

Open Report on behalf of the Chief Executive, Debbie Barnes OBE

Report to:	Councillor M J Hill OBE, Leader of the Council and Executive Councillor for Resources, Communications and Commissioning
Date:	22 - 26 April 2024
Subject:	Designated Lead Authority for the Lincolnshire Police and Crime Panel
Decision Reference:	I032638
Key decision?	No

Summary:

Following a request by East Lindsey District Council, the current designated lead authority for the Lincolnshire Police and Crime Panel (LP&CP), this report sets out the means by which Lincolnshire County Council could become the designated lead authority for the Panel.

Recommendation(s):

The Leader of Lincolnshire County Council accepts the invitation for Lincolnshire County Council to become the designated lead authority for the Lincolnshire Police and Crime Panel with effect from 17th May 2024.

Alternatives Considered:

Not to accept the invitation to become the designated lead authority for the Lincolnshire Police and Crime Panel.

Reasons for Recommendation:

After more than a decade as lead authority for the Lincolnshire Police and Crime Panel, East Lindsey District Council has invited LCC to take on this role.

1. Background

- 1.1 The Lincolnshire Police and Crime Panel was established in 2012, in accordance with Schedule 6 of the Police Reform and Social Responsibility Act 2011 as a joint committee of Boston Borough Council, City of Lincoln Council, East Lindsey District

Council, Lincolnshire County Council, North Kesteven District Council, South Holland District Council, South Kesteven District Council and West Lindsey District Council.

- 1.2 Each of the eight Lincolnshire Local Authorities established the LP&CP as a joint committee and appointed the panel members.
- 1.3 As well as establishing the Panel, all the local authorities in the area are responsible for making Panel Arrangements and all the authorities must approve both the making and any modification of the Panel Arrangements.
- 1.4 The Lincolnshire Leaders and Chief Executives Group, consisting of the eight local authorities in Lincolnshire, oversaw the development of the arrangements for the Panel with support from Legal Services Lincolnshire. These panel arrangements were approved by each of the councils in the county.
- 1.5 Panel arrangements must make provision for administrative and other support to be given to the Police and Crime Panel and its members.
- 1.6 The existing arrangements include the designation of East Lindsey District Council as the lead authority, responsible for providing such administration and other support as necessary to enable the Panel to undertake its functions.
- 1.7 On 5th February 2024 the Chief Executive of East Lindsey District Council wrote to the Chief Executive of Lincolnshire County Council formally inviting the County Council to take on lead authority status for the Lincolnshire Police and Crime Panel (see Appendix A attached).
- 1.8 Responsibilities of the Panel include:
 - Appointment of its two co-opted independent members
 - Agreement of its procedure rules
 - Appointment of chairman
 - Formation of sub-committees
- 1.9 The responsibilities of the panel do NOT include the designation of the lead authority or the provision of administrative support which must form part of the Panel Arrangements and is therefore a matter for the individual authorities to determine.

2. Associated costs

- 2.1 The current arrangements (see Appendix B) states that the annual costs of the Panel, reduced by the figure of any grant from the Home Office or any other source, shall be borne on the following basis:
 - a) 30% by Lincolnshire County Council
 - b) 70% equally between the remaining councils

2.2 However, since inception of the Panel 12 years ago the lead authority has never been required to request payments in excess of the Home Office grant.

2.3 It is envisaged that the Home Office grant will continue to be sufficient to cover any costs of the Panel.

3. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material

with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

No impact on the Council's Equality Act duty has been identified as a result of the proposal in this paper.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

Consideration has been given to the JSNA and the JHWS and the decision proposed in this report is unlikely to have any impact on either.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Accepting the invitation to provide the administrative support to the Police and Crime Panel will ensure that the Panel is able to continue to carry out its functions, which include:

- Scrutinising the actions and decisions of the Police and Crime Commissioner
- Reviewing the draft Police and Crime Plan to ensure local priorities have been considered
- Scrutinising and commenting upon the Annual Report of the PCC
- Reviewing and reporting on the precept proposed by the PCC.

4. Conclusion

4.1 The eight Lincolnshire Councils agreed at their respective Full Council meetings to set up the Lincolnshire Police and Crime Panel, appointed the members of the Panel and approved the Panel Arrangements. Each of the councils must approve any modification of those arrangements, including the administrative arrangements.

4.2 Where a modification relates to the key constitutional terms of the Panel such as membership, then this would fall to Full Council because the Panel is a joint committee of the authority and Full Council is responsible for such matters. However, there is no specific provision reserving the making or modification to the administrative arrangements that support the Panel to Full Council and as such

approval to such changes is rendered an executive function by virtue of The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

- 4.3 As the Panel's arrangements were developed by the Leaders and Chief Executives of the eight authorities, it would seem reasonable for the designation of the lead authority to be a matter for each Council's Executive decision-making process.

5. Legal Comments:

Acceptance of designation as the lead authority for the provision of administrative support to the Panel is an executive function and within the remit of the Leader of the Council to consider and determine.

6. Resource Comments:

The recommendation set out within the report is not expected to have cost implications for the Council due to the anticipated cost of fulfilling the role being met by grant funding.

7. Consultation

a) Has Local Member Been Consulted?

n/a

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

This proposal has not been considered by scrutiny

d) Risks and Impact Analysis

Considered in the body of the report above.

8. Appendices

These are listed below and attached at the end of the report

Appendix A:	Letter from the Chief Executive of East Lindsey District Council inviting Lincolnshire County Council to become the lead authority for the Lincolnshire Police and Crime Panel.
Appendix B:	Panel Arrangements

9. Background Papers

Report to Council May 2012 – Lincolnshire Police and Crime Panel	Microsoft Word - 16.0 Police and Crime Panel.doc (moderngov.co.uk)
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