

SCHEDULES

SCHEDULE 6

POLICE AND CRIME PANELS

PART 2

PANELS ESTABLISHED BY LOCAL AUTHORITIES

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 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.

Status: This is the original version (as it was originally enacted).

- (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).