

SCHEDULES

SCHEDULE 6

POLICE AND CRIME PANELS

PART 4

GENERAL PROVISIONS

Restrictions on membership of panel

- 21 The police and crime commissioner for a police area may not be a member of the police and crime panel for the area.
- 22 A person may not be a co-opted member of the police and crime panel for a police area if the person is any of the following—
- (a) a member of the staff of the police and crime commissioner for that police area;
 - (b) a member of the civilian staff of the police force for that police area;
 - (c) a Member of Parliament;
 - (d) a member of the National Assembly for Wales;
 - (e) a member of the Scottish Parliament;
 - (f) a member of the European Parliament.
- 23 (1) If the police and crime panel for a police area has two co-opted members, a member of a local authority which is covered by that police area may not be a co-opted member of that panel.
- (2) If the police and crime panel for a police area has three or more co-opted members, a member of a local authority which is covered by that police area may be a co-opted member of that panel only if at least two of the other co-opted members are not members of any such local authority.

Panel arrangements

- 24 (1) Panel arrangements are arrangements for the establishment and maintenance of a police and crime panel.
- (2) Panel arrangements must make provision about the co-option of, and holding of office by, the co-opted members of the police and crime panel.
- (3) Panel arrangements must include provision about—
- (a) the term of office of appointed members and co-opted members of the panel;
 - (b) resignation, and removal, of appointed members and co-opted members of the panel;

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- (c) conditions for re-appointment of appointed members and co-opted members of the panel.
- (4) Panel arrangements may not make rules of procedure for the police and crime panel (as to which see paragraph 25).
- (5) Panel arrangements may make different provision for different cases.
- (6) The following persons must comply with the panel arrangements relating to a police and crime panel—
 - (a) each relevant local authority;
 - (b) each member of the police and crime panel.

Rules of procedure

- 25 (1) A police and crime panel must make rules of procedure for the panel.
- (2) A police and crime panel’s rules of procedure must make provision about the appointment, resignation and removal of a person to chair the panel.
- (3) The police and crime panel’s rules of procedure may, in particular, make provision about—
 - (a) the method of making decisions, and
 - (b) the formation of sub-committees.
- (4) A sub-committee of a police and crime panel may not co-opt members.
- (5) This paragraph is subject to paragraph 27.

Voting by members

- 26 All members of a police and crime panel may vote in proceedings of the panel.

Exercise of special functions

- 27 (1) The special functions of a police and crime panel may not be discharged by a committee or sub-committee of the panel.
- (2) In this paragraph “special functions” means the functions conferred on a police and crime panel by—
 - (a) section 28(3) (scrutiny of police and crime plan);
 - (b) section 28(4) (scrutiny of annual report);
 - (c) paragraphs 10 and 11 of Schedule 1;
 - (d) Schedule 5 (issuing precepts); and
 - (e) Part 1 of Schedule 8 (scrutiny of appointment of chief constables).

Allowances

- 28 The panel arrangements may make provision about the payment of allowances to members of the police and crime panel.

Promotion of, and support, for panels

- 29 The panel arrangements must make provision for—

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- (a) the role of the police and crime panel to be promoted;
- (b) administrative and other support to be given to the police and crime panel and its members;
- (c) support and guidance to be given to—
 - (i) members of relevant local authorities,
 - (ii) members of the executives (if any) of relevant local authorities, and
 - (iii) officers of relevant local authorities,in relation to the functions of the police and crime panel.

Validity of proceedings

- 30 The validity of the proceedings of a police and crime panel is not affected by a vacancy in the membership of the panel or a defect in appointment.

Duty to produce balanced panel

- 31 (1) In exercising functions under Part 2 or 3 of this Schedule, a relevant local authority must secure that (as far as is reasonably practicable) the balanced appointment objective is met.
- (2) In exercising functions under Part 2 or 3 of this Schedule, the Secretary of State must secure that (as far as is reasonably practicable) the balanced appointment objective is met.
- (3) A police and crime panel must, in co-opting persons who are members of relevant local authorities, secure that (as far as is reasonably practicable) the balanced appointment objective is met.
- (4) A police and crime panel—
- (a) must, from time to time, decide whether the panel’s exercise of the power conferred by paragraph 4(4) or 13(4) (changing the number of co-opted members of the panel) would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met; and
 - (b) if the panel decides that the exercise of the power would do so, must exercise that power accordingly.
- (5) The “balanced appointment objective” referred to in this paragraph is the objective 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.
- (6) For that purpose “local authority members” means—
- (a) appointed members of the police and crime panel, and
 - (b) co-opted members of the panel who are members of relevant local authorities.

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- 32 In co-opting members who are not members of relevant local authorities, a police and crime panel must secure that (as far as is reasonably practicable) the appointed and co-opted members of the panel (when taken together) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.

Duty to nominate elected mayor to be a member of the panel

- 33 (1) This paragraph applies if—
- (a) a local authority has a mayor and cabinet executive, and
 - (b) the elected mayor of that executive is not a member of the relevant police and crime panel.
- (2) If the relevant local authority has power under paragraph 6(2), 7(2), 8(2) or (3) or 16(2) to nominate one or more of its councillors to be members of that panel, any exercise of that power must be such as to secure that the elected mayor is the councillor, or one of the councillors, so nominated.
- (3) If the Secretary of State is required by paragraph 10(2), 16(4)(b) or 18(2) to nominate one or more persons to be members of that panel, the Secretary of State must secure that the elected mayor is the person, or one of the persons, so nominated.
- (4) The duty in sub-paragraph (2) or (3) does not apply at a particular time if the person who holds office as the elected mayor at that time (the “current mayor”)—
- (a) has, since the start of the current mayoral term, already been nominated to be a member of that panel (whether by the relevant local authority or the Secretary of State), and
 - (b) did not become a member of that panel by virtue of the nomination.
- (5) But sub-paragraph (4) does not prevent the exercise of a power under this Schedule so as to make a further nomination of the current mayor to be a member of that panel.
- 34 (1) This paragraph applies if—
- (a) a local authority has a mayor and cabinet executive,
 - (b) under paragraph 6(2), 7(2), 8(2) or (3) or 16(2) the local authority nominates the person who holds office as elected mayor of the executive at that time (the “current mayor”) to be a member of the relevant police and crime panel,
 - (c) that is the first such nomination of the current mayor since the start of the current mayoral term, and
 - (d) the current mayor does not become a member of that panel by virtue of the nomination.
- (2) The Secretary of State may not, by virtue of that failure of the current mayor to become a member of the police and crime panel, nominate a person to be a member of that panel under paragraph 10(2) or 16(4)(b).
- 35 (1) This paragraph applies for the purposes of paragraphs 33 and 34 and this paragraph.
- (2) A reference to the start of the current mayoral term of a person who is the elected mayor of the executive of a local authority is a reference to the time when that person—
- (a) took office as elected mayor of that executive (if that person has been so elected on only one occasion), or

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- (b) most recently took office as elected mayor of that executive (if that person has been so elected on two or more occasions).
- (3) The “relevant police and crime panel”, in relation to a local authority, is the police and crime panel for the police area which covers that authority.
- (4) The expressions “elected mayor” and “mayor and cabinet executive” have the same meanings as in Part 2 of the Local Government Act 2000.

Application of other legislation

- 36 (1) The Secretary of State may, by regulations—
- (a) amend or otherwise modify any local authority enactment in its application to police and crime panels or members of police and crime panels, and
 - (b) apply any local authority enactment (with or without modifications) to police and crime panels or members of police and crime panels if, or to the extent that, it does not so apply.
- (2) In this paragraph “local authority enactment” means an enactment which relates to—
- (a) local authorities or committees or joint committees of local authorities, or
 - (b) members of such authorities, committees or joint committees.

Regulations about notifications

- 37 The Secretary of State may, by regulations, make provision about notifications to be given by persons in relation to—
- (a) their compliance, or failure to comply, with any duty imposed under this Schedule; or
 - (b) their exercise, or failure to exercise, any power conferred under this Schedule.

Regulations about making nominations

- 38 (1) The Secretary of State may, by regulations, make provision about—
- (a) the making of nominations (including provision about when nominations lapse);
 - (b) the notification of nominations (whether to the nominee or any other person); and
 - (c) the acceptance and refusal of nominations (including provision about when nominations are to be treated as having been accepted or refused).
- (2) In this paragraph “nomination” means a nomination by a relevant local authority or the Secretary of State of a person to be a member of a police and crime panel.

Regulations about making appointments

- 39 (1) The Secretary of State may, by regulations, make provision about—
- (a) the making of appointments;
 - (b) the notification of appointments (whether to the appointee or any other person); and
 - (c) the termination of appointments (including provision about when appointments are to be treated as having been terminated).

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- (2) In this paragraph “appointment” means—
- (a) the appointment by a relevant local authority or the Secretary of State of a person as a member of a police and crime panel, and
 - (b) the co-option by a police and crime panel of a person to be a member of the panel.

Regulations about modification etc of functions

- 40 (1) The Secretary of State may, by regulations, make provision for modifying, suspending, transferring or removing relevant functions insofar as they are exercisable in relation to police and crime panels in respect of which the Secretary of State is, or has been, required to nominate members.
- (2) In this paragraph, “relevant functions” means functions conferred on relevant local authorities or the Secretary of State by this Schedule.

Interpretation

- 41 (1) A reference in this Schedule to a police area which covers a local authority is a reference to a police area whose area is the same as, or includes, all or part of the local authority’s area.
- (2) The circumstances in which a relevant local authority may be taken, for the purposes of this Schedule, to have failed to nominate or appoint a councillor as a member of a police and crime panel include circumstances where a councillor who is nominated and appointed fails to remain as a member of the panel for such a period as the Secretary of State considers reasonable.
- (3) In this Schedule—
- “appointed member” means a member of a police and crime panel by virtue of paragraph 4(1)(a) or 13(1)(a);
 - “co-opted member” means a member of a police and crime panel by virtue of paragraph 4(1)(b) or 13(1)(b);
 - “councillor”, in relation to a local authority, means a person who—
 - (a) is a member of the local authority, or
 - (b) is the elected mayor of a mayor and cabinet executive (within the meaning of Part 2 of the Local Government Act 2000) of a relevant local authority;
 - “English police and crime panel” means a police and crime panel for a police area in England;
 - “local authority” means—
 - (a) in relation to England, a county council or a district council;
 - (b) in relation to Wales, a county council or a county borough council;
 - “multi-authority police area” means a police area which covers two or more local authorities;
 - “panel arrangements” means the arrangements referred to in paragraph 24;
 - “relevant local authority”, in relation to a police area, means a local authority which the police area covers;
 - “single-authority police area” means a police area which covers only one local authority;

“Welsh police and crime panel” means a police and crime panel for a police area in Wales.