

2012 No. 1433

POLICE, ENGLAND AND WALES

The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012

<i>Made</i> - - - -	<i>31st May 2012</i>
<i>Laid before Parliament</i>	<i>7th June 2012</i>
<i>Coming into force</i> - -	<i>2nd July 2012</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraphs 37, 38 and 39 of Schedule 6 to the Police Reform and Social Responsibility Act 2011(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012, and come into force on 2nd July 2012.

(2) These Regulations extend to England and Wales.

Interpretation

2. In these Regulations—

“the 2011 Act” means the Police Reform and Social Responsibility Act 2011;

“panel”, in relation to a police area, means the police and crime panel referred to in section 28(1) of the 2011 Act;

“the Schedule” means Schedule 6 to the 2011 Act.

Notification of making of panel arrangements

3.—(1) In the case of a single-authority police area, the relevant local authority shall notify the Secretary of State of the making of panel arrangements under paragraph 3(2)(b) of the Schedule.

(2) In the case of a multi-authority police area, the relevant local authorities shall select one of their number which shall, on behalf of all of the relevant local authorities, notify the Secretary of State of the making of panel arrangements under paragraph 3(2)(b) of the Schedule.

(3) Notification under paragraph (1) or (2) shall be given on or before 16th July 2012.

Notification of failure to nominate

4.—(1) Where—

- (a) a local authority has the power to nominate a councillor by reason of the circumstances in paragraph 6(2), 7(2) or 8(2) of the Schedule arising, and
 - (b) the local authority fails to exercise the power before the relevant date,
- the local authority shall notify the Secretary of State on that date of its failure.

(2) The relevant date is—

- (a) where the power to nominate first arises by reason of the coming into force of paragraphs 6, 7 and 8 of the Schedule, 16th July 2012;
- (b) where the power to nominate arises at an annual meeting of the local authority held under paragraph 1 of Schedule 12 to the Local Government Act 1972(a), 21 days after the date of that meeting; and
- (c) in any other case, 21 days after the date of the first meeting of the local authority held after the circumstances in paragraph 6(2), 7(2) or 8(2) of the Schedule arise.

Notification of failure to appoint

5.—(1) Where—

- (a) a local authority has the power to appoint a councillor under paragraph 9(2) of the Schedule, and
 - (b) the local authority fails to exercise the power before the relevant date,
- the local authority shall notify the Secretary of State on that date of its failure.

(2) The relevant date is 14 days after the date on which the nominated councillor accepts the nomination.

Notification in relation to balanced panel

6. Where a panel asks the Secretary of State to agree to a resolution under paragraph 4(4) or 13(4) of the Schedule, the panel shall notify the Secretary of State of its reasons for deciding that the resolution would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met.

Appointment of co-opted members

7. A panel shall not co-opt a person who is a member of a relevant local authority unless all of the members of the panel agree to the co-option.

Notification in relation to co-option of members

8. Where a panel co-opts a person who is a member of a relevant local authority, the panel shall notify the Secretary of State of—

- (a) the name of the person and the name of the relevant authority of which the person is a member; and
- (b) the panel's reasons for deciding that co-opting the person would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met.

Manner of notifications

9. Any notification under these Regulations shall be given in writing.

(a) 1972 c. 70; paragraph 1 is amended by Schedule 17 to the Local Government Act 1985 (c. 51), by S.I. 2002/1057 and by Schedule 18 to the Local Government and Public Involvement in Health Act 2007 (c. 28).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 28 of the Police Reform and Social Responsibility Act 2011 (“the 2011 Act”) provides for each police area listed in Schedule 1 to the Police Act 1996 to have a police and crime panel with the function of scrutinising the actions and decisions of the police and crime commissioner for the police area.

These Regulations make provision about the procedure to be followed in nominating and appointing members of police and crime panels.

Terms used in these Regulations are defined in Schedule 6 to the Police Reform and Social Responsibility Act 2011, and have the same meaning in these Regulations as they do there. “Local authority” means, in relation to England, a county council or a district council and, in relation to Wales, a county council or a county borough council. “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. “Multi-authority police area” means a police area which covers two or more local authorities. “Councillor”, in relation to a local authority, means a person who is a member of the local authority or is the elected mayor of a mayor and cabinet executive of a relevant local authority. “Panel arrangements” means the arrangements for the establishment and maintenance of a police and crime panel referred to in paragraph 24 of Schedule 6. “Balanced appointment objective” means the objective that local authority members of a police and crime panel (when taken together) represent all parts of the police area, represent the political make-up of the relevant local authority or the relevant local authorities when taken together, and have the skills, knowledge and experience necessary for the panel to discharge its functions effectively.

Regulation 3 requires a local authority to notify the Secretary of State by 16th July 2012 of a failure to make panel arrangements.

Regulation 4 requires a local authority to notify the Secretary of State of a failure to exercise its power to nominate councillors for appointment to a police and crime panel. In the case of nominations to be made for the purposes of the initial formation of the panel, this notification is to be given on 16th July 2012. Subsequently, notification is to be given 21 days after the annual general meeting of the local authority, at which appointments to joint committees of the authority are considered. In any other case, for example where a vacancy arises in the membership of the panel by reason of resignation or incapacity, notification is to be given 21 days after the first meeting of the authority to be held after the power to nominate arose.

Regulation 5 requires a local authority to notify the Secretary of State, 14 days after a person accepts the authority’s nomination for appointment to the police and crime panel, of any failure to appoint the person.

Regulation 6 requires a police and crime panel, when asking the Secretary of State to agree a resolution increasing the number of members that the panel can co-opt, to notify the Secretary of State of its reasons for concluding that the resolution would further the balanced appointment objective.

Regulation 7 requires a decision of a police and crime panel to co-opt a person who is a member of a local authority in the police area to be a unanimous decision of the panel’s members.

Regulation 8 requires a police and crime panel that co-opts a person who is a member of a local authority to notify the Secretary of State of the identity of the person and the panel's reasons for concluding that co-opting the person would further the balanced appointment objective.

Regulation 9 requires notifications under the Regulations to be given in writing.

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