

SCHEDULES

SCHEDULE 6

POLICE AND CRIME PANELS

PART 3

PANELS ESTABLISHED BY THE SECRETARY OF STATE

Establishment and maintenance of panels

- 12 (1) This Part of this Schedule applies in relation to—
- (a) each police area in Wales, and
 - (b) each police area in England in relation to which an order under paragraph 1(2) has effect.
- (2) The Secretary of State must—
- (a) establish and maintain a separate police and crime panel for each police area to which this Part of this Schedule applies, and
 - (b) make the panel arrangements (see paragraph 24) for each police and crime panel established and maintained in accordance with this paragraph.
- (3) The Secretary of State may make different panel arrangements for different police and crime panels.
- (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

- 13 (1) A police and crime panel for a police area is to consist of the following members—
- (a) the relevant number of persons appointed by the Secretary of State 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.

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- (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—
- (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 not a committee or joint committee of any local authority or local authorities.

Wales: persons appointed by the Secretary of State as members of panels

- 14 In this Part of this Schedule, a reference to a person appointed by the Secretary of State as a member of a Welsh 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 Secretary of State as a member of the panel, in accordance with paragraph 16(2) to (4)(a), 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 16(4)(b) to (6).

Wales: Secretary of State to ask local authorities to nominate members of panels

- 15 (1) This paragraph applies in relation to a Welsh police and crime panel if the Secretary of State is satisfied that the number of appointed members of the panel is less than the full complement.
- (2) In the case of a police and crime panel for a single-authority police area, the Secretary of State must ask the relevant local authority to nominate the appropriate number of the authority’s councillors to be members of the panel.
- (3) In the case of a police and crime panel for a multi-authority police area, the Secretary of State must—
- (a) decide which of the relevant local authorities to ask to make nominations under this sub-paragraph (the “nominating authorities”);
 - (b) decide what number of nominations under this sub-paragraph each nominating authority is to be asked to make; and
 - (c) ask each nominating authority to nominate that number of the authority’s councillors to be members of the panel.
- (4) In complying with sub-paragraph (3), the Secretary of State must secure—
- (a) that the number of nominations which the nominating authority or authorities are asked to make (when taken together) is equal to the appropriate number; and
 - (b) that (as far as is reasonably practicable) the fair representation objective is met.
- (5) The “fair representation objective” referred to in sub-paragraph (4)(b) 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;

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- (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.
- (6) 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 13(1)(a).

Wales: consequences of Secretary of State asking local authorities to make nominations

- 16 (1) This paragraph applies if, under paragraph 15, the Secretary of State asks a relevant local authority to nominate a councillor to be a member of a Welsh police and crime panel.
- (2) The authority may make the nomination.
- (3) If the authority makes the nomination, and the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the police and crime panel.
- (4) If the authority fails to make the nomination, or the nominee does not accept the nomination, the Secretary of State must either—
- (a) ask the authority to make another nomination (and sub-paragraph (2), and sub-paragraph (3) or this sub-paragraph, apply accordingly, as if the request were made under paragraph 15); or
 - (b) nominate a person who is a councillor of a relevant local authority to be a member of the police and crime panel.
- (5) If the nominee accepts a nomination made under sub-paragraph (4)(b), the Secretary of State must appoint the nominated councillor as a member of the panel.
- (6) 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 of the police and crime panel (and sub-paragraph (5) or this sub-paragraph applies accordingly, as if the nomination were made under sub-paragraph (4)(b)).

England: persons appointed by the Secretary of State as members of panels

- 17 In this Part of this Schedule, a reference to a person appointed by the Secretary of State as a member of an English police and crime panel is a reference to a person who has been appointed by the Secretary of State as a member of the panel in accordance with paragraph 18.

England: nomination and appointment of members of panels by Secretary of State

- 18 (1) This paragraph applies in relation to an English police and crime panel if the Secretary of State is satisfied that the number of appointed members of the panel is less than the full complement.

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- (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 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 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 13(1)(a).

Liabilities of panels

- 19 (1) All relevant liabilities relating to a police and crime panel are liabilities of the Secretary of State (and accordingly are not liabilities of any member of the panel).
- (2) Any expense incurred by a member of a police and crime panel—
 - (a) in respect of a relevant liability, or
 - (b) otherwise in the exercise of, or purported exercise of, a function of the panel, is to be borne and repaid by the Secretary of State.
- (3) In this paragraph “relevant liability” means a liability which, but for this paragraph, would be a liability of a member of a police and crime panel (whether personally or as a member of that panel) in respect of anything done by—
 - (a) that person in the exercise, or purported exercise, of a function of a member of the panel,
 - (b) any other member of the panel in the exercise, or purported exercise, of a function of a member of the panel, or
 - (c) the panel in the exercise, or purported exercise, of a function of the panel.

Provision of financial and other resources

- 20 (1) The Secretary of State may provide financial and other resources—
 - (a) to a police and crime panel in connection with the exercise of the panel’s functions;
 - (b) to the members of a police and crime panel in connection with the exercise of their functions; and
 - (c) to one or more of the relevant local authorities covered by a police area in connection with the exercise of functions by—
 - (i) such an authority in relation to the police and crime panel for that police area,

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- (ii) that panel, or
 - (iii) the members of that panel.
- (2) The Secretary of State may provide financial or other resources under sub-paragraph (1) subject to conditions.
- (3) In the case of resources provided under sub-paragraph (1)(c), the conditions which may be imposed include conditions requiring a relevant local authority to pass resources to, or share resources with, another relevant local authority.
- (4) The power under this paragraph to provide resources is in addition to the duty under paragraph 19(2).