

# Dispensations Sub Committee

Date: Tuesday 19 October 2021  
Time: 2.00 pm  
Venue: Committee Room 2, Shire Hall

## Membership

Taking account of political proportionality membership to be drawn from the Audit and Standards Committee.

Items on the agenda: -

### 1. General

(1) Appointment of Chair

(2) Apologies

(3) Disclosures of Pecuniary and Non-Pecuniary Interests

### 2. Extension of Elected Member Dispensations to the Police and Crime Commissioner

3 - 12

The report and appendices are attached.

**Monica Fogarty**  
Chief Executive  
Warwickshire County Council  
Shire Hall, Warwick

To download papers for this meeting scan here with your camera



## Disclaimers

### Disclosures of Pecuniary and Non-Pecuniary Interests

Members are required to register their disclosable pecuniary interests within 28 days of their election or appointment to the Council. Any changes to matters registered or new matters that require to be registered must be notified to the Monitoring Officer as soon as practicable after they arise.

A member attending a meeting where a matter arises in which they have a disclosable pecuniary interest must (unless they have a dispensation):

- Declare the interest if they have not already registered it
- Not participate in any discussion or vote
- Leave the meeting room until the matter has been dealt with
- Give written notice of any unregistered interest to the Monitoring Officer within 28 days of the meeting

Non-pecuniary interests relevant to the agenda should be declared at the commencement of the meeting.

The public reports referred to are available on the Warwickshire Web  
<https://democracy.warwickshire.gov.uk/uuCoverPage.aspx?bcr=1>

### Public Speaking

Any member of the public who is resident or working in Warwickshire, or who is in receipt of services from the Council, may speak at the meeting for up to three minutes on any matter within the remit of the Committee. This can be in the form of a statement or a question. If you wish to speak please notify Democratic Services in writing at least two working days before the meeting. You should give your name and address and the subject upon which you wish to speak. Full details of the public speaking scheme are set out in the Council's Standing Orders.

### COVID-19 Pandemic

Any member or officer of the Council or any person attending this meeting must inform Democratic Services if within a week of the meeting they discover they have COVID-19 or have been in close proximity to anyone found to have COVID-19.

## **Dispensations Sub Committee**

**19 October 2021**

### **Extension of Elected Member Dispensations to the Police and Crime Commissioner**

#### **Recommendation**

That the dispensations set out in the appendix be granted to the Police and Crime Commissioner when attending the Council as a co-opted member for the purposes of section 7 Policing and Crime Act 2017.

#### **1.0 Key Issues**

- 1.1 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.
- 1.2 At the meeting of full Council on 28 September 2021, it was resolved that the Warwickshire Police and Crime Commissioner be reappointed as a co-opted member of the full Council for the purposes of Section 7 Policing and Crime Act 2017.
- 1.3 Accordingly, it is recommended that the Police and Crime Commissioner as an elected representative be granted the same dispensations as other elected county councillors to enable him to fulfil his role in relation to emergency services collaboration under section 7 Policing and Crime Act 2017.
- 1.4 The dispensations set out in Appendix A are dispensations available to all elected county councillors, simply adapted to reflect the role of the Police and Crime Commissioner.

#### **2.0 Financial Implications**

- 2.1 None

#### **3.0 Environmental Implications**

- 3.1 None

#### **4.0 Timescales associated with the decision and next steps**

The decisions of the Sub-committee have immediate effect.

## Appendices

- a) Dispensations for the Warwickshire Police and Crime Commissioner
- b) Report to Council, 28 September 2021 - Police and Crime Commissioner Representation.
- c) Letter from the Warwickshire Police and Crime Commissioner dated 14 September 2021.

## Background papers

None

	<b>Name</b>	<b>Contact Information</b>
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Strategic Director	Strategic Director for Communities – Mark Ryder	<a href="mailto:markryder@warwickshire.gov.uk">markryder@warwickshire.gov.uk</a> 01926 412705
Portfolio Holder	Portfolio Holder for Fire & Rescue and Community Safety – Cllr Andy Crump	<a href="mailto:cllrcrump@warwickshire.gov.uk">cllrcrump@warwickshire.gov.uk</a> 01926 815745

The report was circulated to the following members prior to publication: n/a

## Appendix A

### Dispensations for the Warwickshire Police and Crime Commissioner

That the Warwickshire Police and Crime Commissioner (PCC) for the purpose of exercising his functions in relation to emergency services collaboration may:

- (a) in cases where the PCC is an elected member or co-opted member of another public authority, or whose spouse or partner is an elected or co-opted member of another public authority, and the PCC only has a Disclosable Pecuniary Interest in a matter by virtue of the fact that s/he or his/her spouse or partner is in receipt of an allowance from that other public authority then
  - i. where the issue is a matter of dispute between the County Council and the other authority, and the matter would affect the financial position of that other authority, the PCC may speak on the matter provided s/he immediately withdraws from the meeting room; and
  - ii. in relation to other matters affecting that other authority, the PCC may speak and vote.
  
- (b) Where the PCC only has a Disclosable Pecuniary Interest in a matter relating to the County Council or another authority by virtue of the fact that his or her spouse or partner is an employee of the County Council or that other authority, the PCC may speak and vote on all matters affecting the County Council or that other authority other than issues which would have a direct impact on the employment of the spouse or partner.

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## County Council

28 September 2021

### Police and Crime Commissioner Representation

#### Recommendation

That the Warwickshire Police and Crime Commissioner be reappointed as a co-opted member of the full Council for the purposes of Section 7 Policing and Crime Act 2017

#### 1. Executive Summary

- 1.1 The Policing and Crime Act 2017 ('the Act') places a statutory duty on Police and Crime Commissioners and other blue light emergency services to keep collaboration opportunities under review and to collaborate where this would improve the efficiency or effectiveness of emergency services.
- 1.2 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.
- 1.3 Warwickshire County Council, by a decision of full Council on 19<sup>th</sup> March 2019, invited the Warwickshire PCC 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 2017 Act. His appointment was for the remainder of his then term to May 2021, at which point his co-option lapsed. At the May 2021 elections the incumbent Warwickshire PCC was re-elected.
- 1.4 By letter of 14 September 2021 (attached at Appendix) the Warwickshire PCC formally requested that he be re-appointed to the full Council as a co-opted member so that he may attend, speak and vote on matters to the extent that the business of the Council meeting relates to the functions of the Council as a fire and rescue authority including in respect of any overlapping police/fire and rescue matters. The request has been made on the same grounds as were previously approved by the Council in 2019 and for the same period, namely for the remainder of his term of office to May 2025 **(date corrected at Council meeting – the term of office runs to May 2024)**.
- 1.3 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 on matters relating to fire and rescue services. 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 a Dispensations Sub Committee would be invited to sit to enable the Police and Crime Commissioner to receive the same dispensations under the Member Code of Conduct as other elected members. This would allow him to fulfil his role under the legislative regime.

## 2. Financial Implications

- 2.1 None

## 3. Environmental Implications

- 3.1 None

## 4. Timescales associated with the decision and next steps

- 4.1 As a Council decision, this would have immediate effect

## Appendix

Letter from the Warwickshire PCC dated 14<sup>th</sup> September 2021

## Background Papers

None

	<b>Name</b>	<b>Contact Information</b>
Report Author	Nichola Vine - Strategy & Commissioning Manager - Legal and Democratic	nicholavine@warwickshire.gov.uk Tel: 01926 736379
Chief Fire Officer	Ben Brook	benbrook@warwickshire.gov.uk Tel: 01926 412058
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Portfolio Holder	Portfolio Holder for Fire & Rescue and Community Safety –	cllrcrump@warwickshire.gov.uk Tel: 01926 815745



	Cllr Andy Crump	
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The report was circulated to the following members prior to publication: The Chair and Party Spokes of the Resources and Fire and Rescue Overview and Scrutiny Committee

Local Member(s): none

Other members: none

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14 September 2021

Councillor Peter Butlin  
Deputy Leader; Warwickshire County Council  
Shire Hall  
Warwick  
CV34 4RL

**Sent by email: [cllrbutlin@warwickshire.gov.uk](mailto:cllrbutlin@warwickshire.gov.uk)**

Dear Peter

**Subject – Re-appointment request pursuant to s.7 of the Policing and Crime Act 2017**

I refer to the decision made by the Council on 19 March 2019 that I should be invited to become a co-opted member of the Council for the purposes of s.7 of the Policing and Crime Act 2017. Whilst, the period of my co-option ended at the end of my previous term of office, I would like to continue the arrangements that were in place.

Consequently, I formally request, pursuant to s.7 of the Act, that I am re-appointed to the Council as a co-opted member so that I may attend, speak and vote on matters to the extent that the business of the Council meeting relates to the functions of the Council as a fire and rescue authority including in respect of any overlapping police / fire and rescue matters.

As you know, the Policing and Crime Act 2017 ('the Act') places a statutory duty on Police and Crime Commissioners and other blue light emergency services to keep collaboration opportunities under review and to collaborate where this would improve the efficiency or effectiveness of emergency services.

I am keen for us to continue to explore how opportunities for joint working between the police and fire and rescue services may be of benefit to the citizens of Warwickshire. As part of my continued commitment to explore new ways of collaboration that result in more efficient or effective working, I continue to chair the Warwickshire Bluelight Joint Advisory Collaboration

Office of the Police and Crime Commissioner, 3 Northgate Street, Warwick, CV34 4SP

✉ [opcc@warwickshire.pnn.police.uk](mailto:opcc@warwickshire.pnn.police.uk) ☎ 01926 733523



🐦 [@WarwickshirePCC](https://twitter.com/WarwickshirePCC)



Board that comprises strategic decision makers from Warwickshire Police, Warwickshire Fire and Rescue Service, Warwickshire County Council, West Midlands Ambulance Service and the Coventry and Warwickshire Partnership Trust.

I understand that my representation on the Council is subject to the consent of the Council and that my request will be given due consideration at the Council meeting dated 28 September 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Philip Secombe', written in a cursive style.

**Philip Secombe TD**  
**Police and Crime Commissioner**

**Tel: 01926 412322**

**E-mail: [OPCC@warwickshire.pnn.police.uk](mailto:OPCC@warwickshire.pnn.police.uk)**

CC: Monica Fogarty, Chief Executive; Warwickshire County Council  
Councillor David Reilly; Chair of the Police and Crime Panel