

POLICE JOINT COMMITTEE

A meeting of the Police joint Committee was held on 13 October 2006.

PRESENT:

Representing Hartlepool Borough Council
Councillor A Preece

Representing Middlesbrough Council
Councillors R Brady, J McPartland (substitute for Councillor M Carr),
B Coppinger and T Ward

Representing Redcar & Cleveland Borough Council
Councillors I Jeffrey and D McLuckie

Representing Stockton-on-Tees Borough Council
Councillors C Coombs, J Fletcher, R Gibson and K Lupton

OFFICIALS:

M Braithwaite and R G Long (Middlesbrough Council)

**** APOLOGIES FOR ABSENCE** were submitted on behalf of Councillor M Carr (Middlesbrough Council and Councillor V Halton (Redcar and Cleveland Council)

****ALSO IN ATTENDANCE:**

Councillor R Lowes (Middlesbrough Council) and J Leng
(Cleveland Police Authority)

**** DECLARATIONS OF INTEREST**

There were no declarations of interest for this meeting.

**** MINUTES**

The minutes of the meeting held on 8 June 2006 were submitted and approved subject to the addition of Councillor Preece to the list of apologies received.

REVIEW OF APPOINTMENTS TO CLEVELAND POLICE AUTHORITY

The Joint Committee received a report by Middlesbrough Council's Director of Legal and Democratic Services requesting the Committee to review the appointments to the Cleveland Police Authority as the results of two recent bye-elections held by Hartlepool Council. At the meeting of the joint committee held on 8 June 2006, the committee appointed 5 Labour, 2 Liberal Democrat, 1 Conservative and 1 Independent members to the police authority. In view of the expected bye-elections the committee was also advised that, dependent upon the results of the bye-elections, the allocation of seats could be reviewed at a later date.

As a result of the bye-elections the number of Conservative seats on the police authority had increased by 1 place. The political make-up within the Cleveland area was therefore as follows:

Authority	Members (inc, Mayor)	Lab	Liberal Dems	Cons	Ingleby Barwick Ind. Society	Thornaby Ind. Association	East Cleveland Ind.	UKIP	Ind. (Not in Political Parties)
HARTLEPOOL	47 + 1	27	7	4	0	0	0	1	9
STOCKTON	56	27	7	12	6	3	0		1
MIDDLESBROUGH	48. + 1	30	6	7	0	0	0		6
REDCAR AND CLEVELAND	59	23	16	13	0	0	2		5
TOTAL	212	107	36	36	6	3	2	1	21
OVERALL% (based on 212)	100%	50.47%	16.98%	16.98%	2.83%	1.41%	0.94%	0.47%	
POLICE AUTHORITY SEATS (Based on 212)	9	4.54 (5)	1.52 (2)	1.52 (2)	0.25 (0)	0.13 (0)	0.08 (0)	0.04(0)	0

The effect of the change entitled the Conservative Party to 2 seats on the police authority and resulted in the loss of the seat allocated to the Independent member. The change did not affect the allocation of seats to either the Labour or Liberal Democrat Parties.

The report set out the historical basis for appointments made from 1996 to 2003 and the subsequent change made to the appointment process in 2003 to take account of the appointment of the independent member.

As the recent changes in the political make-up of the authorities did not provide a place for an independent member it was suggested that places be allocated on the basis of the methodology used pre 2003, i.e. that Stockton Council be allocated 3 of the 9 available seats. Consideration had also been given to appointment options based upon the number of councillors in each authority and, the ratio of councillors to population. The recommendation proposed provided for the removal of the Independent member and the appointment of a further Conservative member to be nominated by Stockton-on-Tees Council.

With the approval of the Chair, Councillor McLuckie tabled a note for the committee's consideration drawing attention to the following factors:

- "1. The significant challenges which have faced the authority in recent months in regard to ensuring the protection of local policing in the Cleveland force area and the major issues it currently faces, including taking forward proposals for improved co-operation and collaboration in delivering protective services and the budget setting process.
2. The fact that there remains on a relatively short period before the local authority membership of the authority will be subject to general review in the light of the forthcoming council elections.
3. The widespread recognition that there should be stability in the membership of police authorities with members being able to fulfil a full four-year term.
4. The inevitable organisational difficulties – and – costs which would be involved in enabling anyone newly appointed to the authority to properly fulfil their functions, including serving on the authority's panel structure.

5. The impact of the removal of the Independent member, especially in terms of his involvement in the Custody Visitors system and Vice-Chair of Performance Panel.

In light of these factors, the committee believes that the most sensible way forward, in the interests of the good governance of the Police Authority and the quality of service to the public, is to retain the current local authority membership arrangements until such time as they are reviewed as a result of next year's local elections.

In reaching this decision the committee make clear that this is a decision relating only to the specific current situation and that it would expect the general principles on which local authority membership is determined to apply following the local elections".

The Director of Legal and Democratic Services outlined the legal basis for the appointments and drew attention to statutory requirements and guidance. He also clarified that appointments made by the Committee were for a one-year term of office in line with the municipal year and not a four-year term as indicated above.

The Director confirmed that legislation provided for appointments to be made in accordance with the overall political balance of the authorities. He stated that a further regulation indicated that the committee may, rather than shall, choose to review the allocation of places if doing so would further the political balance of the police authority. The committee would initially have to decide whether it would further the principles of political balance to remove Councillor Ron Lowes. The committee agreed that the removal of Councillor Lowes and the appointment of an additional Conservative representative would fulfil that criterion. The joint committee had therefore to decide whether there were other factors that would outweigh the need to adhere to an allocation of places based upon political balance. The Director advised that providing that the committee had taken political balance into account and providing that any additional valid considerations taken into account held greater weight, then the possibility of legal challenge through Judicial Review was unlikely.

Following further debate, it was

Moved, seconded and **ORDERED** as follows:

1. That in light of above factors, the committee believes that the most sensible way forward, in the interests of the good governance of the Police Authority and the quality of service to the public, is to retain the current local authority membership arrangements until such time as they are reviewed as a result of next year's local elections.
2. In reaching this decision the committee make clear that this is a decision relating only to the specific current situation and that it would expect the general principles on which local authority membership is determined to apply following the local elections.