

Council

19 March 2019

Police and Crime Commissioner Representation

Recommendations

1. That Mr Philip Seccombe, the current Police and Crime Commissioner be invited to become a co-opted member of the Council for the purposes of section 7 Policing and Crime Act 2017
2. That the period of co-option shall expire at the end of his term of office or the normal retirement of Councillors following the quadrennial elections whichever is the earlier. Should Mr Seccombe cease to be the Police and Crime Commissioner for any reason the period of co-option will expire on the same date.

1.0 Key Issues

- 1.1 Section 7 Policing and Crime Act 2017 ("the 2017 Act") enables a Police and Crime Commissioner (PCC) to seek representation on the Fire and Rescue Authority. The Warwickshire PCC has formally requested to become a co-opted member of the full council for the purpose of exercising his functions in relation to emergency services collaboration under the Policing and Crime Act 2017. The request only relates to Mr Seccombe taking a seat as a co-opted member on the full council. It does not extend to any other bodies.
- 1.2 The Council is obliged to consider the request and if granted the PCC would become a co-opted member of the Council with rights to speak and vote only if and to the extent the business of the meeting relates to the functions of the Council as a fire and rescue authority. The purpose of those rights is to exercise functions relating to emergency services collaboration. Those rights would not extend for example to the PCC being able to speak and vote when the Council is setting its overall budget as the Council is acting in a different broader capacity when voting on the budget. The fact that one element of the budget relates to the fire and rescue service does not mean that the PCC would be able to speak or vote on the budget, nor does a vote on the overall budget relate to emergency services collaboration.
- 1.3 If the Council does not wish to grant the request it must give reasons.
- 1.4 As a co-opted member of the Council the PCC would be subject to the Council's member Code of Conduct in the same way as any other elected member. The only difference is that in the event of a complaint being made against the PCC the complaint must be referred to the Police and Crime

Panel (PCP) before the Council can take action. If the Panel make a report or recommendation to the PCC it may also make a report back to the Council.

- 1.5 If the Council agrees the recommendation above the Dispensations Sub-Committee would be invited to sit to enable the Police and Crime Commissioner to receive the same dispensations under the code of conduct as other elected members. This would allow him to fulfil his role under the legislative regime.
- 1.6 As the invitation is personal to Mr Seccombe it is suggested that the period of co-option should expire either at the end of his term of office or on the normal retirement of county councillors following the quadrennial elections whichever is the earlier. PCC elections will be held in May 2020 and the quadrennial elections in May 2021. Should Mr Seccombe cease to the PCC for any reason then the co-option would immediately terminate on the same date.

2.0 Timescales associated with the decision and next steps

- 2.1 Council decisions have immediate effect.

Background papers

None

	Name	Contact Information
Report Author	Jane Pollard	janepollard@warwickshire.gov.uk Tel: 01926 412565
Head of Service	Sarah Duxbury	sarahduxbury@warwickshire.gov.uk
Strategic Director	David Carter	davidcarter@warwickshire.gov.uk
Portfolio Holder	Andy Crump	cllrcrump@warwickshire.gov.uk

The report was circulated to the following members prior to publication:

Local Member(s): N/A

Other members: Councillors Isobel Seccombe, Richard Chattaway, Jerry Roodhouse, Jonathan Chilvers