

APPENDIX 1

GREATER MANCHESTER POLICE FIRE AND CRIME PANEL

PANEL ARRANGEMENTS

This Agreement is made on _____ **2020**

between

- (1) The Borough Council of Bolton
- (2) Bury Metropolitan Borough Council
- (3) The Council of the City of Manchester
- (4) Oldham Borough Council
- (5) Rochdale Metropolitan District
- (6) Salford City Council
- (7) The Metropolitan Borough of Stockport
- (8) Tameside Metropolitan Borough Council
- (9) Trafford Metropolitan Borough Council
- (10) Wigan Borough Council

The Parties to this Agreement are referred to as "the Constituent Councils" and this Agreement constitutes "the Panel Arrangements"

WHEREAS

(1) The Cities and Local Government Devolution Act 2016 and the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 provide for the Mayor for the area of the Greater Manchester Combined Authority to exercise functions of a police and crime commissioner in relation to that area.

BOLTON
BURY

MANCHESTER
OLDHAM

ROCHDALE
SALFORD

STOCKPORT
TAMESIDE

TRAFFORD
WIGAN

(2) The Constituent Councils are required by the PR & SRA 2011 to establish and maintain a police and crime panel for the Greater Manchester police area and to make panel arrangements for the police and crime panel.

(3) The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 confers fire and rescue functions on the GMCA. It provides for the GMCA to be the fire and rescue authority for the area and for fire and rescue functions to be exercisable by the Mayor. The Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 provides for the police and crime panel to have oversight functions in relation to the exercise of fire and rescue functions, and for the police and crime panel to be known as “the Police, Fire and Crime Panel” to reflect its extended remit.

THIS AGREEMENT witnesses as follows:

1. Definitions

In this Agreement -

1.1 "Constituent Councils" mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.

1.2 "financial year" means the year beginning on 1 April and ending on 31 March.

1.3 "GMP~~F~~CP" means the Greater Manchester Police Fire and Crime Panel.

1.4 "Lead Chief Executive" means the person appointed by the AGMA Executive Board under Clause 10.1 of this agreement.

1.5 "municipal year" means the year beginning on the date of the annual meeting of the ~~GMPCP~~GMPCP and ending on the day before the annual meeting the following year.

1.6 "PR & SRA 2011" means the Police Reform and Social Responsibility Act 2011.

2. Establishment of the ~~GMPCP~~GMPCP

2.1 The Constituent Councils shall establish and maintain the ~~GMPCP~~GMPCP for the Greater Manchester Combined Authority ~~Police~~ Area.

2.2 The ~~GMPCP~~GMPCP shall have the functions vested in a police fire and crime panel pursuant to the PR & SRA 2011 or any other enactment.

2.3 The ~~GMPCP~~GMPCP is a joint committee of the Constituent Councils

3. Membership of the ~~GMPCP~~GMPCP

3.1 The ~~GMPCP~~GMPCP shall consist of the following members -

- (a) ten appointed members
- (b) two mandatory co-opted members

3.2 The GMPCPGMPFCP may appoint local authority co-opted members in accordance with provisions of Clause 7.

4. Appointed Members

4.1 Each Constituent Council -

- (a) shall appoint one of its councillors as an appointed member of the GMPCPGMPFCP, and
- (b) may also appoint one of its councillors as an appointed member of the GMPCPGMPFCP in the absence of the person appointed under Clause 4.1(a) ('substitute appointed member') provided that members of the Greater Manchester Combined Authority appointed by the constituent councils or substitute members acting in the place of those members may not be members or substitute appointed members of the GMPCPGMPFCP.

4.2 Where the person nominated under Clause 4.1(a) declines nomination, the Constituent Council shall nominate and appoint another of its councillors to be a member of the GMPCPGMPFCP.

5. Supplemental Provision - Appointed Members and Substitute Members

5.1 Local Authority Appointed members shall be appointed for a term of one municipal year and may be re-appointed for further terms.

5.2 A person ceases to be an appointed member of the GMPCPGMPFCP if they cease to be a member of the Constituent Council that appointed them.

5.3~~2~~ A person may resign as an appointed member of the GMPCPGMPFCP by written notice served on the proper officer of the Constituent Council that appointed them and the resignation shall take effect on the date specified in the notice.

5.4~~3~~ A Constituent Council may at any time terminate the appointment of a member appointed by it to the GMPCPGMPFCP and appoint another of its councillors in that person's place.

5.5~~4~~ Where a member's appointment ceases by virtue of Clause 5.2~~1~~ or 5.3~~2~~, the relevant Constituent Council must, as soon as practicable, give written notice of that fact to the Lead Chief Executive and appoint another of its councillors in that person's place.

5.6~~5~~ Where a Constituent Council exercises its power under Clause 5.4~~3~~, it must give written notice of the new appointment and the termination of the previous appointment to the Lead Chief Executive and the new appointment shall take effect and the previous appointment terminate at the end of [two] weeks from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

5.7~~6~~ A person ceases to be a substitute appointed member of the GMPCPGMPFCP if they cease to be a member of the Constituent Council that appointed them.

5.87 A person may resign as a substitute appointed member of the GMPCPGMPFCP by written notice served on the proper officer of the Constituent Council that appointed them and the resignation shall take effect on the date specified in the notice.

5.98 A Constituent Council may at any time terminate the appointment of a substitute appointed member appointed by it to the GMPCPGMPFCP. The Constituent Council may appoint another of its councillors in that person's place.

5.109 Where a substitute member's appointment ceases by virtue of Clause 5.76 or 5.87, the relevant Constituent Council must, as soon as practicable, give written notice of that fact to the Lead Chief Executive and may appoint another of its councillors in that person's place.

5.110 Where a Constituent Council exercises its power under Clause 5.98, it must give written notice of the termination of the previous appointment and of any new appointment to the Lead Chief Executive. The previous appointment shall terminate at the end of [two] weeks from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice. Any new appointment shall take effect on or after the termination of the previous appointment.

6. Mandatory Co-opted Members

6.1 The GMPCPGMPFCP shall co-opt two persons to be the mandatory co-opted members of the GMPCPGMPFCP.

6.2 A mandatory co-opted member may not be -

- (a) a member of a Constituent Council
- (b) the Mayor for Greater Manchester, a member of the Greater Manchester Combined Authority or a substitute member of the Greater Manchester Combined Authority
- (c) a member of the staff of the Greater Manchester Combined Authority
- (d) a member of the civilian staff of the police force for the Greater Manchester Combined Authority ~~police~~ area
- (e) a member of Parliament, a member of the National Assembly for Wales, a member of the Scottish Parliament or a member of the European Parliament

6.3 In appointing the mandatory co-opted members, the GMPCPGMPFCP shall secure that (as far as is reasonably practicable) the appointed and co-opted members of the panel (when taken together) have the skills, knowledge and experience necessary for the GMPCPGMPFCP to discharge its functions effectively¹.

7. Local Authority Co-opted Members

¹ This includes the objective that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority (the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020)

7.1 Subject to Clauses 7.3 to 7.6, where the political make-up of the appointed members does not represent the political make-up of the Constituent Councils (when taken together), the GMPCPGMPFCP shall consider the co-optation of a sufficient number of councillors from the Constituent Councils in accordance with the provisions of this Clause so as to secure that (as far as is reasonably practicable) the political make-up of the local authority members of the GMPCPGMPFCP does represent the political make-up of the Constituent Councils.

7.2 Members co-opted under this Clause are to be known as "local authority co-opted members".
A local authority co-opted member may not be –

- (a) the Mayor for Greater Manchester, a member of the Greater Manchester Combined Authority or a substitute member of the Greater Manchester Combined Authority
- (b) a member of the staff of the Greater Manchester Combined Authority
- (c) a member of the civilian staff of the police force for the Greater Manchester Combined Authority area
- (d) a member of Parliament, a member of the National Assembly for Wales, a member of the Scottish Parliament or a member of the European Parliament

7.3 Clause 7.1 will apply, in particular, in circumstances where a political party with significant representation on the Constituent Councils (when taken together) would otherwise have no representatives on the GMPCPGMPFCP.

7.4 Before appointing any local authority co-opted members, the GMPCPGMPFCP must resolve that the total number of co-opted members (including the mandatory co-opted members) should be a specified number greater than two, but no such resolution may be passed unless -

(a) the Secretary of State has agreed to the GMPCPGMPFCP having that number of co-opted members, and (b) the total membership of the GMPCPGMPFCP (including that number of co-opted members) would not exceed twenty.

7.5 The GMPCPGMPFCP shall not co-opt a local authority co-opted member unless all of the members of the GMPCPGMPFCP agree to such co-option.

7.6 In appointing local authority co-opted members the GMPCPGMPFCP shall ~~have secure that (as far as is reasonably practicable) the appointed and co-opted members of the panel (when taken together) have the skills, knowledge and experience necessary for the GMPFCP to discharge its functions effectively.~~²~~regard to the skills, knowledge and experience of the proposed co-optees.~~

7.7 In this Clause -

(a) "local authority members" means appointed members and local authority co-opted members (taken together);

² This includes the objective that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority (the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020

(b) "the political make-up of the appointed members" and "the political make-up of the local authority members" means the number of members on the GMPCPGMPFCP representing each political party.

8. Co-opted Members - Supplemental Provision

8.1 Subject to Clause 8.2 mandatory co-opted members should be appointed by the GMPCPGMPFCP for a term of [three] years, and on the expiry of that term may be reappointed for a further term of [three] years.

~~8.2 The first appointments of two mandatory co-opted members should be for terms of [four] years and [two] years respectively.~~

8.~~23~~ Mandatory co-opted members shall not serve more than two terms.

8.~~34~~ Local authority co-opted members shall be appointed at the annual meeting of the GMPCPGMPFCP for a term of one year and may be re-appointed for further terms.

8.~~45~~ A local authority co-opted member will cease to be a member of the GMPCPGMPFCP if they cease to be a member of a Constituent Council or of the political group on behalf of which they were appointed.

8.~~56~~ Any co-opted member who fails to attend three consecutive meetings of the GMPCPGMPFCP shall cease to be a member unless the failure was due to some reason approved by the GMPCPGMPFCP.

8.~~67~~ A person may resign as a co-opted member of the GMPCPGMPFCP by written notice served on the Lead Chief Executive and the resignation shall take effect on the date specified in the notice.

8.~~78~~ Where a mandatory co-opted member ceases to be a member for any reason, the GMPCPGMPFCP shall appoint a replacement for a term of [three] years.

8.~~89~~ Where a local co-opted member ceases to be a member for any reason, the GMPCPGMPFCP shall appoint a replacement for the remainder of the municipal year.

9. Funding and Budgets

9.1 Any costs reasonably attributable to the exercise of the functions of the GMPCPGMPFCP which are not met by provision made by the Secretary of State or otherwise shall be met by the Constituent Councils.

9.2 The amount payable by each of the Constituent Councils shall be determined by apportioning such unmet balance between the Constituent Councils in such proportions as they agree or, in default of such agreement, in proportion to their total resident populations at the relevant date as estimated by the Registrar General.

9.3 For the purposes of Clause 9.2 the relevant date is 30th June in the financial year which commenced two years previously.

9.4 The GMPCPGMPFCP shall prepare and agree a budget before the end of January each year to cover its estimate of costs attributable to the exercise of its functions in the next financial year.

10. Support for GMPCPGMPFCP

10.1 The Constituent Councils, acting through AGMA Executive Board, shall appoint a Lead Chief Executive in relation to the GMPCPGMPFCP.

10.2 The Lead Chief Executive shall be the Chief Executive of one of the Constituent Councils and, unless or until AGMA Executive Board decide otherwise, shall be [The Chief Executive of Oldham Metropolitan Council]

10.3 The duties of the Lead Chief Executive will include -

- (a) the provision of administrative and other support to the GMPCPGMPFCP and its members;
- (b) promotion of the role of the GMPCPGMPFCP; and
- (c) the giving of support and guidance to members and officers of the Constituent Councils in relation to the functions of the GMPCPGMPFCP.

11. Members' Allowances

11.1 Members of the GMPCPGMPFCP shall be entitled to an allowance for travel and subsistence paid in accordance with a Scheme drawn up by [the GMPCPGMPFCP].

11.2 Mandatory co-opted members should receive a co-optees' allowance of [£920] per annum.

12 Rules of Procedure

12.1 The GMPCPGMPFCP will make rules of procedure for the operation of the GMPCPGMPFCP.

12.2 The rules of procedure will make provision about the appointment, resignation and removal of the Chair and any Vice-Chair(s) of the GMPCPGMPFCP.

12.3 The rules of procedure may make provision about -

- (a) the method of making decisions, and
- (b) the formation of sub-committees.

13. Links with Constituent Councils

13.1 Any reports or recommendations made by the GMPCPGMPFCP to the Mayor and published pursuant to Section 28 of the PR & SRA 2011 will be sent to the Constituent Councils.

13.2 The Constituent Councils will make arrangements whereby such reports and recommendations can be considered whether by their full Council, Cabinet or Crime and Disorder Scrutiny Committee or otherwise.

13.3 The Constituent Councils will make arrangements for enabling questions on the discharge of the functions of ~~GMPCP~~GMPCP to be put to that Council's appointed member of ~~GMPCP~~GMPCP.