

SCHEDULES

SCHEDULE 6

POLICE AND CRIME PANELS

PART 2

PANELS ESTABLISHED BY LOCAL AUTHORITIES

Establishment and maintenance of panels

- 3 (1) This Part of this Schedule applies in relation to each police area in England (other than the metropolitan police district), unless an order under paragraph 1(2) has effect in relation to the police area.
- (2) The local authority or local authorities which such a police area covers must—
- (a) establish and maintain a police and crime panel for the police area, and
 - (b) make the panel arrangements (see paragraph 24) for the police and crime panel.
- (3) In the case of a multi-authority police area, all the relevant local authorities must agree to the making or modification of the panel arrangements.
- (4) In the following provisions of this Part of this Schedule, a reference to a police and crime panel is a reference to a panel established and maintained in accordance with this paragraph.

Membership and status

- 4 (1) A police and crime panel for a police area is to consist of the following members—
- (a) the relevant number of persons properly appointed as members of the panel; and
 - (b) the appropriate number of members co-opted by the panel.
- (2) For the purposes of sub-paragraph (1)(a), the “relevant number” is—
- (a) ten (if the police area covers ten or fewer local authorities); or
 - (b) the number that is equal to the number of local authorities which the police area covers (if the police area covers eleven or more local authorities).
- (3) For the purposes of sub-paragraph (1)(b), the “appropriate number” is—
- (a) two, or
 - (b) if a resolution of the panel under sub-paragraph (4) is in force, the number of co-opted members specified in that resolution.
- (4) A police and crime panel may resolve that the panel is to have the number of co-opted members specified in the resolution; but no such resolution may be passed unless—

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- (a) that number of co-opted members is greater than two;
 - (b) the Secretary of State agrees that the panel should have that number of co-opted members; and
 - (c) the total membership of the panel, including that number of co-opted members, would not exceed 20.
- (5) A police and crime panel is—
- (a) a committee of the relevant local authority (if it is the panel for a single-authority police area), or
 - (b) a joint committee of the relevant local authorities (if it is the panel for a multi-authority police area).
- (6) A police and crime panel may not exercise any functions other than those conferred by this Act.

Persons properly appointed as members of panels

- 5 (1) In this Part of this Schedule, a reference to a person properly appointed as a member of a police and crime panel is a reference to—
- (a) a person nominated by a relevant local authority to be a member of the panel, and appointed by the authority as a member of the panel, in accordance with paragraphs 6 and 9, paragraphs 7 and 9, or paragraphs 8 and 9, or
 - (b) a person nominated by the Secretary of State to be a member of the panel, and appointed by the Secretary of State as a member of the panel, in accordance with paragraph 10.
- (2) In the case of the police and crime panel for a multi-authority police area which covers nine or fewer local authorities, the panel arrangements must make provision as to the relevant local authority or authorities who are to have power to appoint the extra members of the panel (see paragraph 8(3)(b)).
- (3) For that purpose “extra members” means the number of members of the panel produced by this calculation—

$$10 - L$$

where L is the number of local authorities which the police area covers.

Single-authority police area: nomination by local authority

- 6 (1) This paragraph applies in relation to the police and crime panel for a single-authority police area.
- (2) If the number of appointed members of the police and crime panel is less than the full complement, the relevant local authority may nominate the appropriate number of its councillors to be members of the police and crime panel.
- (3) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.
- (4) In this paragraph—
- “appropriate number” means the number that is equal to the difference between—

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- (a) the full complement; and
 - (b) the number of appointed members of the panel;
- “full complement” means ten members.

Police area covering ten or more local authorities: nomination by local authority

- 7
- (1) This paragraph applies in relation to the police and crime panel for a police area which covers ten or more local authorities.
 - (2) In a case where—
 - (a) the number of appointed members of the police and crime panel is less than the full complement, and
 - (b) there is no member of the panel who was appointed by a particular relevant local authority,the authority may nominate one of its councillors to be a member of the police and crime panel.
 - (3) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.
 - (4) In this paragraph, “full complement” means the number of appointed members which the panel is to have by virtue of paragraph 4(1)(a).

Multi-authority police area covering nine or fewer local authorities: nomination by local authority

- 8
- (1) This paragraph applies in relation to the police and crime panel for a multi-authority police area which covers nine or fewer local authorities.
 - (2) In a case where—
 - (a) the number of appointed members of the police and crime panel is less than the full complement,
 - (b) a particular relevant local authority does not have power under the panel arrangements to appoint an extra member of the panel (see paragraph 5(2)), and
 - (c) there is no member of the panel who was appointed by the authority,the authority may nominate one of its councillors to be a member of the police and crime panel.
 - (3) In a case where—
 - (a) the number of appointed members of the police and crime panel is less than the full complement,
 - (b) a particular relevant local authority has power under the panel arrangements to appoint one or more extra members of the panel (see paragraph 5(2)), and
 - (c) the number of members of the panel who are members by virtue of appointment by the authority is less than the authority’s quota of members,the authority may nominate the permitted number of its councillors to be members of the police and crime panel.

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- (4) A relevant local authority may not make a nomination under this paragraph if, and for as long as, a notice given to the authority by the Secretary of State under paragraph 10(8) is in force.
- (5) In this paragraph, in relation to a police and crime panel and a relevant local authority—
- “full complement” means ten members;
 - “permitted number” means the number that is equal to the difference between—
 - (a) the authority’s quota of members; and
 - (b) the number of members of the panel who are members by virtue of appointment by the authority;
 - “quota of members” means the number of members calculated by adding one to the number of extra members of the panel which the authority has power to appoint under the panel arrangements (see paragraph 5(2)).

Appointment after nomination by local authority

- 9 (1) This paragraph applies where a relevant local authority makes a nomination under paragraph 6, 7 or 8.
- (2) If the nominee accepts the nomination, the relevant local authority may appoint the nominated councillor as a member of the panel.
- (3) If the nominee does not accept the nomination, the relevant local authority may nominate another of its councillors to be a member of the police and crime panel (and sub-paragraph (2) or this sub-paragraph applies accordingly, as if the nomination were made under paragraph 6, 7 or 8).

Failure of local authority to appoint member: nomination and appointment by Secretary of State

- 10 (1) This paragraph applies if the Secretary of State is satisfied that—
- (a) the number of appointed members of a police and crime panel is less than the full complement, and
 - (b) a relevant local authority (the “defaulting local authority”)—
 - (i) has failed to nominate or appoint one or more of its councillors as members of the panel in accordance with paragraphs 6 and 9, paragraphs 7 and 9, or paragraphs 8 and 9, or
 - (ii) does not have power to make such a nomination and appointment because of paragraph 6(3), 7(3) or 8(4).
- (2) The Secretary of State must nominate the appropriate number of persons who are councillors of relevant local authorities to be members of the police and crime panel.
- (3) Sub-paragraph (4) or (5) applies in relation to each nomination which the Secretary of State is required to make under sub-paragraph (2).
- (4) If the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the panel.
- (5) If the nominee does not accept the nomination, the Secretary of State must nominate another person who is a councillor of a relevant local authority to be a member

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of the police and crime panel (and sub-paragraph (4) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (2)).

- (6) In complying with this paragraph in relation to the police and crime panel for a multi-authority police area, the Secretary of State must secure (as far as is reasonably practicable) that the fair representation objective is met.
- (7) The “fair representation objective” referred to in sub-paragraph (6) is—
- (a) in the case of a police area which covers ten or more local authorities, the objective that each relevant local authority has only one of its councillors as a member of the panel;
 - (b) in the case of a police area which covers nine or fewer local authorities, the objective that each relevant local authority has at least one of its councillors as a member of the panel.
- (8) If the Secretary of State—
- (a) is satisfied that a relevant local authority has failed to nominate or appoint one or more of its councillors as members of the panel as mentioned in sub-paragraph (1)(b), and
 - (b) is considering whether to exercise, has decided to exercise, or has exercised, the power under this paragraph to make a nomination,
- the Secretary of State may give the authority notice that the Secretary of State is satisfied as mentioned in paragraph (a) of this sub-paragraph.
- (9) A notice given under sub-paragraph (8) may be withdrawn by the Secretary of State at any time.
- (10) For the purposes of sub-paragraph (1)(b)(i), it is irrelevant that a relevant local authority which has failed to nominate or appoint a councillor as a member of the panel—
- (a) may have power under any of paragraphs 6 to 9 to make a further nomination; or
 - (b) is complying with, or has complied with, the panel arrangements relating to that panel.
- (11) In this paragraph—
- “appropriate number” means the number that is equal to the difference between—
 - (a) the full complement; and
 - (b) the number of appointed members of the panel;
 - “full complement” means the number of appointed members which the panel is to have by virtue of paragraph 4(1)(a).

Costs of the panel

- 11 (1) This paragraph applies to a multi-authority panel.
- (2) The panel arrangements must make provision about—
- (a) how the relevant local authorities are to meet the costs of the panel; and
 - (b) insofar as the provision is necessary, how funds paid (whether by the Secretary of State or otherwise) to meet the costs of the panel are to be paid to, or distributed between, the relevant local authorities.