

AGENDA ITEM 12

Essex Police, Fire and Crime Panel	EPFCP/15/19
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Adoption of Revised Constitution and Payment of Panel Members' Allowances

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Purpose of Report

1. Introduction

- 1.1 This report asks the Panel to agree Part II of the revised constitution and to introduce the payment of allowances for Panel Members.
- 1.2 The revised constitution has been prepared following consultation with the fifteen Essex local authorities who nominate members the Panel. The law requires Part one of the constitution (the Panel Arrangements) to be adopted by the local authorities, and Part two to be adopted by the Panel.
- 1.3 As has been previously reported to the Panel members of the panel can only be paid if this is allowed for by the 'panel arrangements' as adopted by the local authorities. The 'panel arrangements' in the revised constitution do now allow for this.

2. Background

- 2.1 The Panel is a statutory joint committee of the fifteen principal local authorities which cover the Essex Police area. Its membership includes one Councillor appointed by each local authority as well as co-opted independent members.
- 2.2 By law, the local authorities have to approve joint 'panel arrangements' from time to time. The previous arrangements were agreed in 2012.
- 2.3 At the Panel's meeting in June 2018 it approved a draft revised constitution for the purposes of consultation.
- 2.4 The draft revised constitution has a preamble which describes the functions of the panel. This simply confirms the statutory functions of the Panel. The main constitution is in two parts. Part one is the 'panel arrangements' which must be

- approved by the fifteen local authorities. Part two is the rules of procedure which are for the Panel to adopt.
- 2.5 The revised 'panel arrangements' include, for the first time, the ability to pay allowances to members of the panel.
- 2.6 Approval of part one of the constitution has been approved by the local authorities during the period November 2018 to March 2019. All fifteen authorities have now approved part one and that is therefore the document to which the Panel now operates.
- 2.7 The Panel is now asked to adopt Part II of the constitution. This will complete the work to reform the Panel's constitution. The changes:
- Modernise the language used;
 - Reflect how the Panel has operated in practice more closely than the current constitution.
- 2.8 The Panel is also asked to consider the introduction of payment of allowances for the first time. The Panel has previously not had the legal power to pay allowances to members because no such power was given by the constituent authorities. As of March 2019 the adoption of the revised constitution changes the position. Paragraph 5 of the constitution allows the Panel to pay allowances in if a scheme of allowances is adopted by the Panel.
- 2.9 There is currently no scheme of allowances, and until a scheme is adopted it is not currently possible to pay allowances. The only source of funding is the Home Office grant agreement which allows the payment of up to £920 per annum for each Member of the Panel. The County Council has not previously paid allowances and has not therefore claimed this funding for previous years, although this was included in error in a financial report previously sent to the Panel.
- 2.10 A draft scheme of allowances is presented for the consideration of the Panel. The draft scheme allows flexibility within the parameters of the Home Office grant. Members will be able to claim the full £920 as an allowance, although this will be taxable, or they will be able to claim expenses which are not taxable. They will also be able to choose at the start of the year to receive an allowance of less than £920.
- 2.11 The draft scheme says that allowances will accrue on a daily basis and will be paid in monthly instalments via the ECC payroll.
- 2.12 The draft scheme says that allowances and expenses cannot be claimed from two organisations with respect to membership. For example (eg a councillor cannot claim travel expenses from both the Panel and from their local authority.
- 2.13 Paragraph 5 of the draft scheme includes a list of official duties for which expenses can be claimed. The Panel are requested to review this to see if any other duties should be added.
- 2.14 A national survey of panels published in 2018 showed that
- * 6 out of 22 panels who answered the question paid allowances to ordinary panel members.
 - * 6 out of 33 panels who answered the question paid a larger allowance to the Panel Chairman

- * 11 out of 25 panels who answered the question pay an allowance to their independent members.

2.15 It is therefore proposed that the arrangements for 2019/20 are that all members can claim up to £920 per annum either as an expense allowance or expenses or partly allowance and partly expenses.

2.16 Members of the Panel should note that once the scheme is approved it will take a short time to set up systems to deal with payments but we will progress this as quickly as we can.

3. Recommendations

3.1 That the Panel notes that part one of the Constitution (the Panel Arrangements) has been adopted by all the Essex local authorities.

3.2 That the Panel agrees to adopt

(a) The Functions of the Panel Document as at the relevant part of appendix 1

(b) Part 2 of the Constitution as at the relevant part of appendix 1.

3.3 That the Panel adopts the scheme of allowances at appendix 2 with effect from 1 June 2019.