paragraph 2.4 is noted.
- 3.2 The Panel considers the “balanced appointment objective” as set out in this report.

**Simon Jones**  
**Senior Solicitor,**  
**Merthyr Tydfil County Borough Council**

