

Committee(s) Police Authority Board	Date(s): 22 January 2020
Subject: Annual Review of the Police Authority Board Terms of Reference	Public
Report of: Town Clerk	For Decision
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Summary

This is the City of London Police's Annual Review of its terms of reference and composition, where Members are invited to recommend any changes to the Policy and Resources Committee and the Court of Common Council for consideration. Members are also asked to consider whether the frequency of meetings of the Board during the year ensures adequate opportunity to review the business brought before it, or whether meetings can be convened more frequently, or less frequently.

Members are also asked to come to a decision regarding options for the introduction of term limits for Members serving on the Police Authority Board. These options have been developed in light of comments made by Members that express concerns that the lack of a defined term limit could be perceived as at a variance with best practice on public appointments and preclude the input of fresh skills and experience on to the Board. Conversely, if Members are minded to introduce term limits, they will wish to consider how best to ensure that the skills and experience offered by longer serving Members are not lost to the Board precipitately.

In summary the four options are: Cabinet Office guidance (two terms of four years: total eight years); City's Audit and Risk Management Committee model (three terms of four years: total 12 years, with service as Chairman/Deputy Chairman not counted towards the total term limit); a City of London Police Authority Board-specific model (three terms of four years for ordinary Members: total 12 years; with past Chairmen eligible to serve a fourth consecutive term: total 16 years). Lastly, Members could choose to defer a decision on the issue and refer it instead to the City's ongoing governance review.

Recommendation:

That Members

- Consider the attached terms of reference of the Board and suggest any additions/amendments for consideration by the Policy and Resources Committee and the Court of Common Council.
- Consider whether the current frequency of meetings of the Board remains appropriate.
- Consider whether the Board should recommend the adoption of a term limit of service on the Police Authority Board to the Policy and Resources Committee and the Court of Common Council and, if so, what form this term limit should take.

Main Report

Background

1. Each Grand Committee of the Court of Common Council is invited to review its terms of reference annually and to provide any suggested amendments to the Policy and Resources Committee and Court of Common Council for approval at their respective March and April meetings.
2. Members are also invited to comment on the frequency of meetings of the Board, and to consider whether the Board could usefully be convened on more, or fewer, occasions during 2020/21.
3. On this occasion Members have discussed the possibility of instituting term limits for Police Authority Board Members at meetings of the Board during 2019, and therefore this report sets out options for Members' consideration. Members should note that any changes to the Board's terms of reference will need the approval of the Policy and Resources Committee and the Court of Common Council, which will consider any proposals in light of the ongoing governance review.

Current Position

4. **Terms of Reference.** The Board's current terms of reference are set out in appendix one for Members' consideration. One proposed change is that it is made explicit that non-Court of Common Council Members of the Board, who are not eligible to vote, as not eligible to serve as Chairman and Deputy Chairman, given a key role of the Chairman is to exercise a casting vote in the event of a tie. Members are also invited to consider whether they feel the composition of the Board remains appropriate.
5. **Frequency of Meetings.** The Board is scheduled to meet on eight occasions during 2020 (including the January meeting), namely 27 February, 2 April, 14 May, 2 July, 3 September, 22 October and 26 November. Members are invited to comment on whether they feel this frequency of meetings allows for proper consideration of business, or whether the Board could meet more frequently or infrequently (e.g. monthly, every two months, or quarterly).
6. **Term Limits for Board Members.** Members of the Police Authority Board are currently appointed to four-year terms, with no limit on the number of times these terms can be renewed. At a number of meetings during 2019, Members noted that term limits would encourage a healthy degree of turnover amongst the Board's membership, guaranteeing regular and consistent input of fresh skills, experience and perspectives. Conversely, Members were also mindful that term limits had the potential to deprive the Board of long serving Members of the Board who offered important skills, experience and networks of contacts. A table of current appointments to the Board is provided at appendix two.
7. The adoption of term limits would be in line with Cabinet Office guidance, outlined in the [Governance Code on Public Appointments](#), where it is recommended that there should be a strong presumption that no individual should serve more than two terms, or serve in any one post, for more than ten years. That said, the Code acknowledges that there may be instances where an individual's skills and experience may permit a longer term of service.

8. Members should note that other UK Police Authorities have adopted term limits for their Members that can involve a degree of flexibility as to how those are applied. Specifically, the Ministry of Defence Police Committee appoints its Members to three-year terms, renewable once (maximum consecutive term of six years) whilst the British Transport Police Authority appoints Members for terms of three or four years, renewable twice up to a maximum of ten years.
9. Some Grand Committees of the Court of Common Council employ term limits. The Barbican Centre Board and the Board of Governors of the Guildhall School of Music and Drama each operate a limit of three three-year terms (total 9 years); the Standards Committee a maximum term limit of 8 years; and the Audit and Risk Management Committee a term limit of 9 years consecutive service in any 12 year period (except when Chairman or Deputy Chairman).
10. Should Members choose to adopt a maximum term limit, they will be mindful that the City of London Police Authority Board differs from other UK Police Authority Boards in a key respect, in that its membership is elected from the wider Court of Common Council, rather than appointed through public advertisement or direct appointment by a Government Minister on a Chairman's recommendation. Members may, therefore, wish to consider a City of London Police Authority Board-specific position on term limits that takes account of this difference.
11. Similarly, taking the Chair of the City of London Police Authority Board differs from other UK Police Authorities. The Chair of the British Transport Police Authority is appointed to a 4-year term, renewable once (maximum consecutive term of 8 years) following public advertisement. In contrast, the Chairmen of the City of London Police Authority Board serves a four-year term, subject to annual re-election by their peers on the Board. Moreover, the Chairman tends to serve first as Deputy Chairman before taking the Chair and has the option to serve a year as Deputy Chairman once their term as Chairman has concluded. Under this model, it could be a number of years before both an individual on joining the Board can build the skills and experience they and their peers feel are required to prepare them to take the Chair, and waiting for the terms of serving Chairmen and Deputy Chairmen to conclude.
12. Therefore Members may wish to consider that the maximum term limit should be of sufficient length to ensure that a Member joining the Board for the first time has adequate opportunity to build experience necessary to take the Chair, should they wish, and further that a Chairman may serve their full term in the Chair, retain their option to serve one year as Deputy Chairman once their service as Chairman has concluded (as per Standing Order 30) and potentially serve a further consecutive term on the Board to ensure their skills and experience are not lost to the Board precipitately.

Options for Term Limits

13. **Option 1 - Follow Cabinet Office Guidance on Public Appointments.** Members could choose to follow Cabinet Office guidance that no Member should serve more than two terms or 10 years (which for the Police Authority Board would total 8 years). A drawback of this option is that it is not aligned with the fact that Membership of the Board is subject to election by the Court of Common Council, therefore there is a narrow window within which an interested candidate could move towards serving as Chairman and Deputy Chairman during their two terms as Member of the Board. Any Member being elected to the Deputy Chairmanship or Chairmanship of the Board would need to stand for election when a relatively inexperienced Member of the Board towards the

beginning of their term, or towards the end of their term when they would be unlikely to be able to serve their full 4 year term as Chairman/Deputy Chairman.

14. **Option 2 – Adopt the City’s Audit and Risk Management Committee Model.** Members may wish to adopt the City’s Audit and Risk Management Committee, whereby a term limit of three terms of three years (maximum nine years) in any 12-year period does not apply to an individual serving as Chairman or Deputy Chairman of the Board. In practice, this would allow an individual to join the Board for a total of three terms of four years (total 12 years) within which to build their Board-specific experience over, move towards the Deputy Chairmanship and Chairmanship towards the latter end of their term, and having their total term limit waived during their service as Deputy Chairman/Chairman (subject to their annual re-election by the Board).
15. This option would mean that a past Chairman would leave the Board immediately on the conclusion of either their term as Chairman, or their year as Deputy Chairman once they were past the Chair, assuming they had already served 12 years as a Member of the Board, or on conclusion of their outstanding term total of 12 years (for example, if they have been elected Chairman in their eighth year, they would serve four years as Chairman, the option to serve a year as Deputy Chairman, and then would go on to serve years 9-12 of their total term limit).
16. **Option 3 - Adopt Police Authority Board-Specific Term Limit.** Members may wish to adopt a City of London Police Authority Board-specific limit in line with the discussion outlined at paragraph 11 to ensure the skills and experience of an immediate past Chairman are not immediately lost to the Board.
17. This specific term limit could be a maximum term limit of three terms of four years (total 12 years) with Members who have passed the Chair being eligible for a further consecutive term (total 16 years). This option would not allow a Chairman/Deputy Chairman to have their term of service waived during their time serving in those roles as this would give rise to the possibility of an individual being elected Chairman at the end of their third term, serving four years as Chairman, and a further consecutive term (total 20 years, double to recommended guidance issued by the Cabinet Office).
18. Whilst a term limit of 16 years is at a variance with Cabinet Office guidance, this option could be regarded as an adequate time envelope within which individuals could join the Board, move to serve as Chairman and Deputy Chairman should they so wish, and continue to contribute their skills and experience for an appropriate period before making way for new Members of the Board.
19. **Option 4 - Do Nothing.** This option involves pausing consideration of the issue of term limits and submitting the issue instead to the consideration of the City’s governance review. Under this option, Members are free to submit comments to the review for consideration on any governance matter affecting the Board so that these can be reflected in the review’s recommendations. This option would not involve recommendations (unless minor) being put, for the time being, to the Policy and Resources Committee and Court of Common Council.

Conclusion

20. This paper sets out the Board’s annual review of its terms of reference and invites Members to comment on its terms of reference; its frequency of meetings; and for its Members to come to a view on a preferred option regarding the issue of term limits for

Members of the Board. Any proposed changes will be referred either the Policy and Resources Committee and Court of Common Council, or the City's governance review, for consideration.

Appendix (1) – Police Authority Board Composition and Terms of Reference 2019/20

Appendix (2) –City of London Police Authority Board Table of Appointments as at 14 January 2020.

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Appendix 1 - Police Authority Board Composition and Terms of Reference 2019/20 with proposed amendments highlighted/underlined.

CITY OF LONDON POLICE AUTHORITY BOARD

Constitution

A non-ward committee consisting of:

- 11 Members elected by the Court of Common Council including:
 - a minimum of one Member who has fewer than five years' service on the Court at the time of his/her appointment; and,
 - a minimum of two Members whose primary residence is in the City of London;
- 2 **non-voting** external members (i.e. non-Members of the Court of Common Council) appointed in accordance with the terms of the Police Authority Board Membership Scheme
- **The Chairman and Deputy Chairman to be elected from among Court of Common Council Members of the Board.**

Quorum

The quorum consists of any five Members.

Terms of Reference

To be responsible for: -

- (a) securing an efficient and effective police service in both the City of London and, where so designated by the Home Office, nationally, and holding the Commissioner to account for the exercise of his/her functions and those persons under his/her direction and control;
- (b) agreeing, each year, the objectives in the Policing Plan, which shall have regard to the views of local people, the views of the Commissioner and the Strategic Policing Requirement;
- (c) any powers and duties vested in the Court of Common Council as police authority for the City of London by virtue of the City of London Police Act 1839, the Police and Criminal Evidence Act 1984, the Police Acts 1996 (as amended) and 1997, the Criminal Justice and Police Act 2001, the Police Reform Act 2002, the Police Reform and Social Responsibility Act 2011 and any other Act or Acts, Statutory Instruments, Orders in Council, Rules or byelaws etc. from time to time in force, save the appointment of the Commissioner of Police which by virtue of Section 3 of the City of London Police Act 1839 remains the responsibility of the Common Council;
- (d) making recommendations to the Court of Common Council regarding the appointment of the Commissioner of the City of London Police;
- (e) the handling of complaints and the maintenance of standards across the Force;
- (f) monitoring of performance against the City of London Policing Plan;
- (g) appointing such committees as are considered necessary for the better performance of its duties.
- (h) To appoint the Chairman of the Police Pensions Board.

Appendix 2 – City of London Police Authority Board Table of Appointments

Member	Current Term Start Date	Current Term Finish Date	Total Cumulative Service (years)	Past Chairman
Doug Barrow	April 2019	April 2023	10	
Nick Bensted-Smith	April 2017	April 2021	5	
Deputy Keith Bottomley	April 2017	April 2021	4	
Tijs Broeke	April 2018	April 2022	2	
Simon Duckworth	April 2016	April 2020	18	Yes
Alderman Emma Edhem	April 2018	April 2022	2	
Alderman Alison Gowman	April 2017	April 2021	11	
Sheriff Chris Hayward	April 2016	April 2020	4	
Alderman Ian Luder	April 2016	April 2020	18	
Deputy Henry Pollard	April 2019	April 2023	14	Yes
Deputy James Thomson	April 2019	April 2023	5	
External Members				
Andrew Lentin	November 2017	September 2021	2	
Deborah Oliver	September 2018	September 2022	1	