

# **BRECKLAND DISTRICT COUNCIL**

## **Report of the Deputy Chief Executive**

**To:** Council – 24 May 2012

**Author:** Vicky Thomson, Assistant Director Democratic Services & Monitoring Officer

**Subject: Establishment of Norfolk Police and Crime Panel**

### **Purpose:**

To recommend that the Council agrees the establishment and proposed arrangements for the Norfolk Police and Crime Panel (PCP) and appoints one member to the PCP.

### **Recommendations:**

- i) Agree the establishment of a Police and Crime Panel for Norfolk, as a joint committee of the district, borough and county councils, and agree the proposed Panel Arrangements.
- ii) Appoint one member to the PCP and appoint a named substitute (appointed member and named substitute must be from the same political group).
- iii) Endorse the proposed Rules of Procedure and recommend to the PCP that they be adopted.

## **1. BACKGROUND**

- 1.1 The Police Reform and Social Responsibility Act 2011 (The Act) introduced significant changes in police governance and accountability, in particular replacing the Police Authorities with directly elected Police and Crime Commissioners (PCCs). PCC elections are scheduled for 15 November 2012.
- 1.2 Accountability for the delivery and performance of the police service within each force area will rest with the PCC on behalf of their electorate. The PCC will set and shape the strategic objectives of their force area in consultation with the Chief Constable. The PCC will be accountable to their electorate; the Chief Constable will be accountable to their PCC.
- 1.3 The Act requires that the local authorities in each police force area must establish and maintain as a joint committee, a Police and Crime Panel (PCP) for that police area, and that all the local authorities must agree to the making of Panel Arrangements for the PCP. The Panel Arrangements must be collectively agreed by all the local authorities by 1 July 2012. If the local authorities fail to agree unanimously to the Panel Arrangements, the Secretary of State has reserve powers under the Act to establish the PCP and determine the Panel Arrangements.

1.4 The PCP will have the following duties and powers which must be exercised in accordance with the Act and associated Regulations:

- the power of veto, by two-thirds majority, over the PCC's proposed budget and precept;
- the power of veto, by two-thirds majority, over the PCC's proposed candidate for chief constable;
- the power to ask Her Majesty's Inspectorate of Constabulary (HMIC) for a professional view when the PCC intends to dismiss a chief constable;
- the power to review the PCC's draft police and crime plan and make recommendations to the PCC who must have regard to them;
- the power to review the PCC's annual report and make reports and recommendations at a public meeting, which the PCC must attend;
- the power to require any papers in the PCC's possession (except those which are operationally sensitive);
- the power to require the PCC to attend the panel to answer questions;
- the power to appoint an acting PCC (from within the PCC's staff) when the elected PCC is incapacitated or suspended (until she/he is no longer incapacitated or suspended), or resigns or is disqualified (until a new commissioner is elected); and
- responsibility to investigate complaints against the PCC, although serious issues must be passed to the Independent Police Complaints Commission (IPCC).

1.5 According to the Home Office, "PCPs are not a replacement for police authorities. They will fulfil an important role in scrutinising the commissioner but we need to be clear that this reform is about reconnecting the police and the people. This will be achieved through a directly elected PCC not through the PCP. The PCP will have an important scrutiny role in relation to the PCC, however it is the PCC who is taking on the role of the police authority and who the public will hold to account for the performance of their force."

## **2. OPTIONS**

2.1 The Act requires that in Norfolk, the PCP consist of ten councillors from the eight local authorities (at least one from each authority) and two independent members (not councillors) co-opted by the PCP. All twelve members will have equal voting rights. When appointing members, each local authority must secure that (as far as reasonably practicable) the 'balanced appointment objective' is met. That is, composition should take account of, as far as is practicable, both political and geographical proportionality, as well as the necessary skills, knowledge and experience needed to discharge its functions effectively.

2.2 In addition, the PCP must, from time to time ensure that in co-opting members who are not members of local authorities, the balanced appointment objective is met.

2.3 It is therefore proposed that Breckland District Council, Broadland District Council, Great Yarmouth Borough Council, King's Lynn and West Norfolk Borough Council, North Norfolk District Council, Norwich City Council and South Norfolk District Council, will each appoint one councillor as a member of the PCP; and that Norfolk County Council will appoint three councillors, picking up as far as possible the requirement to ensure political balance

across the county. The Panel Arrangements include provision for named substitutes to be appointed. In agreeing to recommend that this provision be included, however, the Leaders' Group considered it vital for the effective operation of the PCP that the appointed representatives are able to build up their knowledge and expertise. The Leaders therefore consider that the substitution facility should be used only on rare occasions.

### **3. REASONS FOR RECOMMENDATION**

- 3.1 The Act requires the functions and procedural rules for the operation of the PCP to be set out in "Panel Arrangements" and "Rules of Procedure". The Panel Arrangements must be determined by the local authorities collectively but the Rules of Procedure are for the PCP to approve once it is established.
- 3.2 At the direction of the Norfolk Leaders Group, an officer working group, representing all eight local authorities, has been overseeing the development of the arrangements for the Norfolk PCP, and has reported its recommendations through to the Leaders' Group.
- 3.3 Early establishment of the PCP by the local authorities will enable it to meet and undertake training and development activities before the PCC takes office in November 2012.
- 3.4 The Act requires the eight local authorities to approve the Panel Arrangements and local authorities are required to notify the Home Office of the agreed Arrangements by 1 July 2012. By seeking agreement to the proposed Panel Arrangements at meetings of the full Councils in May/June 2012 and appointing member(s) to the PCP, this will allow time for the PCP to appoint the required two co-opted independent members; agree the Rules of Procedure; be briefed on relevant issues; and agree the PCP's work programme for its first year; all before the PCC is elected at the end of November.
- 3.5 The draft Panel Arrangements (Appendix 1) have been prepared by the officer working group, considered by the Norfolk Leaders' Group and are now submitted to each full Council for approval.
- 3.6 The officer working group has also prepared draft Rules of Procedure (Appendix 2). As indicated earlier, the Rules of Procedure can only be approved by the PCP itself, but Council is asked to endorse the draft and recommend to the PCP that they be adopted.

### **4. EXPECTED BENEFITS**

- 4.1 The Act requires that the Panel Arrangements set out how support and guidance will be given to elected members and officers of the eight local authorities in relation to the functions of the PCP. It is proposed that this will comprise initial briefing sessions for all elected members and relevant officers of the eight local authorities before the PCC is elected and on a regular basis thereafter; together with written briefings as appropriate.

### **5. IMPLICATIONS**

- 5.1 **Legal**
- 5.2 **Risks**

### **5.3 Financial**

- 5.3.1 It is proposed that Norfolk County Council will be the lead local authority for the PCP, and, within the overall budget allocated by the Home Office, will provide support to the PCP and its members led by a named lead officer supplemented as required by additional specialist officers
- 5.3.2 The Home Office has indicated that it will provide £53,300 per annum to support the PCP, plus up to £920 towards expenses per PCP member.
- 5.3.3 Any costs incurred over and above the Home Office funding will need to be met by the local authorities. Every effort will be made to ensure that costs are contained within the funding provided by the Home Office, but if this is not possible, these will be shared between the eight local authorities on the basis set out within the Panel Arrangements

### **5.4 Timescales**

- 5.4.1. Anticipating that each Council agrees the establishment of a Police and Crime Panel during their meetings in May and June 2012, the intention is to set up a shadow Panel in advance of October 2012, so that it can; appoint two co-opted independent members, agree the rules of procedure, consider a training programme and a work programme for the first year. Arrangements have been made for the first meeting of the shadow Panel to take place on the morning of 20 July 2012 at County Hall.

### **5.5 Equality and Diversity**

### **5.6 Stakeholders / Consultation**

### **5.7 Contracts**

### **5.8 Section 17, Crime & Disorder Act 1998:**

### **5.9 Other**

## **6. WARDS/COMMUNITIES AFFECTED**

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### **Key Decision –No**

### **Appendices attached to this report:**

Appendix 1 – proposed Panel Arrangements for the Norfolk PCP

Appendix 2 – proposed Rules of Procedure for the Norfolk PCP

**Norfolk Police and Crime Panel**

**Panel Arrangements**

**1. Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 (the Act) introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner (PCC) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the relevant local authorities (county council, city, district and borough councils) in each police force area to establish and maintain a Police and Crime Panel (PCP) for its police force area. It is the responsibility of the local authorities for the police force area to agree to the making of arrangements for the PCP ('Panel Arrangements').
- 1.4 Each local authority and each Member of the PCP must comply with the Panel Arrangements.
- 1.5 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.
- 1.6 The PCP is responsible for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.7 The PCP is a joint committee of the local authorities in Norfolk.

**2. Functions of the Police and Crime Panel**

- 2.1 The functions of the PCP must be exercised with a view to supporting the effective exercise of the functions of the PCC for Norfolk
- 2.2 The PCP must:-
  - (i) review the draft police and crime plan, or draft variation given to the PCP by the PCC, and
  - (ii) make a report or recommendation on the draft plan or variation to the PCC
- 2.3 The PCP must
  - (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP is sent the PCC's annual report
  - (ii) ask the PCC, at that meeting, such questions about the annual report as the members of the PCP think appropriate

- (iii) review the annual report, and
  - (iv) make a report or recommendations on the annual report to the PCC
- 2.4 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of:-
- (i) the PCC's chief executive
  - (ii) the PCC's chief finance officer
  - (iii) a deputy PCC

The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed.

- 2.5 The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.
- 2.6 The PCP must review and make a report and may make recommendations on the precept which the PCC proposes to issue for the financial year.
- 2.7 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of a Chief Constable. The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed or must include a statement that the PCP has vetoed the appointment.
- 2.8 The PCP must:-
- (i) review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions; and
  - (ii) make reports or recommendations to the PCC with respect to the discharge of the PCC's functions
- 2.9 The PCP must publish any reports or recommendations made by it to the PCC and must determine the manner in which such reports or recommendations are to be published.
- 2.10 The PCP must send copies of any reports or recommendations it makes to the PCC, to each county and district council in Norfolk.
- 2.11 The PCP must fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities given to the PCP by the Act.
- 2.12 The PCP must appoint an Acting PCC in the circumstances set out in the Act.
- 2.13 The PCP may not exercise any functions other than those conferred by the Act.

### **3. Operating Arrangements**

- 3.1 The PCP is a joint committee of the county, city, borough and district councils in Norfolk.
- 3.2 Norfolk County Council shall be the lead authority in establishing and maintaining the PCP and shall secure the administrative, secretarial and professional support necessary to enable the PCP to fulfil its functions.

- 3.3 The PCP shall consist of a minimum of 10 councillors and two co-opted independent members. The membership of the PCP can be increased up to a maximum size of 20 by co-opting up to 8 additional councillors, but any proposal by the PCP to increase above the initial membership of 12 would be subject to the approval of the Secretary of State
- 3.4 The local authorities will co-operate to provide the PCP with additional officer support for research, training and development, or where particular expertise would assist the PCP.
- 3.5 The local authorities will co-operate to ensure that the role of the PCP is promoted internally and externally and that members and officers involved in the work of the PCP are given support and guidance in relation to the PCP's functions.
- 3.6 The PCP must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the PCP should exercise, or refrain from exercising functions so as to encourage, maintain or improve working relationships and limit or prevent the overlapping or conflicting exercise of functions.

#### **4. Financial Arrangements**

- 4.1 The funding provided by the Home Office to support the work of the PCP will be received by the County Council as lead authority. The PCP will seek to operate within the limit of the Home Office funding. Any additional expenditure by the PCP above the funding provided by the Home Office will require the prior agreement of all the constituent local authorities and, if approved, will be apportioned between the local authorities on the basis of the number of members each has on the PCP.
- 4.2 The Home Office funding includes a specified sum per member per annum to cover their expenses. Each local authority will pay the expenses of its own representatives and seek re-imburement from the County Council at the end of each financial year, up to a maximum of the specified sum.
- 4.3 The local authorities will establish a joint independent remuneration panel to consider whether a special responsibility allowance should be paid to the Chairman of the PCP and if so, what the level of that SRA should be. If the councils subsequently decide that an SRA will be paid, the cost will be apportioned between the councils on the basis of the number of members each has on the PCP. The independent remuneration panel shall be convened by the lead authority, with its membership to be drawn from the independent remuneration panels for each local authority.

#### **5. Membership – Appointed Members**

- 5.1 All county councillors and district councillors within Norfolk are eligible to be members of the PCP.
- 5.2 Appointment of elected members to the PCP shall be made by each local authority at its annual general meeting or as soon as possible thereafter, in accordance with its procedures. Appointments shall be made with a view to ensuring that the “balanced appointment objective” is met so far as is reasonably practicable. The balanced appointment objective is the objective that the local authority members of a PCP (when taken together):-
  - (i) represent all parts of the police area;

- (ii) represent the political make-up of the relevant authorities (when taken together)
  - (iii) have the skills, knowledge and experience necessary for the PCP to discharge its functions effectively
- 5.3 The PCP's membership will be one councillor appointed by each district council and three councillors appointed by the county council, with the county council as far as possible picking up the requirement to ensure the required balance across the county. Terms of office will be to the next annual general meeting of the respective councils.
- 5.4 The PCP membership shall, as far as possible, be politically balanced in relation to the overall political balance amongst all district and county councillors in Norfolk. The lead authority will facilitate discussions between the local authorities in order to enable the authorities to fulfil their duty to secure (as far as reasonably practicable) that the appointed membership meets the balanced appointment objective.
- 5.5 The PCP shall review at its AGM whether or not the balanced appointment objective is being met and if it concludes that it is not, the PCP shall determine what action is needed to meet the objective.
- 5.6 All members of the PCP may vote in proceedings of the PCP.
- 5.7 Each local authority may appoint a named member to be a substitute for its representative(s) on the PCP. Notice of a substitution must be given by the relevant PCP member to the PCP Secretary, before the start of the meeting concerned. The named substitute must be a member of the same council and same political group as the PCP member being substituted. Appointed representatives should use the substitution facility only on rare occasions, in recognition of the importance of building up knowledge and expertise so that the PCP can operate effectively.
- 5.8 In all other respects, the appointment of substitutes shall be governed by the rules relating to substitution set out in section 4 of appendix 10 of the County Council Constitution.

## **6. Membership – Independent Members**

- 6.1 The PCP shall co-opt two independent members onto the PCP. For the first two co-options, one shall be appointed for a term of four years and one for a term of three years. Thereafter the appointments will be for four-year terms. There shall be no restriction on the overall time period that an independent member may serve on the PCP. A member of any of the relevant local authorities may not be a co-opted member of the PCP where the number of co-opted members is two.
- 6.2 The following may not be co-opted Members of the PCP:
- a) the PCC for the Police Area.
  - b) a member of staff of the Police and Crime Commissioner for the area.
  - c) a member of the civilian staff of the Police Force for the area.
  - d) a Member of Parliament.
  - e) a Member of the National Assembly for Wales.
  - f) a Member of the Scottish Parliament.
  - g) a Member of the European Parliament.

- 6.3 The recruitment process for co-opting independent members should include a reasonable period of open and public advertising for the positions. The closing date for the receipt of applications should be at least two weeks from the date the advertisement is first placed. The PCP shall also invite relevant organisations, as it considers appropriate, to nominate candidates for consideration as part of the recruitment process.
- 6.4 The recruitment process will be carried out in accordance with the following principles:-
- (i) Appointments will be made on merit of candidates whose skills, experience and qualities are considered best to secure the effective functioning of the PCP
  - (ii) The selection process will be fair, objective and impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria
  - (iii) The selection process will be conducted transparently with information about the requirements for the appointments and the process being publicly advertised and made available
- 6.5 Information packs shall be prepared and sent to those requesting them. The PCP shall appoint a selection panel to consider applications and interview candidates.
- 6.6 Following the interviews, the selection panel will make recommendations to the PCP about the appointment of the independent members and the PCP will make a decision as to which candidates to co-opt. In order to be co-opted, each candidate shall require the support of a majority of the appointed members of the PCP present at the meeting at which the decision is made. Independent member co-options shall be subject to annual endorsement at the PCP's AGM. If a majority of appointed members present at the AGM vote against endorsing an independent member's co-option, the independent member's co-option shall be terminated.

## **7. Casual Vacancies**

- 7.1 A vacancy on a PCP arises when a local authority or independent member resigns from the membership of the PCP or is removed from the post by their local authority or, in the case of the independent members, is removed from their post by the PCP.
- 7.2 Each council will fill vacancies for elected members in accordance with the arrangements in its constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 6 of these Rules.

## **8. Resignation of Appointed Members**

Appointed Members of the PCP who wish to resign shall do so by notifying in writing, the PCP secretary and the appropriate officer in their local authority.

## **9. Resignation of Independent Members**

Independent Members of the PCP who wish to do so shall resign by notifying in writing the PCP secretary.

## **10. Removal of Appointed Members**

Each local authority shall have the right to change its appointed member at any time and shall give notice to the PCP secretary but must ensure that the change does not affect the political balance requirement.

## **11. Removal of Independent Members**

Other than at the PCP's AGM, an independent member may only be removed from office if an appointed member has given notice to the PCP secretary at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that an independent member's co-option be terminated. At the subsequent meeting, termination will only be confirmed if at least two-thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of termination.

## **12. Amendments to Panel Arrangements**

12.1 Changes to the Panel Arrangements can only be made with the collective approval of all the local authorities in Norfolk. The PCP may propose amendments to the Panel Arrangements and any such proposals will be referred to the local authorities and will only be implemented if they are approved by all the local authorities.

12.2 The only exception to the requirement for the approval of the local authorities is if the PCP wishes to increase the number of co-opted members. The PCP may resolve that that the PCP is to have the number of co-opted members specified in the resolution, provided that the total membership of the PCP, including that number of co-opted members, would not exceed 20. Any such resolution must be referred to the Secretary of State and will only be implemented if the Secretary of State gives approval.

## **13. Interpretation**

The conduct of the PCP and the content of these Panel Arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these Panel Arrangements, the requirements of the legislation will prevail.

## **14. Promotion of the Panel**

14.1 The Panel Arrangements shall be promoted by:

- (i) The establishment and maintenance by the lead authority of a website including information about the role and work of the PCP, its membership, all non-confidential PCP and sub-committee meeting papers, press releases and other publications; and,
- (ii) The issuing of regular press releases about the panel and its work; and,
- (iii) The local authorities will include information about the PCP on their websites, and will also include a link to the PCP website.

14.2 Support and guidance shall be provided to executive and non-executive members and officers of the local authorities in relation to the functions of the PCP as follows:

- a) by the provision of briefing sessions for members and relevant officers of the authorities before the election of the PCC, and on a regular basis thereafter; and,
- b) by the provision of written briefing notes for members and relevant officers of the authorities as appropriate.

**Norfolk Police and Crime Panel**

**Rules of Procedure**

**1. General**

- 1.1 These Rules of Procedure are made by the PCP pursuant to Schedule 6, paragraph 25 of the Police Reform and Social Responsibility Act 2011 (the 'Act').
- 1.2 The PCP will be conducted in accordance with these Rules. The Rules should be read having regard to the Panel Arrangements.

**2. Chairman of the Police and Crime Panel**

- 2.1 The chairman of the PCP will be appointed at the PCP's annual general meeting and will be drawn from amongst all the members of the PCP, including independent members.
- 2.2 The vice-chairman will be appointed at the AGM and will be drawn from amongst all the members of the PCP, including independent members.
- 2.3 In the event of the Chairman and vice-chairman being absent from a PCP meeting, the PCP will appoint a member to act as chairman for that meeting.
- 2.4 In the event of the resignation of the chairman/vice-chairman or removal of chairman/vice-chairman, a new chairman/vice-chairman will be appointed and will be drawn from amongst all the members of the PCP. Other than at the PCP's AGM, the chairman and vice-chairman may only be removed from office if a PCP member has given notice to the PCP secretary at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that the chairman or vice-chairman be removed from office. At the subsequent meeting, removal will only be confirmed if at least two thirds of the persons who are members of the PCP at the time the decision is made vote in favour of it.

**3. Meetings of the Police and Crime Panel**

- 3.1 The PCP shall meet at least four times per year to carry out its functions.
- 3.2 The PCP secretary will give notice to the public of the time and place of any meeting of the PCP. At least 5 clear working days before meetings, the secretary will circulate to PCP members the agenda for the meeting setting out the date, time and place for the meeting and specifying the business to be transacted. The agenda and minutes of PCP meetings will be published on the County Council's website.
- 3.3 An extraordinary meeting may be called by the PCP by resolution, by the chairman or by any four members of the PCP signing a requisition presented to the PCP secretary.
- 3.4 All members of the PCP may vote in proceedings of the PCP. The validity of the proceedings of the PCP is not affected by a vacancy in the membership of the PCP or a defect in appointment.

#### **4. Quorum**

- 4.1 A meeting of the PCP cannot take place unless at least one half of the whole number of its members is present. In any period during which there are vacancies amongst the membership, the calculation of half shall be based on the number of members in office on the day of the meeting.

#### **5. Work Programme**

- 5.1 The PCP will be responsible for setting its own work programme taking into account the priorities defined by the PCC and taking into account the views of other agencies and partnerships.
- 5.2 The work programme must include the functions described in section 2 of the Panel Arrangements.
- 5.3 Any member of the PCP shall be entitled to give notice to the PCP secretary that he or she wishes an item relevant to the functions of the PCP to be included on the agenda for a PCP meeting

#### **6. Sub-Committees and Task and Finish Groups**

- 6.1 Sub-Committees and time limited task and finish groups may be established from time to time by the PCP to undertake specific task based work and report back to the PCP.
- 6.2 The special functions of the PCP may not be discharged by a sub-committee of the PCP or a task and finish group.
- 6.3 In this paragraph 'special functions' means the following functions:
- (i) review of the Police and Crime Plan
  - (ii) review of the annual report
  - (iii) review of senior appointments
  - (iv) review and potential veto of the proposed precept
  - (v) review and potential veto of the appointment of a Chief Constable).
- 6.4 The work undertaken by a sub-committee or task and finish group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.
- 6.5 A sub-committee or task and finish group may not co-opt members but they shall be able to invite others to assist it with its work.
- 6.6 Sub-Committees and task and finish groups need not be politically balanced if the PCP agrees to this.

#### **7. Reports from the Police and Crime Panel**

- 7.1 Where the PCP makes a report or recommendations to the PCC, it will publish the report or recommendation on the PCP website. Copies of the report or recommendations will also be sent to each local authority within the police area.
- 7.2 The PCP must by notice in writing require the PCC, as appropriate, within a reasonable period of the date on which he or she receives the report or recommendations, to:-

- (i) Consider the report or recommendations
- (ii) Respond to the PCP indicating what (if any) action the PCC proposes to take
- (iii) Where the PCP has published the report or recommendations, publish the response

7.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

## **8. Police and Crime Commissioner and Officers Giving Account**

8.1 The PCP may scrutinise and review decisions made or actions taken in connection with the PCC's role. As well as reviewing documentation, in fulfilling its role it may require the PCC, and members of the Commissioner's staff, to attend before the PCP (at reasonable notice) to answer any questions which appear to the PCP to be necessary in order to carry out its functions.

8.2 Where the PCC, or a member of the PCC's staff, is required to attend the PCP, the chairman of the PCP will inform them in writing, giving reasonable notice of the meeting. The notice will state the nature of the item for which he or she is required to attend to give account and whether any papers are required for production for the PCP. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

8.3 Where, in exceptional circumstances, the PCC is unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the chairman of the PCP.

8.4 If the PCP requires the PCC to attend before the PCP, the PCP may, by giving reasonable notice request the Chief Constable to attend before the PCP on the same occasion to answer any questions which appears to the PCP to be necessary in order for it to carry out its functions.

## **9. Attendance by Others**

The PCP may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the PCP and officers in other parts of the public sector and may invite such people to attend. The PCP may not however invite officers of the constabulary other than the Chief Constable to attend meetings, without the prior agreement of the Chief Constable.

## **10. Special Functions**

10.1 The Special Functions of the PCP are those functions referred to in paragraphs 11-15, below, and which are conferred on the PCP in relation to:

- a) the review of the Police and Crime Plan as required by Section 28(3) of the Act;
- b) the review of the Annual Report as required by Section 28 (4) of the Act;
- c) the review of senior appointments in accordance with Paragraphs 10 and 11 of Schedule 1 of the Act;

- d) the review and potential veto of the proposed precept in accordance with Schedule 5 of the Act;
  - e) the review and potential veto of appointment of the Chief Constable Part 1 the Act.
- 10.2 The Special Functions shall be undertaken having regard to the requirements of the Act and Regulations in each case.
- 10.3 The issuing of reports and recommendations by the PCP in relation to the Special Functions outlined above will be carried out in accordance with paragraph 7 above.

## **11. Police and Crime Plan**

- 11.1 The PCP is a statutory consultee on the development of the PCC's Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft of any variation to it, from the PCC.
- 11.2 The PCP must
- (i) hold a public meeting to review the draft Police and Crime Plan (or a variation to it), and;
  - (ii) report or make recommendations on the draft Plan, which the PCC must take into account.

## **12. Annual Report**

- 12.1 The PCC must produce an Annual Report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the PCP for consideration.
- 12.2 The PCP must comment upon the Annual Report of the PCC, and for that purpose must:
- (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the Annual Report;
  - (ii) require the PCC to attend the meeting to present the Annual Report and answer such questions about the Annual Report as the Members of the PCP think appropriate;
  - (iii) make a report or recommendations on the Annual Report to the PCC.

## **13. Proposed Precept**

- 13.1 The PCP will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year. The PCP must arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the proposed precept and make a report including recommendations.
- 13.2 Having considered the precept, the PCP must:
- (i) support the precept without qualification or comment; or
  - (ii) support the precept and make recommendations; or
  - (iii) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made).

- 13.3 If the PCP vetoes the proposed precept, the report to the PCC must include a statement that the PCP has vetoed the proposed precept and give reasons for that decision. The PCP will require a response to the report and any such recommendations.

*NOTE: This section is subject to Regulations which are currently awaited and it may need to be changed in view of that.*

#### **14. Appointment of Chief Constable**

- 14.1 The PCP must review the proposed appointment by the PCC of the Chief Constable.
- 14.2 The PCP will receive notification of the proposed appointment from the PCC, which will include:
- (i) the name of the candidate;
  - (ii) the criteria used to assess suitability of the candidate,
  - (iii) why the candidate satisfies the criteria; and,
  - (iv) the terms and conditions proposed for the appointment
- 14.3 Within three weeks of the receipt of notification the PCP must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period shall not include the 'post election period', being any period between the date of poll at the ordinary election of the PCC, and the date of declaration of acceptance of office of the PCC.
- 14.4 Before reporting and recommending under paragraph 14.3 above, the PCP must convene a public meeting ('confirmation hearing') of the PCP where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.
- 14.5 The PCP must publish the report on its web site and send copies to each of the local authorities, and by any other means the PCP considers appropriate.
- 14.6 The PCC may accept or reject the PCP's recommendation as to whether or not the candidate should be appointed, and must notify the PCP accordingly.
- 14.7 The PCP has the power to veto the appointment of a candidate, by a required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made.
- 14.8 A confirmation hearing as in paragraph 14.4 must be held before an appointment is vetoed.
- 14.9 If the PCP vetoes the appointment under paragraph 14.7, the report referred to at paragraph 14.3 above must include a statement to that effect.
- 14.10 If the PCP vetoes an appointment the PCC must not appoint that candidate as Chief Constable

*NOTE: This section is subject to Regulations which are currently awaited and it may need to be changed in view of that.*

## **15. Senior Appointments**

- 15.1 The PCP must review the proposed appointments by the PCC of the PCC's Chief Executive, Chief Finance Officer and Deputy PCC.
- 15.2 The PCP shall receive notification of the proposed appointments from the PCC including
- (i) the name of the candidate;
  - (ii) the criteria used to assess suitability of the candidate,
  - (iii) why the candidate satisfies the criteria; and,
  - (iv) the terms and conditions proposed for the appointment
- 15.3 Within three weeks of the receipt of notification the PCP must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period will not include the post-election period.
- 15.4 Before reporting and recommending under 15.3 above, the PCP must convene a public confirmation hearing of the PCP where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.
- 15.5 The PCP must publish the report on its web site and send copies to each of the local authorities, and by any other means the PCP considers appropriate.
- 15.6 The PCC may accept or reject the PCP's recommendation, and must notify the PCP accordingly.

## **16. Appointment of an Acting Police and Crime Commissioner**

- 16.1 The PCP must appoint a person to be acting Commissioner if:
- (i) no person holds the office of PCC;
  - (ii) the PCC is incapacitated (i.e. unable to fulfil the functions of the PCC) which is a matter for the PCP to determine; or
  - (iii) the PCC is suspended.
- 16.2 In the event that the PCP has to appoint an acting Commissioner it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.
- 16.3 The PCP may appoint a person as acting Commissioner only if the person is a member of the PCC's staff at the time of the appointment.
- 16.4 In appointing a person as acting Commissioner in a case where the PCC is incapacitated, the PCP must have regard to any representations made by the PCC in relation to the appointment.
- 16.5 The appointment of an acting Commissioner will cease to have effect upon the earliest of the following:
- (i) the election of a person as PCC;
  - (ii) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;

- (iii) in a case where the acting Commissioner is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
  - (iv) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.
- 16.6 Where the acting Commissioner is appointed because the PCC is incapacitated or suspended, the acting Commissioner's appointment does not terminate because a vacancy occurs in the office of PCC.

## **17. Complaints**

- 17.1 Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are dealt with by the Independent Police Complaints Commission (the 'IPCC').
- 17.2 The PCP may however be involved in the informal resolution of certain other complaints against the PCC and Deputy PCC, where they are not being investigated by the IPCC or cease to be investigated by the IPCC.
- 17.3 On receipt of a complaint which falls within its remit the PCP will meet to consider the complaints and will seek informal resolution of a complaint by encouraging, facilitating, or otherwise assisting in the resolution of the complaint otherwise than by legal proceedings.

*Note: The handling of complaints by the PCP may be the subject of Regulations and accordingly this paragraph may need to be changed.*

## **18. Suspension of the Police and Crime Commissioner**

- 18.1 The PCP may suspend the PCC if it appears to the PCP that:
- (i) the commissioner is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and
  - (ii) the offence is one which carries a maximum term of imprisonment exceeding two years.
- 18.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:
- (i) the charge being dropped;
  - (ii) the PCC being acquitted of the offence;
  - (iii) the PCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
  - (iv) the termination of the suspension by the PCP.
- 18.3 In this section, references to an offence which carries a maximum term of imprisonment exceeding two years are references to:
- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
  - b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

## **19. Suspension and Removal of the Chief Constable**

- 19.1 The PCP will receive notification if the PCC suspends the Chief Constable.
- 19.2 The PCC must also notify the PCP in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.
- 19.3 The PCC must provide the PCP with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
- 19.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the PCP accordingly (the 'further notification').
- 19.5 Within six weeks from the date of receiving the further notification, the PCP must make a recommendation in writing to the PCC as to whether or not she/he should call for the retirement or resignation. Before making any recommendation, the PCP may consult the chief inspector of constabulary, and must hold a scrutiny hearing.
- 19.6 The scrutiny hearing which must be held by the PCP is a PCP meeting in private to which the PCC and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
- 19.7 The PCP must publish the recommendation it makes on its web site and by sending copies to each of the local authorities, and by any other means the PCP considers appropriate.
- 19.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
  - (i) at the end of six weeks from the PCP having received notification if the PCP has not by then given the PCC a recommendation as to whether or not she/he should call for the retirement or resignation; or
  - (ii) the PCC notifies the PCP of a decision about whether she/he accepts the PCP's recommendations in relation to resignation or retirement.
- 19.9 The PCC must consider the PCP's recommendation and may accept or reject it, notifying the PCP accordingly.
- 19.10 In calculating the six week period, the post election period is ignored.

## **20. Decision-making and Rules of Debate**

### **20.1 Principles of Decision-making**

These principles will underpin the way the PCP makes its decisions:-

- (i) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- (ii) The presumption that whenever possible, all decisions made by the PCP should be made in public

- (iii) Decisions will be clear about what they aim to achieve and the results that can be expected

## 20.2 Voting

20.2.1 All matters to be considered by the PCP shall be decided by a majority of the members of the PCP present and voting at the meeting. This will be done following the moving of a motion by any member of the PCP. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the PCC's proposed precept or the PCC's proposed appointment of a Chief Constable or as otherwise specified in these Rules of Procedure.

20.2.2 Voting will normally be by show of hands; but any member may demand a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.

20.2.3 In the event of a tie in voting, the Chairman shall have a second or casting vote

## 20.3 Rules of Debate

The rules of debate of the PCP shall be governed by the rules relating to meetings of County Council committees (section 7 of appendix 10 of the County Council Constitution).

## 21. **Minutes**

The Chairman will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

## 22. **Members' Conduct**

### 22.1 Speaking

When a member speaks at PCP meetings, he/she must address the meeting through the Chairman.

### 22.2 Chairman Requiring Silence

When the Chairman so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.

### 22.3 Member not to be heard further

22.3.1 If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

22.3.2 If the member continues to behave improperly after such a motion has been carried, the Chairman may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

## 22.4 General disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary.

## 23. **Disturbance by the public**

### 23.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

### 23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

## 24 **Suspension and Amendment of Procedure Rules**

### 24.1 Suspension

These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP are present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the PCP without debate. No suspension may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2011, relevant Regulations, statutory guidance or the Panel Arrangements.

### 24.2 Amendment

The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the PCP Secretary at least 10 working days prior to a PCP meeting. A report on the implications of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant Regulations or statutory guidance or Panel Arrangements.

## 25. **Adjournment of Panel Meetings**

When the PCP adjourns, whether by resolution or by decision of the Chairman, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the PCP will be notified of the new date, time and place when these have been determined.

## 26. **Interpretation**

26.1 The ruling of the Chairman as to the construction or application of these rules or as to the proceedings of the PCP will be final for the purposes of the meeting at which it is given.

26.2 If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail.

*General Note: Various functions of the PCP are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined.*