

# CARLISLE CITY COUNCIL

Report to:- **Carlisle City Council**

Date of Meeting:- **25 June 2012**

Agenda Item No:-

---

**Public**

---

Title:- **CARLISLE CITY COUNCIL APPOINTMENT TO POLICE  
AND CRIME PANEL**

Report of:- **Director of Governance**

Report reference:- **GD35/12**

---

## **Summary:-**

Following the Police Reform and Social Responsibility Act 2011 each police area in England (other than the metropolitan police district) is required to establish a Police and Crime Panel to publically scrutinise the new Police and Crime Commissioners.

This report outlines the role of Police and Crime Panels and the main considerations that arise in establishing a Panel for Cumbria.

## **Recommendation:-**

That the City Council:

- I. **nominate a representative to serve on the Police and Crime Panel until May 2013 and**
- II. **agree to continue to appoint a Member representative to the Cumbria Police and Crime Panel on an annual basis from May 2013**

Contact Officer: Mark Lambert

Ext: 7019

**Mark Lambert**

Director of Governance

12 June 2012

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None

## 1. BACKGROUND INFORMATION AND OPTIONS

- 1.1 The Police Reform and Social Responsibility Act received Royal Assent on 15 September 2011, confirming the replacement of police authorities with Police and Crime Commissioners (PCCs) in November 2012. (Attached at Appendix 1 is a guidance note from Cumbria Police Authority and Cumbria Constabulary outlining Guidance for Police and Crime Commissioner Candidates and highlighting where to find additional information) In addition each police area in England (other than the metropolitan police district) is required to establish and maintain a Police and Crime Panel (PCP).
- 1.2 PCPs are a scrutinising body which exist to scrutinise the PCC (not the Chief Constable or Police Force), to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions.
- 1.3 The PCP will have a number of functions including:
- Contributing to the development of the Police and Crime Plan (on which it is a statutory consultee).
  - Reviewing the PCC's annual report
  - Reviewing the PCC's proposed senior appointments (including Chief Constable, Chief Executive, Chief finance Officer and Deputy Police and Crime Commissioner) with a power of veto over the appointment of Chief Constable
  - Reviewing the PCC's proposed precept with a power of veto over the issue
  - Receiving evidence in person from officers of the PCC's secretariat.
  - Receiving evidence and scrutinising the PCC, making reports and recommendations on matters relating to the PCC as appropriate.
  - Carrying out investigations into decisions made by the PCC and into topics of particular interest, or public concern.
  - A role in investigating complaints about non-criminal behaviour of the PCC.
- 1.4 PCPs are to be a joint committee consisting of elected Members from each local authority in the area. The minimum Panel size is 10 Elected Members plus two independent co-optees.
- 1.5 Elected Member representation is required to be balanced and must as far as is practicable reflect the make-up of the local areas in terms of political and geographical balance, and have the required skills, knowledge and experience for the panel to function effectively.
- 1.6 In relation to queries regarding this balance, the Home Office has recently issued clarification in their Police and Crime Commissioners Bulletin number 6, 23 March 2012. An extract from this bulletin is shown below.

*“Ministers have been clear that the best panel arrangements will be those which are locally determined. In many cases achieving balance will be challenging, especially where perceived inequalities cannot be redressed through additional co-option of elected members. In recognition of this, **the Act specifically states that the balanced appointment objective must be secured “as far as is practicable”**. However, local authorities will need a robust rationale for their final membership and be able to justify their decision to the public and their peers.*

**Geographical balance - “represent all parts of the relevant police area”**

*Councillor membership of the panel should reflect the geography and population size of the force area. In the first instance, the legislation seeks to achieve this by having every local authority in the area represented on the panel.*

**Political balance - “represent the political make-up of the relevant local authorities (when taken together)”**

*Councillor membership of the panel, when taken together, should reflect the political balance of the force area. Local authorities could look to achieve this, in the first instance, by considering the proportion of councillors from each political party across the force area. This approach is the closest to the spirit of the legislation and reflects the approach taken to police authority membership.*

**Skills, knowledge and experience**

*All appointments to the panel, of both councillors and independents, should be made in the context of ensuring that the panel has the necessary skills, knowledge and experience to discharge its functions.”*

1.7 Based on the minimum Panel size of 10 Elected Members plus two independent co-opted members, for Cumbria in the current 2012/13 year this would mean:

- 4 Labour Members
- 3 Conservative Members
- 2 Liberal Democrat Members
- 1 Independent Member

1.8 Outlined in paragraphs 1.15 and 1.16 are the overall arrangements for establishing the Panel in Cumbria.

**Timescales**

1.9 Key dates for the authority to be aware of are:

<b>Timescale</b>	<b>Action</b>
Jan / Feb 2012	Home Secretary writes to local authorities inviting them to establish Police and Crime Panels
April 2012	Regulations laid detailing powers of veto, information requirements and establishing Police and Crime Panels (PCP)
April 2012	PCP guidance including non-criminal complaints
July 2012	Deadline for Local Authorities to establish their own PCP
1 <sup>st</sup> Nov 2012	Deadline for PCPs being in place

1.10 It is important to note that if a Panel is not agreed and finalised in the timeframes the Home Secretary has the power to impose a Panel on an area.

### **Support Arrangements and Funding**

1.11 The PCP will be a joint committee of all of the authorities in the force area, however one Council will have to take on the role of host authority to undertake the role of supporting and managing the Panel. This role will include all support arrangements for example setting up and running meetings and supporting the planning and delivery of the Panel's work programme. This may include the provision of Officer resource and Accommodation if required.

1.12 The Home Office have agreed to provide funding to help Panels do the job required of them under the new legislation and funding will begin in October 2012. The Home Office advise that this is to ensure that the Panel can meet and agree procedures before Commissioners are in place in November, when the work of PCPs really begins.

### **Arrangements for Cumbria**

1.13 In Cumbria a small working group has been established to begin to look at the scope of the work involved in establishing a PCP across the county.

1.14 On 29<sup>th</sup> February 2012 the Chief Executives and Leaders of all principal Local Authorities in Cumbria met to review the establishment of a Police and Crime Panel and agree how this would be taken forward, particularly focussing on who would host the Panel, and the membership of the PCP.

1.15 It was agreed that Cumbria County Council will host the PCP, but that this body is clearly a joint Panel not a County Council led Panel. As part of this the group felt it important that the meetings of the PCP be rotated and held around the county rather than be fixed in any one location. It was also agreed that should it be financially unviable for the County Council to host the Panel, then twelve months notice may be given, during which time the Chief Executives and Leaders of all principal authorities will meet to agree a way forward.

1.16 In terms of make up of the Panel it was agreed that it would consist of 10 elected Members and 2 independent co-optees. In order to achieve a balanced Panel as required by the Police and Social Responsibility Act each authority agreed the following approach.

- Each Authority will initially nominate one elected Member to sit on the Panel, (this will fill 7 of the 10 places allocated to elected Members, and will ensure that there is geographical balance)
- Once this has been established, the political make up of the Panel as it stands will be examined against how an ideally balanced panel would look using the proportionality criteria specified in the Police and Social Responsibility Act and associated guidance.
- The remaining three places on the Panel will be offered to the appropriate countywide political parties with an aim of achieving a balanced Panel based on the political spread of the remaining three Members required.
- In the current political balance one of the places on the Panel would go to an Independent Member, and the proposed procedure for this is outlined in point 1.18. In

relation to the final places to achieve political proportionality it is proposed that the appropriate political parties nominate their candidate from the County Council Membership, prioritising those Members who are 'dual hatted' holding positions both at District and County Council levels.

1.17 It is proposed that as there will be elections in some part of Cumbria every year, potentially impacting on the overall political proportionality of the county and therefore Panel, that appointments to the PCP by each authority (as outlined above) are made annually.

1.18 In relation to the appointment of an Independent (politically) Member to the Panel, through discussions on the joint District and County Council Working Group it was agreed that the County Council as host authority would write to all of the Independent Elected Members in Cumbria seeking expressions of interest in serving on the Panel. Once these nominations have been received the Independent Members will then be contacted to vote on those Members who have put themselves forward as possible candidates. The successful candidate will then be officially nominated to the Panel through their own authority (District or County Council).

1.19 It is proposed that as soon as all of the Elected Member appointments to the Cumbrian Panel are known, the Panel begins to run in a shadow form

1.20 It is important to note that it is the Panel itself which will make the decisions relating to its workload, functions and requirements, and at its first meeting Members will need to make a number of decisions including:

- Electing a Chair and Vice Chair
- Agreeing the Panel's Terms of Reference and Rules of Procedure
- Identifying the types skills needed to fill the two independent co-opted member seats on the Panel and agree recruitment to these places. It will also be necessary to agree the length of appointment of these co-opted members.
- Identify the learning and development requirements of Panel members and how this will be undertaken.
- Agreeing the meeting schedule for the Panel and how it wishes to undertake its work.

1.21 Although it is the Panel itself that will initially agree its Terms of Reference and Rules of Procedure it is suggested that these should be based on the recent Local Government Association document "*Police and Crime Panels guidance on terms of reference and rules of procedure.*" These are attached at Appendix 2 for information.

1.22 Following this initial meeting of the shadow Panel and the agreement relating to Terms of Reference and Rules of Procedure, it is proposed that these finalised key documents are taken to each of the Local Authority's September Full Council Meetings for agreement in order for the Panel to have them signed up to officially by all partners in time for the official commencement of the Panel in October 2012.

## **2. CONSULTATION**

2.1 Preparatory work has been undertaken by the working group referred to in 1.13 above.

### **3. RECOMMENDATIONS**

That the City Council:

- i. nominate a representative to serve on the Police and Crime Panel until May 2013 and**
- ii. agree to continue to appoint a Member representative to the Cumbria Police and Crime Panel on an annual basis from May 2013**

### **4. REASONS FOR RECOMMENDATIONS**

To ensure that the City Council is properly represented on the police and Crime Panel for Cumbria as established by the Police Reform and Social Responsibility Act 2011.

### **5. IMPLICATIONS**

- Staffing/Resources – None.
- Financial – None.
- Legal – Contained within the body of the Report.
- Corporate – None.
- Risk Management – None
- Equality and Disability – None.
- Environmental – None.
- Crime and Disorder – The legislation is intended to assist in the Policing of Cumbria Constabulary's Area.
- Impact on Customers –  
**Impact assessments**

**Does the change have an impact on the following?**

Equality Impact Screening	Impact Yes/No?	Is the impact positive or negative?
Does the policy/service impact on the following?	No	
Age	No	
Disability	No	
Race	No	
Gender/ Transgender	No	
Sexual Orientation	No	
Religion or belief	No	
Human Rights	No	
Health inequalities	No	
Rurality	No	

**If you consider there is either no impact or no negative impact, please give reasons:**

**.....Equality impact assessments will have occurred in the drafting of the legislation. The Council’s appointment of a representative does not impact upon any equality issue.....**

**If an equality Impact is necessary, please contact the P&P team.**

## **Cumbria Police Authority and Cumbria Constabulary**

### **ELECTION OF POLICE AND CRIME COMMISSIONERS Guidance for Police and Crime Commissioner Candidates**

#### **Introduction**

Elections for a Police and Crime Commissioner (PCC) will be held on 15 November 2012 with the successful candidate taking office officially on 22<sup>nd</sup> November 2012.

Cumbria Police Authority and Cumbria Constabulary pledge to give all candidates equal access to information. To facilitate a fair approach we have outlined a number of principles that will be followed:

- The Police Authority and the Constabulary will not show any favour towards any particular candidate
- All candidates will be treated with the same level of respect, fairness and equality
- All candidates will be afforded the same access to information
- Any opportunities provided to a candidate will be offered to all candidates and will take account of the impact on operational resources
- The Police Authority and the Constabulary will not publish any material that could, in any way, be construed as being designed to affect support for a party or a candidate and will operate under purdah
- Any information provided to a candidate will be published on the Police Authority website so that it is available to everyone

We would request that candidates follow the following points:

- Respect the impartiality of the Police Authority and Cumbria Constabulary
- Not use any pre-existing photographs or publicity involving officers, staff or Police Authority buildings/vehicles in their campaigns
- Avoid taking any publicity photographs which include officers and staff or that show the Police Authority logos or Cumbria Constabulary livery
- Candidates should be aware that all police officers and some police staff are in politically restricted posts and are not allowed to take part in political campaigns or activity – this restriction applies both in their professional and private lives

#### **Prospective Candidates**

Anyone thinking of standing as a candidate in the election can download a policing briefing pack from the Cumbria PCC website ([www.cumbriapoliceauthority.org.uk/police-crime-](http://www.cumbriapoliceauthority.org.uk/police-crime-)

commissioner). A number of policing briefings will also be carried out at Police Headquarters, Penrith. The dates for these will be published on the above website.

### **Official Candidates**

Once you have submitted a valid nomination to the Police Area Returning Officer you will become an official candidate. As such you will receive from the Police Authority:

- Details of who you should contact if you require further information on policing issues and details of the Police Authority website
- Details of how any requests for further access to the Police Authority and Constabulary will be accommodated
- A briefing provided by the Police Authority and the Constabulary. This briefing will take place on Police premises, probably at Police Headquarters, Penrith. Dates will be published nearer the time.

All official candidates will be briefed together to ensure all candidates are provided with the same information.

### **How do I request information or additional access to the Police Authority or Constabulary?**

All requests should go through the Police Authority office – details can be found below. Officers and staff will only be able to provide you with factual and operational information relevant to their role as they would any other member of the public. In order to maintain fairness of access to information any request for information which is not already in the public domain will be passed to the Police Authority for publication on the Police Authority Website.

Candidates will not be given access to any restricted information or any information which could affect the operation effectiveness of Cumbria police.

Any request made under the Freedom of Information Act will be dealt with under normal rules.

Information and details of requests made by all candidates and the relevant responses can be found on the Cumbria PCC website: <http://www.cumbriapoliceauthority.org.uk/police-crime-commissioner>

### **Contact details:**

Any requests for more information should be made direct to the Police Authority by:

- Telephoning: 01768 xxxxxx (TBC by Police Authority)
- Emailing: xxx (TBC by Police Authority)
- In writing: xxx (TBC by Police Authority)

**Useful information:**

The Home Office:

<http://www.homeoffice.gov.uk/police/police-crime-commissioners/>

Information in relation to the election should be requested to the Police Area Returning Officer at South Lakeland District Council on 0845 050 4434 or email:

[elections@southlakeland.gov.uk](mailto:elections@southlakeland.gov.uk)

# Police and crime panels

Guidance on terms of reference and rules of procedure





# Contents

Introduction	4
Elements which Schedule 6 states the rules of procedure must cover	6
Elements which Schedule 6 states the rules of procedure may cover	7
Annex 1 – Draft Terms of Reference based on text from Gloucestershire County Council	9
Annex 2 – Draft Rules of Procedure based on text from Gloucestershire County Council	10

# Introduction

This guide should be read alongside the previous guides produced by the LGA on police and crime commissioners and police and crime panels, including guidance on the role and composition of police and crime panels dated November 2011. This guide will be complemented by further LGA guides aimed at assisting authorities establish and operate police and crime panels.

The guidance suggests some key points that panels should consider when establishing their rules of procedure. The guidance here should be read alongside Schedule 6 of the Police Reform and Social Responsibility Act 2011, particularly paragraphs 25-27.

Paragraph 25 of Schedule 6 refers to a police and crime panel's obligations concerning rules and procedures as follows:

## Rules of procedure

- 25(1) A police and crime panel must make rules of procedure for the panel.
- (2) A police and crime panel's rules of procedure must make provision about the appointment, resignation and removal of a person to chair the panel.
- (3) The police and crime panel's rules of procedure may, in particular, make provision about:
  - (a) the method of making decisions, and
  - (b) the formation of sub-committees.
- (4) A sub-committee of a police and crime panel may not co-opt members.
- (5) This paragraph is subject to paragraph 27.

Paragraph 27 refers to functions of the panel which cannot be discharged by a committee or sub-committee of the panel. Paragraph 28 allows the panel to make provision for allowances. Paragraph 26 refers to panel member voting rights.

The rules of procedure are the standing orders governing the conduct of panel meetings and any sub-committees it establishes. Any rules of procedure will have to reflect the law in the Police Reform and Social Responsibility Act, as well as other local government legislation, and should be written in plain English.

Separate LGA guidance will be provided on 'Panel Arrangements' although it is recognised that there may be an overlap and some panels might wish to present their rules and procedures together with the panel arrangements, or at least within the same document.

## Agreement of rules of procedure

Rules of procedure need to be endorsed by the panel at its first meeting, but it is strongly suggested that agreeing the text in advance should be a priority for one of the panel meetings in the lead up to November 2012.

Most authorities will have standard models for operating other joint scrutiny committees, the details of which can be copied. Ideally if locally established procedures can be used which are already familiar and common to all the authorities in the police force area, these can be easily agreed and adopted by the panel.

It is suggested that where the lead in establishing a panel is taken by local authority staff who are not normally involved in dealing with democratic services and scrutiny, consultation and liaison should take place with relevant colleagues who are involved in this kind of work.

Where there are different approaches which need discussion, time should be allocated for this at an early meeting of the panel to resolve any issues before November 2012.

# Elements which Schedule 6 states the rules of procedure must cover

## Issues concerning the panel chair

The rules of procedure **must** cover the appointment, resignation and removal of the panel chair.

There could be several options for chairing the panel meetings. The panel itself will need to choose a method which is acceptable locally. Options might include:

- the panel electing a chair from its membership at the first meeting and thereafter annually (after relevant local and police and crime commissioner (PCC) elections)
- agreement that the role of panel chair will be rotated at each meeting
- the chair might be agreed for the same period that the PCC is elected for. In such circumstances it might be arranged that the chair represents a different political party from the serving PCC so as to help the panel deliver robust and independent scrutiny.

Rules of procedure should cover securing a replacement chair in the event of the resignation of a serving chair, and also the election of a temporary chair if the chair is not available for a meeting. However, procedures to address these matters need not be any different from any other scrutiny committee. The approach to take for the removal of a chair will need more consideration.

It is suggested that the removal of a chair would be needed in cases of misconduct or if it becomes clear that the person concerned is not allowing the panel to effectively deliver its functions as set out in the panel's Terms of Reference, (see **Annex 1**). The method for taking decisions about removing a chair would be on the same basis as other work is decided by the panel.

# Elements which Schedule 6 states the rules of procedure may cover

## Methods of decision making

Rules of procedure **may** cover methods of decision making. It is suggested for example that they should specify that a meeting should be quorate before decisions can be taken. The threshold of what is quorate must be decided by the panel when endorsing the rules of procedure. Examples can be drawn from the quorums for other council committees, and consideration will need to be given to what happens if the quorum is not reached.

Paragraph 26 of the Schedule refers to all members of the panel being eligible to vote on panel business. Rules of procedure might also cover issues such as: the tabling of motions; rules of debate; casting votes for the chair and rights to request the recording of votes.

The Home Office will be setting out in regulations how the panel's power of veto over the precept and chief constable candidates is exercised and works.

Further detail might be provided in the rules of procedure if it is considered helpful. For example stating that voting would normally be by a simple show of hands at the meeting with votes clearly recorded in the minutes of meetings.

The rules of procedure might also refer to the need for occasional extraordinary meetings to cover unforeseen policing matters. This should allow the panel enough flexibility to respond to short notice decisions, announcements and actions taken by the PCC which need to be considered in-between scheduled panel meetings.

## Sub-committees

The rules of procedure may also cover the creation and operation of sub-committees. It should be highlighted that the panel would need to check carefully that any areas to be dealt with by sub-committee are not beyond the scope of the panel as specified in the Act, and are not matters specified in paragraph 27 of Schedule 6.

Paragraph 27 of Schedule 6 specifies certain functions which **must** be dealt with by the panel and **not** by a sub-committee, namely:

- (a) Section 28(3) (scrutiny of police and crime plan)
- (b) Section 28(4) (scrutiny of annual report)
- (c) Paragraphs 10 and 11 of Schedule 1 (Scrutiny of Senior Appointments)
- (d) Schedule 5 (issuing precepts), and
- (e) Part 1 of Schedule 8 (scrutiny of appointment of chief constables).

## Draft rules of procedure

An example 'rules of procedure' document, which combines matters required and suggested by Schedule 6 **and a range of other very useful optional matters** for inclusion, is provided in **Annex 2**. Most of the text in Annex 2 is taken with permission from a document drafted by Gloucestershire County Council.

## Other issues

Finally the panel, as a joint local authority committee, will be bound by legislation about public accessibility to meetings. Councils will therefore need to consider how to deal with the public's rights to see public reports and background papers and any record of decisions (except where confidential or exempt).

Thought will also have to be given to whether the public will be allowed to participate in meetings. It is suggested that the public may attend panel meetings except where confidential or exempt information is likely to be discussed.

However, the extent to which existing local authority legislation governing the operation of committees will apply to panels will be determined by the Home Office. Regulations setting out which existing provisions apply to panels will be published in the autumn. The panel's rules of procedure will have to be finalised in light of those regulations.

# Annex 1

The majority of the following text is taken, with permission, from a document drafted by Gloucestershire County Council. In each area however the text would need to be adapted and amended to reflect local circumstances as necessary.

## [Police force area name] police and crime panel Terms of Reference

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 4) To review and make a report on the proposed appointment of the Chief Constable.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint an Acting Police and Crime Commissioner if necessary.
- 11) To suspend the Police and Crime Commissioner if it appears to the panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

# Annex 2

Note: Whilst some of the rules of procedures suggested here go beyond what Schedule 6 requires as a minimum – the following may provide a good model on which local documents might be based. The majority of the following text is taken, with permission, from a document drafted by Gloucestershire County Council. In each area however the text would need to be adapted and amended to reflect local circumstances as necessary. It also needs to be noted that various functions of the panel 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.

## [Police force area name] police and crime panel Procedure Rules

### 1 Chairman of the police and crime panel

- 1.1 The chairman of the police and crime panel will be appointed in June of each year and will be drawn from amongst the councillors sitting on the panel.

- 1.2 The vice-chairman will be appointed in June of each year and will be drawn from amongst the councillors sitting on the panel.
- 1.3 In the event of the resignation of the chairman or removal of chairman, a new chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the panel.
- 1.4 The chairman may be removed by agreement of a majority of the whole membership of the panel and in that event the panel will appoint a replacement chairman from amongst the councillors sitting on the panel.
- 1.5 The panel will elect a person to preside at a meeting if the chair and vice chair are not present.

### 2 Meetings of the police and crime panel

- 2.1 There shall be a minimum of four ordinary meetings of the police and crime panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- 2.2 An extraordinary meeting may be called by the chairman or by four members of the panel.
- 2.3 An extraordinary meeting may also be called by the monitoring officer to the panel.

- 2.4 Ordinary meetings will take place in accordance with a programme decided by the panel, and will start at the time decided by the panel.
- 2.5 Ordinary meetings of the panel will:
- a) receive any declarations of interest from members
  - b) approve the minutes of the last meeting
  - c) consider reports from officers and panel members.
- 2.6 Notice of meetings [agreed local arrangements for notice of meetings including minimum notice should be inserted here].
- 2.7 Substitutes [for councillors unable to attend the meeting. Again agreed local arrangements on substitution should be inserted here].

### **3 Quorum**

A meeting of the police and crime panel cannot take place unless [fix a figure locally for example one third] of the whole number of its members is present.

### **4 Voting**

- 4.1 Voting will be by show of hands and by simple majority unless the Act, regulations made under the Act or these rules require otherwise.
- 4.2 All panel members may vote in proceedings of the panel.

### **5 Work programme**

- 5.1 The police and crime panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the police and crime panel will also take into account the wishes of its members.
- 5.2 The work programme must include the functions described in the terms of reference for the panel.

### **6 Agenda items**

- 6.1 The panel agenda will be issued to panel members at least five clear working days before the meeting. It will also be published on the panel's website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.
- 6.2 Any member of the police and crime panel shall be entitled to give notice to the Chief Executive of the host authority that he or she wishes an item relevant to the functions of the panel to be included on the agenda for the next available meeting.

### **7 Reports from the police and crime panel**

- 7.1 Where the police and crime panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.

7.2 The police and crime panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:

- a) consider the report or recommendations
- b) respond to the police and crime panel indicating what (if any) action the Police and Crime Commissioner proposes to take
- c) where the police and crime panel has published the report or recommendations, publish the response
- d) where the police and crime panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.

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).

7.4 If the police and crime panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

## **8 Police and crime commissioner and officers giving account**

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

8.2 Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the panel. 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 Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.

8.4 If the police and crime panel require the Police and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable to attend before the panel on the same occasion to answer any questions which appears to the panel to be necessary in order for it to carry out its functions.

## 9 Attendance by others

The police and crime panel 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 panel and officers in other parts of the public sector and may invite such people to attend.

## 10 Sub-committees and task groups

10.1 Time limited task groups may be established from time to time by the police and crime panel to undertake specific task based work.

10.2 The special functions of the police and crime panel may not be discharged by a sub-committee of the panel or a task group.

10.3 In this paragraph 'special functions' means the functions conferred on a police and crime panel by:

- a) Section 28(3) of the Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan)
- b) Section 28(4) of the Police Reform and Social Responsibility Act (scrutiny of annual report)

- c) Paragraphs 10 and 11 of Schedule 1 of the Police Reform and Social Responsibility Act (review of senior appointments)
- d) Schedule 5 of the Police Reform and Social Responsibility Act (issuing precepts)
- e) Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).

10.4 The work undertaken by a sub-committee or task 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.

## 11 Carrying out 'special functions'

Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at in Section 7.

### 11.1 Police and crime plan

- 11.1.1 The panel 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.

- 11.1.2 The panel must
- a) hold a public meeting to review the draft police and crime plan (or a variation to it), and
  - b) report or make recommendations on the draft plan which the PCC must take into account.

## 11.2 Annual report

- 11.2.1 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 panel for consideration.
- 11.2.2 The panel must comment upon the annual report of the PCC, and for that purpose must:
- a) arrange for a public meeting of the panel to be held as soon as practicable after the panel receives the annual report
  - b) require the PCC to attend the meeting to present the annual report and answer questions about the annual report as the members of the panel think appropriate
  - c) make a report or recommendations on the annual report to the PCC.

## 11.3 Senior appointments

11.3.1 The panel has powers to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold public confirmation hearings for these posts.

11.3.2 The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

11.3.3 With regards to the appointment of the Chief Constable, the panel is required to hold a hearing within the period of three weeks from the day on which the panel receives notification from the Police and Crime Commissioner.

11.3.4 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the panel is required to review

- the proposed appointment and make a report to the commissioner on the appointment.
- 11.3.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- 11.3.6 Having considered the appointment, the panel will be asked to either:
- a) support the appointment without qualification or comment
  - b) support the appointment with associated recommendations, or
  - c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).<sup>1</sup>
- 11.3.7 If the panel vetoes the appointment of the candidate, the report to the commissioner must include a statement that the panel has vetoed the appointment with reasons.
- 11.4 Appointment of an Acting Police and Crime Commissioner
- 11.4.1 The police and crime panel must appoint a person to act as Police and Crime Commissioner if:
- a) no person holds the office of Police and Crime Commissioner
  - b) the Police and Crime Commissioner is incapacitated, or
  - c) the Police and Crime Commissioner is suspended.
- 11.4.2 The police and crime panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
- 11.4.3 In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the police and crime panel must have regard to any representations made by the commissioner in relation to the appointment.

<sup>1</sup> Note: this section may have to be varied in the light of Home Office Regulations expected to be laid in June on the exercise of the veto.

11.4.4 The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as Police and Crime Commissioner
- b) the termination by the police and crime panel, or by the acting commissioner, of the appointment of the acting commissioner
- c) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or
- d) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.

## 11.5 Proposed precept

11.5.1 The Police and Crime Commissioner will notify the police and crime panel of the precept which the commissioner is proposing to issue for the financial year. The panel must review the proposed precept and make a report including recommendations.

11.5.2 Having considered the precept, the police and crime panel will either:

- a) support the precept without qualification or comment
- b) support the precept and make recommendations, or
- c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).

11.5.3 If the panel vetoes the proposed precept<sup>2</sup>, the report to the commissioner must include a statement that the panel has vetoed the proposed precept with reasons. The panel will require a response to the report and any such recommendations.

---

<sup>2</sup> Note: this section may have to be varied in the light of Home Office Regulations expected to be laid in June on the exercise of the veto.

## 11.6 Complaints

Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (<http://www.legislation.gov.uk/ukxi/2012/62/part/1/made?view=plain>) [local arrangements should be clarified and specified clearly in the rules of procedure]<sup>3</sup>

## 11.7 Suspension of the Police and Crime Commissioner

11.7.1 A police and crime panel may suspend the Police and Crime Commissioner if it appears to the panel that:

- a) the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

11.7.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped
- b) the Police and Crime Commissioner being acquitted of the offence
- c) the Police and Crime Commissioner 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
- d) the termination of the suspension by the police and crime panel.

11.7.3 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.

<sup>3</sup> Further guidance is due to be published in the spring by the Independent Police Complaints Commission, and the Home Office

## 11.8 Suspension and removal of the Chief Constable

- 11.8.1 The panel will receive notification if the PCC suspends the Chief Constable.
- 11.8.2 The PCC must also notify the panel 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.
- 11.8.3 The PCC must provide the panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
- 11.8.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the panel accordingly (the 'further notification').
- 11.8.5 Within six weeks from the date of receiving the further notification the panel 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 panel may consult the chief inspector of constabulary, and must hold a scrutiny meeting.

11.8.6 The scrutiny hearing which must be held by the panel is a panel 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.

11.8.7 The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.

11.8.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:

- a) at the end of six weeks from the panel having received notification if the panel has not by then given the PCC a recommendation as to whether or not she/he should call for the retirement or resignation, or
- b) the PCC notifies the panel of a decision about whether she/he accepts the panel's recommendations in relation to resignation or retirement.

11.8.9 The PCC must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.

11.8.10 In calculating the six week period, the post-election period is ignored.

## **12 Rules of debate**

[To be clarified and agreed locally drawing from local authority constitutions on matters including:

- a) rules of debate and motions
- b) casting votes for chairs and
- c) rights to request recording of votes].

## **13 Public participation**

[To be clarified and agreed locally drawing from local authority constitutions on matters including:

- a) public questions
- b) situations where confidential or exempt information is likely to be discussed
- c) public reports and background papers
- d) availability of record of decisions].



**Local Government Association**

Local Government House  
Smith Square  
London SW1P 3HZ

Telephone 020 7664 3000

Fax 020 7664 3030

Email [info@local.gov.uk](mailto:info@local.gov.uk)

[www.local.gov.uk](http://www.local.gov.uk)

© Local Government Association, March 2012

For a copy in Braille, larger print or audio,  
please contact us on 020 7664 3000.  
We consider requests on an individual basis.