

# Public Document Pack

Devon and Cornwall Shadow Police  
and Crime Panel  
c/o Plymouth City Council  
Civic Centre  
Plymouth  
PL1 2AA

[www.plymouth.gov.uk/democracy](http://www.plymouth.gov.uk/democracy)

Date: 17 July 2012

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## **DEVON AND CORNWALL SHADOW POLICE AND CRIME PANEL**

**Date:** Wednesday 25 July 2012

**Time:** 2pm

**Venue:** Council House, Next to the Civic Centre

### **Members:**

Councillors Barker (Teignbridge District Council), Mrs Brown (North Devon District Council), Edwards (Exeter District Council), Hare-Scott (Mid Devon District Council), Hart (Devon County Council), Hicks (Isles of Scilly), Kennedy (Cornwall Council), Mayor Oliver (Torbay Council), Penberthy (Plymouth City Council), Robertson (Cornwall Council), Saltern (South Hams District Council), Sanders (West Devon Borough Council), Tisdale (Torridge District Council), Williams (Plymouth City Council) and Wright (East Devon District Council).

**Please note that this attendance list does not currently represent the full panel membership – confirmation of members from some authorities is awaited.**

Members are invited to attend the above meeting to consider the items of business overleaf.

Members and officers are requested to sign the attendance list at the meeting.

# **DEVON AND CORNWALL SHADOW POLICE AND CRIME PANEL**

## **AGENDA**

### **PART I – PUBLIC MEETING**

#### **LOCATION MAP**

#### **1. WELCOME AND INTRODUCTIONS**

To welcome and introduce all members to the first meeting of the Devon and Cornwall Shadow Police and Crime Panel.

#### **2. APPOINTMENT OF CHAIR OF DEVON AND CORNWALL POLICE AND CRIME PANEL**

The Panel will elect a Chair of the Devon and Cornwall Shadow Police and Crime Panel.

#### **3. APPOINTMENT OF DEPUTY CHAIR OF DEVON AND CORNWALL POLICE AND CRIME PANEL**

The Panel will elect a Vice-Chair of the Devon and Cornwall Shadow Police and Crime Panel.

#### **4. DRAFT PANEL ARRANGEMENTS AND RULES OF PROCEDURE AND SUBMISSION TO HOME OFFICE ON PANEL COMPOSITION AND HOST AUTHORITY** (Pages 3 - 24)

The panel will be asked to agree panel arrangements and rules of procedure.

#### **5. NOTIFICATION OF PANEL TO THE HOME OFFICE**

The Panel will be asked to identify whether any authority wishes to be identified as 'failed to nominate' on the notification to the Home Office.

#### **6. WHAT WILL A SUCCESSFUL POLICE AND CRIME PANEL LOOK LIKE FOR DEVON AND CORNWALL - TO INCLUDE AN UPDATE ON 'VETO' PROCESS AND OPPORTUNITY FOR Q&A**

The Panel will receive a presentation from Chris Williams, Senior Adviser – Community Safety, Local Government Association.

#### **7. WORK PROGRAMME** (Pages 25 - 26)

The Panel will be asked to agree the work programme and dates for future meetings.

**8. INDUCTION FOR MEMBERS OF POLICE AND CRIME PANEL (Pages 27 - 30)**

The Panel will be asked to agree proposals for a panel member induction session and to define the content of the session.

**9. RECRUITMENT OF INDEPENDENT MEMBERS (Pages 31 - 38)**

The Panel will be asked to agree recommendations and a pack for the recruitment process of Independent Members.

**10. DATE OF NEXT MEETING**

The Panel will be informed of the date, time and venue of the next meeting.

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# Civic Centre Location Map



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**DEVON AND CORNWALL SHADOW POLICE AND CRIME PANEL**

**Subject: PANEL ARRANGEMENTS AND RULES OF PROCEDURE**

**Date: 25 JULY 2012**

**Author: SARAH HOPKINS**

**Organisation: PLYMOUTH CITY COUNCIL**

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**Ref:**

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**Executive Summary:**

Schedule 6 of the Police Reform and Social Responsibility Act 2011 (“the Act”) provides that a Police and Crime Panel must make Panel Arrangements and Rules of Procedure for the Panel. These need to be adopted by the Police and Crime Panel at its first meeting.

All local authorities in the Devon and Cornwall police area are required to agree arrangements for the establishment of the Police and Crime Panel, including panel composition and host authority. If local agreement is not reached by the Home Office deadline of 16 July 2012 then the Secretary of State may impose arrangements.

The Draft Panel Arrangements and Rules of Procedure were developed by Plymouth City Council and sent out for consultation to all 13 local authorities on the 7<sup>th</sup> June 2012 requesting comments by 18<sup>th</sup> June 2012. There were two replies, both of which were supportive. The Police Authority has also provided some feedback, which has been incorporated including clarifying the difference between Functions and ‘Special Functions’ of the Panel and the required Panel Membership to exercise a veto. The updated draft Panel Arrangements and Rules of Procedure are attached (Appendix 1).

The Panel Arrangements and Rules of Procedure include arrangements for:

- Functions and Special Functions of the Panel
- Host Authority
- Panel Membership
- Recruitment and selection of independent members
- Appointing the Chair/Deputy Chair of the Panel

It is recommended that these Panel Arrangements and Rules of Procedure are adopted for the Shadow Panel, reviewed/updated in light of any further Home Office regulations and advice, and the fully constituted Panel be asked to adopt a final version, updated, as necessary at its first meeting.

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**Implications: Police and Crime Plan, Annual Report, Peninsula Partnership Strategic Assessment, Panel Functions, Panel Arrangements and Rules of Procedure:**

Agreement of Panel Arrangements and Rules of Procedure is fundamental to the Panel’s establishment and its ability to influence key decisions which will be taken by the new Police and

Crime Commissioner soon after their election.

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**Implications: resources including finance, human and IT:**

- Finance - The host authority will receive an administration grant of £53,000, plus £920 per panel member per year for expenses. The funding will be provided pro rata for the first year (October 2012 until March 2013), and confirmation about future funding arrangements from the Home Office is awaited.
  - Human resources - The host authority will be responsible for providing support including a Democratic Support Officer to undertake administrative functions and to support the panel, with others providing specialist advice.
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**Recommendations & Reasons for recommended action:**

It is recommended that the Devon and Cornwall Shadow Police and Crime Panel:

1. Adopts the Panel Arrangements and Rules of Procedure set out in the Appendix.
2. Agree to review/update the document in light of further advice and Home Office regulations and provide an update on this to the fully constituted Panel when it meets in October 2012.

Agreeing these recommendations will allow the Shadow Panel to operate effectively and ensures the Panel becomes fully constituted in order to scrutinise and support the Police and Crime Commissioner, when elected, with the effective exercise of their functions.

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**Alternative options considered, and reasons for recommended action:**

If the Shadow Panel and/or Panel does not agree Panel Arrangements and Rules of Procedure the delay would risk preparations for the Panel's establishment being inadequate, and thereby reducing its ability to influence key decisions which will be taken by the new Police and Crime Commissioner soon after their election.

Plymouth City Council does not have to offer to be the host authority, nor does the Panel have to accept this offer (and could leave it to one of the other Authorities to undertake this).

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**Background Papers:**

1. Police Reform and Social Responsibility Act 2011<sup>1</sup>
  2. Letter to Local Authority Leaders from the Home Secretary dated 23 January 2012
  3. Devon & Cornwall Police & Crime Panel Arrangements and Rules of Procedure (draft)
  4. Letter and Guidance to Local Authority Leaders from the Home Secretary dated 15 June 2012
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**1.0 Introduction**

1.1 Schedule 6 of the Police Reform and Social Responsibility Act 2011 ("the Act") provides that a Police and Crime Panel must make Panel Arrangements and Rules of Procedure for the Panel. These need to be adopted by the Police and Crime Panel at its first meeting. Draft Panel Arrangements and Rules of Procedure are attached (Appendix I).

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1.2 The purpose of the Panel Arrangements and Rules of Procedure are to set out clearly the operations and conduct of the Panel. As required by law, the Panel Arrangements and Rules of Procedure make provision for carrying out the functions (including special functions) of the Panel, including the scrutiny of the police and crime plan, the scrutiny of the annual report, the scrutiny of senior appointments and the issuing of precepts. They also detail the procedures relating to the handling of complaints and conduct matters.

### **2. Legislative Context and Background**

2.1 The Panel must adopt Panel Arrangements and Rules of Procedure in accordance with the requirements of the Act. Panel Arrangements and Rules of Procedure are the 'standing orders' governing the conduct of meetings of the Panel and of any task groups it establishes. This must reflect the law in the Act, as well as local government legislation. For example, Panel Arrangements and Rules of Procedure make provision for the appointment, resignation and removal of a person to chair the Panel, cover decision making, the formation of task groups, make arrangements for convening meetings and outline how independent members are appointed..

### **3. Adopting Panel Arrangements and Rules of Procedure**

3.1 Subject to the statutory requirement to make provision in relation to the Panel chair, the Panel is given the power to adopt its Panel Arrangements and Rules of Procedure in whatever form it sees fit. There are a wide range of options available to the Panel with regard to how it conducts its business.

3.2 The draft proposed is based on versions of Panel Arrangements and Rules of Procedure that have been written and adopted by Panels in other Force Areas and using LGA Guidance.

3.3 The Draft Panel Arrangements and Rules of Procedure have been developed by Plymouth City Council and sent out for consultation to all 13 local authorities on the 7<sup>th</sup> June 2012 requesting comments by 18<sup>th</sup> June 2012. There were two replies, both of which were supportive. The Police Authority has also provided some feedback, which has been incorporated including clarifying the difference between Functions and 'Special Functions' of the Panel and the required Panel Membership to exercise a veto.

3.4 At its Full Council meeting held on 25<sup>th</sup> June 2012, Plymouth City Council agreed to offer to be the 'host authority' for the Panel, and review this in March 2013. It was also agreed to amend the Council's constitution to include the addition of the Police and Crime Panel as a Joint Committee.

3.5 There are still two sets of regulations that the Home Office will be putting through parliament in relation to panels between now and the Autumn, and the document may need to be revised or updated accordingly. These are:

- regulations covering the exercise of the veto powers of the panel over the precept and appointment of the chief constable
- regulations governing which existing legislation and regulations about the operation of local authority committees (such as the Local Government Act 1972) apply to police and crime panels<sup>2</sup>

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<sup>2</sup> As Panels are formulated as part of the 2011 Act, no existing local government legislation applies to how they work. The LGA are of the view that as much as possible of the existing local government committee related legislation applies to panels, but Home Office direction on this is awaited.

Additionally, further advice and guidance is expected on:

- Vetos,
- “The first 139 days” (22.11.2012-31.03.2013) and timetabling
- Panel Member Induction
- Role of Panel as ‘scrutiny’ body, and links to Overview and Scrutiny Committees for Community Safety and Panels working across force borders.
- Confirmation Hearings
- Guidance on the handling of non-criminal complaints (however, this is likely to be very ‘light touch’).

## **4.0 Conclusion**

Adopting Panel Arrangements and Rules of Procedure will enable the Shadow Panel to comply with the law, enable the Panel to undertake the next crucial steps between now and the next meeting to ensure the Panel becomes fully constituted, including the recruitment of the Independent Members, in order to carry out its functions (including special functions), and scrutinise and support the Police and Crime Commissioner, when elected, with the effective exercise of their functions.

## DEVON AND CORNWALL POLICE AND CRIME PANEL

## PANEL ARRANGEMENTS AND RULES OF PROCEDURE

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## I BACKGROUND

- 1.1 The Police Reform and Social Responsibility Act 2011<sup>1</sup> requires each police area in England, other than the metropolitan police district, to establish a Police and Crime Panel (hereinafter referred to as 'the Panel'). These Panels publicly scrutinise the Police and Crime Commissioners (hereinafter referred to as PCC) who themselves will hold the Chief Constable of their force to account for the full range of their responsibilities.
- 1.2 The Police Reform and Social Responsibility Act details the need for the functions and procedural rules for the operation of the Panel to be set out as 'Panel Arrangements and Rules of Procedure'.
- 1.3 These 'Panel Arrangements and Rules of Procedure' are made by the Panel pursuant to Schedule 6 paragraph 25 of the Police Reform and Social Responsibility Act 2011 (the 'Act').
- 1.4 The Panel will be conducted in accordance with the 'Panel Arrangements and Rules of Procedure'.
- 1.5 The 'Panel Arrangements and Rules of Procedure' shall not be amended unless notification of a proposed amendment is received by the Chair and the host Authority not less than fifteen working days prior to a Panel meeting, a report on the implications of the amendment shall be considered by the Panel and the amendment shall require agreement of three quarters of the current membership of the Panel. No amendment may be considered by the Panel which does not comply with the Act, relevant Regulations or statutory guidance.
- 1.6 If there is any conflict in interpretation between these 'Panel Arrangements and Rules of Procedure' and the Act or Regulations made under the Act, the Act and Regulations will prevail.

## 2. FUNCTIONS OF THE PANEL

- 2.1 The Functions shall be undertaken having regard to the requirements of the Act and Regulations in each case, these are referred to in the Act as 'Functions' of the Panel and are:

|   | <b>FUNCTION</b>  | <b>Reference<sup>2</sup></b>    |
|---|--|---------------------------------|
| 1 | <i>(Special Function<sup>3</sup>)</i> To review and make a report or recommendation on the draft Police and Crime Plan, or any draft variation, given to the Panel by the PCC.         | s28 (3)(a)                      |
| 2 | To review, put questions to the PCC at a public meeting, and make a report and/or recommendation/s (as necessary) on the Annual Report.  | s28 (4)                         |
| 3 | <i>(Special Function)</i> To hold a confirmation hearing and review, make a report, and/or recommendation/s (as necessary) in respect of proposed senior appointments made by the PCC. | s28 (5)<br>Sch 1<br>para 9 – 11 |
| 4 | <i>(Special Function)</i> To review and make a report on (and if necessary veto) the proposed appointment of the Chief Constable.  | s28 (5) and<br>Sch 8            |

<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>

<sup>2</sup> Police Reform and Social Responsibility Act 2011

<sup>3</sup> 'Special Functions' are those functions which can not be delegated to a Task Group.

|    |   |                    |
|----|---|--------------------|
| 5  | Review and report on the PCC's proposals to remove a Chief Constable.   | Sch 8, para 15     |
| 6  | ( <i>Special Function</i> ) To review and make a report and/or recommendation/s (as necessary)(and if necessary veto) on the proposed level of precept.                                     | s28 (5) and Sch 5  |
| 7  | To review and scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.   | s28 (6)            |
| 8  | 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. | Schedule 7, para 3 |
| 9  | Suspend the PCC on their being charged.   | s30                |
| 10 | To appoint an Acting PCC if necessary.  | s62                |
| 11 | Publish any reports and recommendations made.   | s28 (7) to (9)     |

|   |                  |
|---|------------------|
| Functions must be exercised with a view to supporting the effective exercise of the functions of the PCC. | s28(2)           |
| A Panel may not exercise any functions other than those conferred by this Act.                            | Sch 6 para 4 (6) |

| <b>Supporting Powers</b>   |        |
|--|--------|
| Require reasonable information   | s13    |
| Require the relevant PCC and their staff to attend to answer questions                                 | s29(1) |
| Require a response in writing to a report or recommendation  | s29(3) |
| Request the relevant Chief Constable to attend on the same occasion as the PCC to answer any question. | s29(6) |

2.2 When carrying out its functions, the Panel will consider the Guiding Principles (Annex 2).

### 3 HOST AUTHORITY

3.1 Plymouth City Council shall act as the 'host authority' for the Panel and provide reasonable officer support with regards to scrutiny, advice and administrative support.

### 4 PANEL MEMBERSHIP

4.1 The membership shall be made up of 20 members as follows:

| <b>Authority</b>        | <b>Seats allocated</b> |
|-------------------------|------------------------|
| <b>Devon (County)</b>   | 1                      |
| <b>Devon Districts:</b> |                        |
| <b>East Devon</b>       | 1                      |
| <b>Exeter</b>           | 1                      |
| <b>Mid-Devon</b>        | 1                      |
| <b>North-Devon</b>      | 1                      |
| <b>South Hams</b>       | 1                      |
| <b>Teignbridge</b>      | 1                      |
| <b>Torridge</b>         | 1                      |
| <b>West Devon</b>       | 1                      |
| <b>Cornwall</b>         | 5                      |
| <b>Plymouth</b>         | 2                      |
| <b>Torbay</b>           | 1                      |

|  |          |
|--|----------|
| <b>Isles of Scilly</b>   | <b>1</b> |
| <b>1 Independent member - must be a resident of Cornwall/ Isles of Scilly</b>            | <b>1</b> |
| <b>1 Independent member - must be a resident of Devon (includes Torbay and Plymouth)</b> | <b>1</b> |

4.2 Each local authority shall determine who their representative(s) on the Panel shall be from amongst members of their authority, and shall notify details of its representative(s) not later than the 15<sup>th</sup> July each year.

4.3 In terms of political proportionality, the allocation of seats on the Panel will be based on the political make-up of each authority.

## **5.0 RECRUITMENT AND SELECTION OF INDEPENDENT MEMBERS**

5.1 The Panel shall co-opt two independent members onto the Panel for a term of four years, (starting in 2012) and in doing so the Panel must secure that (as far as is reasonably practicable) that independent members of the Panel (when taken together) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively. Independent members must be residents of Devon and Cornwall, and the recruitment process must take account of the geographical arrangements as in 4.1 above.

5.2 The Panel will agree the selection criteria for independent member recruitment.

5.3 The recruitment process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.

5.4 Information packs should be prepared and sent to those requesting application forms.

5.5 The applications will be considered against the selection criteria by the Chair and Vice Chair of the Panel, who will shortlist candidates. As a guide the shortlist should comprise 6 candidates per County.

5.6 Each shortlisted candidate will subsequently be invited to address the Panel and answer questions for a time-limited period, following which the Panel will make its decision.

## **6 APPOINTING THE CHAIR/DEPUTY CHAIR OF THE PANEL**

6.1 The Chair of the Panel will be appointed in July, or at the nearest meeting thereafter, of each year by the Panel from amongst all its Members. Any Panel member may stand for election as Chair and the candidate receiving the most votes from amongst those present will be elected. If there are three or more candidates for a position and none has more than half of the votes, the candidate with the fewest votes will be eliminated and a new vote taken. This will continue until one candidate has more than half the votes.

6.2 The Vice Chair will be appointed using the same voting procedure as in 6.1. The Vice Chair will preside in the absence of the Chair and if neither is present the Panel will appoint a Chair from among the remaining Members for the purposes of that meeting.

6.3 In the event of the resignation or removal of the Chair, a new Chair will be appointed by the Panel at its next meeting from the Panel Members, using the same voting procedure as in 6.1

- 6.4 The Chair may be removed by agreement of a two-thirds majority of all members on the Panel and, in that event, the Panel will appoint a replacement Chair from the Panel.

## **7 SUBSTITUTIONS OF PANEL MEMBERS**

- 7.1 No substitutions will be allowed for any Panel members.

## **8 ATTENDANCE BY OTHERS**

- 8.1 In undertaking its functions, the Panel may invite persons other than Panel members (and officers referred to in para 8.2 and PCC staff) to attend Panel meetings, to address the meeting, discuss issues of local concern and/or answer questions. This may, for example, though not exclusively, include residents, stakeholders, Council Members who are not members of the Panel and officers from other parts of the public sector.
- 8.2 It will be necessary for Officer(s) of the host authority to attend all meetings in order to undertake administrative functions and offer advice and support to the Panel.

## **9 PANEL VACANCIES**

- 9.1 A vacancy on the Panel arises when any member resigns or, in the case of a Local Authority Member, ceases to be an elected member.
- 9.2 In the case of vacancies for Local Authority members, the Local Authority must provide a replacement in accordance with paragraph 4 within 3 months.
- 9.3 In the case of vacancies for Independent members, these will be recruited in accordance with paragraph 5 with recruitment starting within three months of the date of the vacancy arising.

## **10 DELEGATED AUTHORITY OF PANEL MEMBERS**

- 10.1 In the case of Local Authority members of the Panel, they will be expected to have delegated authority agreed and given by their Local Authority in connection with exercising Panel functions.
- 10.2 In the case of Independent members, they will be expected to exercise judgement about the Panel's functions independently of any organisation by which they are employed, or affiliated.

## **11 INDUCTION/TRAINING OF PANEL MEMBERS**

- 11.1 All members of the Panel will be required to participate in training and/or induction covering the responsibilities and functions of the Panel and of being a member of the Panel.

## **12 CODE OF CONDUCT FOR PANEL MEMBERS**

- 12.1 All members will be expected to comply with the Code of Conduct as set out in Annex I.
- 12.2 All Members must sign a declaration that they will at all times observe the Members' Code of Conduct set out in Annex I.
- 12.3 In the case of Local Authority members, any claim of breach of any aspect of the Code of Conduct will be notified to their Local Authority who will be expected to deal with the issue.

- 12.4 In the case of Independent Members, any claim of breach of any aspect of the Code of Conduct, will be considered by the Chair of the Panel who will make recommendations to the Panel, if appropriate.

### **13 EXPENSES FOR PANEL MEMBERS**

- 13.1 In the case of a Local Authority Panel member, expenses (eg for travel, childcare,) and including if acting in the capacity of the Chair/Vice Chair of the Panel, will be a maximum of the amount allocated by the Home Office for this purpose per full calendar year and will be provided to each Member's Local Authority annually. It is for each Local Authority to determine reasonable expenses rates to be paid to their Member/s.
- 13.2 Where the amount allocated has not been fully utilised to cover reasonable expenses incurred throughout a full year's cycle of Panel business, then the Member's Authority will be expected to return any surplus to the Host Authority to cover other Panel costs/business.
- 13.3 In the case of Independent Members, expenses (eg for travel, childcare) and including if acting in the capacity of the Chair/Vice Chair of the Panel, will be a maximum of the amount allocated by the Home Office for this purpose per full calendar year. The Host Authority will determine reasonable expenses rates to be paid for this and administer reimbursement of expenses incurred.

### **14 QUORUM INCLUDING POWER OF VETO**

- 14.1 A meeting of the Panel cannot take place unless at least one half of the whole number of its members is present (ie 10 members or more).
- 14.2 In order for the Panel to exercise its powers of veto, this will require a two-thirds majority of all Panel Members, and not just those present (ie 13 members or more).

### **15 VOTING**

- 15.1 Voting will be by show of hands and by simple majority unless the Act, Regulations made thereunder, or these 'Panel Arrangements and Rules of Procedure' require otherwise.
- 15.2 All Panel members may vote in proceedings of the Panel.
- 15.3 If there is the same number of votes for and against, the Chair will have a second or casting vote.

### **16 MEETINGS OF THE PANEL**

- 16.1 There shall be a minimum of four ordinary meetings of the Panel held in each municipal year to carry out the functions of the Panel. In addition, extraordinary meetings may be called from time to time.
- 16.2 Panel meetings will be held in public subject to the exclusion of any exempt or confidential information as defined in the rules on access to information as defined in the Local Government Act 1972 (as amended), and with the exception of private scrutiny hearings in relation to the suspension/removal of the Chief Constable (paragraph 29).



- 16.3 In addition to the four ordinary meetings as in 16.1, and where it is not appropriate or practical to include as part of, or wait for, the next scheduled ordinary meeting, extraordinary meetings will be held:
- for appointment of an Acting PCC (paragraph 26)
  - to review the draft Police and Crime Plan (or any variation to it) (paragraph 20).
- 16.4 The Panel will hold an annual public meeting as soon as practical after receipt of the Annual Report (*paragraph 21*) at which the public will be invited to ask the Panel questions (Annex 2).
- 16.5 An extraordinary meeting may be called for any purpose relating to the Panel's functions by:
- a) the Chair and the host authority
  - b) any four members of the Panel giving notice in writing to the Chair and the host authority.

## 17 WORK PROGRAMME

- 17.1 The Panel will be responsible for setting its own work programme taking into account :
- a) the requirement to properly undertake the functions and responsibilities of the Panel as set out in paragraph 2 above;
  - b) the priorities defined by the PCC;
  - c) the views of Panel members and advisers as to appropriate work to be undertaken; and
  - d) the annual partnership Strategic Assessment of Crime and Disorder for Devon and Cornwall.

## 18 AGENDA ITEMS

- 18.1 The Panel agenda will be issued to all Panel Members at least 5 clear working days before the meeting. It will also be published on the host authority's web-site.
- 18.2 Any Member of the Panel shall be entitled to give notice to the Chair of the Panel and the host authority, prior to an agenda being issued (see 18.1) 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.
- 18.3 The Chair, in liaison with the host authority, is responsible for setting the agenda, taking into account any requests from Panel members for the work programme, priorities and time available.

## 19 TASK GROUPS

- 19.1 The Panel may set up time-limited Task Groups from its membership to undertake specified functions of the Panel.
- 19.2 Task Groups can make recommendations to the Panel with regard to the Panel's functions, but can not take decisions on behalf of the Panel.
- 19.3 The work undertaken by a Task Group will be scoped and defined by the Panel beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

## **20 POLICE AND CRIME PLAN**

- 20.1 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.
- 20.2 The Panel must:
- a) hold a meeting of the Panel to review the draft Police and Crime Plan (or any variation to it), and
  - b) report and make any recommendations on the draft Plan which the PCC must take into account.
- 20.3 The Panel must publish the report and any recommendations on the host authority web site and issue copies of relevant documentation to all Panel members and the PCC.

## **21 ANNUAL REPORT**

- 21.1 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.
- 21.2 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
- a) arrange a meeting of the Panel to consider Annual Report;
  - b) 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 Panel think appropriate;
  - c) make a report including any recommendations, on the Annual Report to the PCC.
- 21.3 The Panel must publish its report on the host authority web site and issue copies of this to all Panel members and the PCC.

## **22 PROPOSED PRECEPT**

- 22.1 The PCC will notify the Panel of the precept which the PCC is proposing to issue for the financial year. The Panel must review the proposed precept and make a report, which the Panel will publish on the host authority web site and issue copies of relevant documentation to all Panel members including recommendations.
- 22.2 Having considered the precept, the 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).
- 22.3 If the Panel vetoes the proposed precept<sup>4</sup>, the report to the PCC 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 recommendations.

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<sup>4</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.

## **23 SCRUTINY AND REVIEW OF THE PCC**

- 23.1 The Panel may scrutinise and review decisions made or actions taken by the PCC in the discharge of his/her duties, and make reports or recommendations to the PCC with respect to the discharge of those duties. As well as reviewing documentation, in fulfilling its scrutiny role, the Panel may require the PCC, and/or members of their staff, to attend before the Panel to answer questions which appear to the Panel to be necessary in order to carry out its functions.
- 23.2 The Panel will publish all reports and any recommendations made in relation to the discharge of the PCC's duties on the host authority website and will issue copies to each Panel members.
- 23.3 Where the PCC, or a member of the PCC's staff, is required to attend the Panel in accordance with this provision, the PCC will be given at least 15 working days written notice of the requirement to attend, and the notice shall:
- a) state the nature of the item in respect of which s/he is required to attend; and
  - b) state whether any papers are required to be produced to the Panel.
- 23.5 Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance shall be arranged following consultation with the Chair.
- 23.6 The Panel may require the PCC to respond in writing to any report and any recommendations of the Panel as set out in paragraph 24 .
- 23.7 If the Panel requires the PCC to attend a meeting of the Panel, the Panel may also request the Chief Constable (who will be given at least 15 working days written notice) to attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

## **24 REPORTS FROM PANEL**

- 24.1 Reports and recommendations made by the Panel in relation to its functions will be carried out in accordance with the procedure outlined in this paragraph.
- 24.2 Where the Panel issues a report. it will publish the report including any recommendations on the host authority web site and by issuing copies to each member of the Panel, subject to the exclusion of any exempt or confidential information as defined in the rules on access to information as defined in the Local Government Act 1972 (as amended), and with the exception of private scrutiny hearings in relation to the suspension/removal of the Chief Constable (para 29).
- 24.3 Where the Panel issues a report, including any recommendations, to the PCC, the Panel will request, in writing, that within one month the PCC:
- a) considers the report and any recommendations;
  - b) responds to the Panel indicating what (if any) action the PCC proposes to take;

Where the Panel has published the report and any recommendations, publish the response from the PCC in the same manner as in 24.2 above.

## **25 SENIOR APPOINTMENTS**

- 25.1 When the PCC proposes appointments of Chief Constable, Chief Executive, Chief Finance Officer or Deputy PCC, the Panel will hold a confirmation hearing, at which the candidate will be requested to appear to answer questions relating to their appointment.
- 25.2 In the case of the appointment of the Chief Constable, the Panel is required to hold a confirmatory hearing within three weeks from the day on which the Panel receives notification from the PCC. This can be at the next available ordinary meeting of the Panel if the timescale permits, otherwise an extraordinary meeting will need to be arranged. 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.
- 25.3 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 also has the power to veto the appointment. Having considered the appointment, the Panel can:
- 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<sup>5</sup>)
- 25.4 If the Panel vetoes the appointment of the Chief Constable, the report to the PCC must include a statement that the Panel has vetoed the appointment with reasons.
- 25.5 In the case of the other senior appointment/s of Chief Executive, Chief Finance Officer and Deputy PCC, the Panel will be notified by the PCC of the need for a confirmatory hearing of his/her proposed appointments, which will be held at the next available ordinary meeting of the Panel.
- 25.6 Following the confirmatory hearings of Chief Executive, Chief Finance Officer and Deputy PCC, the Panel will review the proposed appointments and make a report and any recommendations to the PCC on the appointment/s.
- 25.7 The Panel must publish the reports and any recommendations on the host authority web site and issue copies of relevant documentation to all Panel members.

## **26 APPOINTMENT OF AN ACTING POLICE AND CRIME COMMISSIONER**

- 26.1 The Panel must appoint a person to be acting PCC if:
- a) no person holds the office of PCC;
  - b) the PCC is incapacitated<sup>6</sup> (i.e. unable to fulfil the functions of PCC) which is a matter for the Panel to determine; or
  - c) the PCC is suspended (para 28).

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<sup>5</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.

<sup>6</sup> Incapacitated – a person is temporarily or permanently impaired by mental and/or physical deficiency, disability, illness, or by the use of drugs to the extent he or she lacks sufficient understanding to make rational decisions or engage in responsible actions.

- 26.2 In the event that the Panel has to appoint an acting PCC it will meet to determine the process for appointment which will comply with these 'Panel Arrangements and Rules of Procedure' and any legal requirements.
- 26.3 The Panel may appoint a person as acting PCC only if the person is a member of the PCC's staff at the time of the appointment.
- 26.4 In a case where the PCC is incapacitated, in appointing a person as acting PCC, the Panel must have regard to any representations made by the PCC in relation to the appointment.
- 26.5 The appointment of an acting PCC will cease to have effect upon the earliest of the following:
- the election of a person as PCC;
  - the termination by the Panel, or by the acting PCC, of the appointment of the acting PCC;
  - in a case where the acting PCC is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
  - in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

## 27 COMPLAINTS

- 27.1 Non-criminal complaints in relation to the PCC should be dealt with and/or delegated by the Panel in accordance with the Act and the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#)<sup>7</sup>
- 27.2 In the first instance, non-criminal complaints will be delegated to the office for the PCC (*this is yet to be agreed with the Police Authority*) and reports on all non-criminal complaints, and recommendations for how they are dealt with are provided regularly to Panel meetings.
- 27.3 When considering any action in response to a complaint, the Panel can:
- endorse the proposed response
  - ask the office for the PCC to reconsider the proposed response,
  - agree an alternative course of action,
  - agree to undertake further investigation and reconsider the issue at a subsequent ordinary meeting of the Panel.
  - Invite the complainant(s) and/or their representative(s) to address the Panel.

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

## 28 SUSPENSION OF THE POLICE AND CRIME COMMISSIONER

- 28.1 A Panel may suspend the PCC if it appears to the Panel that:
- the PCC has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
  - the offence is one which carries a maximum term of imprisonment exceeding two years.
- 28.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:

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<sup>7</sup> Further guidance is due to be published in the spring by the Independent Police Complaints Commission, and the Home Office on how complaints should be handled.

- a) the charge being dropped;
- b) the PCC being acquitted of the offence;
- c) 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
- d) the termination of the suspension by the Panel.

28.3 For the purposes of salary, pensions and allowances in respect of times during a period of suspension, the Police and Crime Commissioner is to be treated as not holding that office during that suspension.

28.4 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.

## **29 SUSPENSION AND REMOVAL OF THE CHIEF CONSTABLE**

29.1 The Panel will receive notification if the PCC suspends the Chief Constable.

29.2 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.

29.3 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.

29.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the Panel accordingly (the 'further notification').

29.5 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 s/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 private Scrutiny Hearing (Schedule 8 part 2 s15 (4b) and 15 (9) of the Act).

29.6 The Scrutiny Hearing which must be held by the Panel is a Panel meeting in private, 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.

29.7 The Panel must publish the recommendation it makes on the host authority website and by issuing copies to each of the Panel members.

29.8 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.

- 29.9 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 29.10 In calculating the six week period, this 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.

**30 Rules of debate (suggested by LGA – waiting for more info)**

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

- (i) rules of debate and motions
- (ii) casting votes for chairs and
- (iii) rights to request recording of votes]

**31 Public participation (suggested by LGA – waiting for more info)**

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

- (i) public questions
- (ii) situations where confidential or exempt information is likely to be discussed
- (iii) public reports and background papers
- (iv) availability of record of decisions]

which Home Office Regulations that apply to committees apply (to follow)

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## **DEVON AND CORNWALL POLICE AND CRIME PANEL CODE OF CONDUCT EXPECTED OF PANEL MEMBERS**

**Adopted by the Panel on: xxxxxxxxxxxxxxxx**

You are a member or independent member of the Police and Crime Panel and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or independent member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

### **Registering and declaring pecuniary and non-pecuniary interests**

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.



If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.<sup>8</sup>

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

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<sup>8</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

**Devon and Cornwall Police and Crime Panel  
Protocol for Questions from the Public at Panel Meetings  
(Agreed by the Panel on xxxxxxxxxxxx)**

1. A member of the public who lives in Devon, Cornwall or the Isles of Scilly may submit a written question to the Chair which will be answered at the full annual public meeting where there will be a specific agenda item called “Questions from the Public” which will generally be taken near the start of the meeting and it will be a standing agenda item.
2. The question must be put in writing and reach the Host Authority at least 5 clear working days before the Panel meeting. The questioner must include their name, address and phone number. The notice of the question and the minutes of the meeting will include the person’s name and the village /town / city given as their address (not the exact address).
3. The question must be relevant to the Panel’s functions.
4. The question must be no longer than 100 words and must be framed so as to seek information rather than to make a statement.
5. A member of the public may ask a maximum of 2 different questions at the meeting.
6. If the questioner is present at the Panel meeting they will be asked to pose their question, if they are not present the Chair will read the question to the meeting.
7. Panel members will be invited to respond to the question/s at the meeting and referred to in the minutes.
8. The period for asking and responding to questions at the meeting will be time-limited, taking into account the number of questions and the time available. If for any reason, including insufficient time for all questions to be posed and answered, a response cannot be given at the meeting a written answer will be sent to the questioner by the Chair within 7 working days of the meeting and a copy sent to all Panel Members and will be published on the host authority’s website.
9. If questions are unsuitable in form, frivolous, defamatory, derogatory otherwise offensive or relates to where paragraph 16.2 applies, the Panel Chair has the right to rule the question out of order and that it shall not be responded to at the meeting or at all.

**DEVON AND CORNWALL POLICE AND CRIME PANEL  
GUIDING PRINCIPLES**

**Adopted by the Panel on: xxxxxxxxxxxxxxxx**

**When exercising their duties, Panel Members should consider** the following principles:

- The provisions of these 'Panel Arrangements and Rules of Procedure'
- Legality
- Financial prudence and value for money
- Effective scrutiny the PCC, and support them in the effective exercise of their functions.
- The likely affect of prevention and reduction of crime and anti-social behaviour in the force area
- The exercise of power must be proportionate to the desired outcome
- Proper regard to levels and nature of crime and anti-social behaviour across the whole force area and priorities arising from this.
- Proper consideration of professional advice from Officers
- Respect for human rights and for diversity and equality
- Due regard for environmental impact and sustainability
- The management of risk in a proportionate and considered manner.

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**DEVON AND CORNWALL SHADOW POLICE AND CRIME PANEL**

**Subject:** PANEL MEMBER INDUCTION

**Date:** 25 JULY 2012

**Author:** SARAH HOPKINS

**Organisation:** PLYMOUTH CITY COUNCIL

**Contact:** Tel: 01752 305542 Email: [sarah.hopkins@plymouth.gov.uk](mailto:sarah.hopkins@plymouth.gov.uk)

**Ref:**

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**Executive Summary:**

The Police Reform and Social Responsibility Act, and the formation of the Police and Crime Panel represents a new direction for policing in Devon and Cornwall, along with this will be a requirement for Panel Members, including Independent Members to receive an induction programme that will enable them to fully understand their role and remit.

This report sets out proposals for how the induction of Panel Members, including Independent Members when recruited, could be provided.

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**Implications: Police and Crime Plan, Annual Report, Peninsula Partnership Strategic Assessment, Panel Functions, Panel Arrangements and Rules of Procedure:**

Ensuring that all Members of the Police and Crime Panel receive an induction programme will help ensure they are fully equipped to carry out their responsibilities and effectively scrutinise and support the Police and Crime Commissioner with the exercising of their functions.

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**Implications: resources including finance, human and IT:**

Induction will require human resources for training which will be sourced and/or provided by the Host Authority and other partners. All Panel Members will be able to claim expenses for attending this via the Host Authority, who will cover this from the Home Office allowance. The Host Authority will provide the venue for this, which will either be free of charge or kept to a minimum and will use the Home Office allocation to cover this as required.

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**Recommendations & Reasons for recommended action:**

It is recommended that the Devon and Cornwall Shadow Police and Crime Panel:

1. Agree an induction based on proposals outlined in this report.
2. Delegates authority to the Host Authority for decisions on content, detailed arrangements and the training provider/s in liaison with the Shadow Panel chair.
3. Complete an analysis to inform the content of the Induction Programme.

Agreeing these recommendations would help ensure that all Members of the Police and Crime Panel receive a induction programme to equip them to carry out their full range of functions and responsibilities

**Alternative options considered, and reasons for recommended action:**

If the Panel does not agree a programme of Member Induction, this may put at risk its ability to adequately fulfill its functions and influence key decisions to be taken by the new Police and Crime Commissioner.

Plymouth City Council does not have to deliver the Induction Programme, and could leave it to one of the other Authorities to undertake this.

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**Background Papers:**

1. Police Reform and Social Responsibility Act 2011<sup>1</sup>
- 

**1.0 Introduction**

1.1 The Police Reform and Social Responsibility Act, and the formation of the Police and Crime Panel represents a new direction for policing in Devon and Cornwall. It is recognised that Panel membership will be made up of a range of Councillors drawn from different backgrounds and with varying levels of experience, including some Members who have served as Members of the Police Authority.

1.2 In order to ensure all Panel Members, including Independent Members, start with a common understanding of their role within the Panel and associated issues, it is proposed to undertake an induction programme.

1.3 It is proposed that the content of the programme is guided and defined by the requirements and learning needs of all Members of the Devon and Cornwall Police and Crime Panel. It is suggested that Members complete an analysis of their needs to help facilitate this.

1.4 This paper sets out a proposal for how this could be provided, including some suggestions as to topics for inclusion on the induction programme.

**2.0 Proposed Induction Programme**

2.1 Induction could be delivered in a variety of ways, but the option that seems most practical would be to set a date in late September/early October to hold a half-day Induction Event, arranged and hosted by the Host Authority.

2.2 The costs incurred for the induction are likely to be minimal, especially if it is agreed that the programme is predominantly led by the Host Authority and supported by partner organisations and held in a Local Authority premises. In which case, any costs incurred will be covered by the Home Office allocation provided.

2.3 Ideally Independent Members would be included on the same induction programme as elected Member representatives, a solution could, therefore, be to hold the induction event immediately following the Panel Meeting at which the two Independent Members have been selected.

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2.4 An analysis form will be circulated to all members of the Panel shortly after the Shadow Panel Meeting.

2.5 There are some external organisations who are considering developing and delivering training for Members of Police and Crime Panels. For example, an approach has recently been made by South West Councils to Plymouth for comments on what should be included in such a programme. The Host Authority will, therefore, look out for any such programmes and if any are deemed suitable, will consider these as an alternative to an 'in-house' induction.

### **3. Induction Programme Topics**

3.1. A list of potential topics for induction are included at Appendix I. Further areas could be identified via the individual needs assessment, through the Chair, or in the course of discussions held by the Panel.

## **Possible Police and Crime Panel Briefing Programme topics**

Related to the work of the Police and Crime Panel

- The Police and Crime Plan, and the Panel's role in making recommendations on it.
- Police budgets and the precept setting process - what happens if the Police and Crime Commissioner's precept is vetoed?
- The annual report, and the Panel's role in reviewing this.
- The role the panel has in handling non-criminal complaints against the Police and Crime Commissioner.
- The role of the Panel in confirming Senior Appointments, including the Chief Constable and what happens if the panel exercises its power of veto.
- How the Police and Crime Panel dovetails with other local authority scrutiny arrangements (e.g. Crime and Disorder scrutiny).
- Peer reviews – how the Police and Crime Panel can work with and learn from other Panels.

## **Police/Partnership areas**

- The principles of working in partnership
- The use of available data e.g. Crime Reports
- Partnership projects
- Any topics that fall under the discharge of functions of the PCC
- Any topics that relate to policing, criminal justice, community safety, health, etc.

**SHADOW DEVON AND CORNWALL POLICE AND CRIME PANEL**

**Subject:** Recruitment of Independent Members  
**Date:** 25 July 2012  
**Cabinet Member:** Councillor Chris Penberthy  
**Author:** Sarah Hopkins  
**Organisation:** Plymouth City Council  
**Contact:** tel. (01752) 305542 e-mail sarah.hopkins@plymouth.gov.uk  
**Ref:** PCP/SH/110712

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**Executive Summary:**

To agree the recruitment process for two Independent Members of the Police and Crime Panel to take office from October 2012 in accordance with the requirements of the Police and Social Reform Act 2011.

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**Implications: Police and Crime Plan, Annual Report, Peninsula Partnership Strategic Assessment, Panel Functions, Panel Arrangements and Rules of Procedure:**

The recruitment of the independent members is in line with the requirements of the above Act and of the rules of procedure.

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**Implications: resources including finance, human and IT:**

The advertising and processing of applications will incur the use of staffing resource however, by using existing networks, in particular all Local Authority websites in Devon & Cornwall, Devon & Cornwall Police website, and one press release for the whole of Devon & Cornwall coordinated by the Host Authority to advertise the posts, it is anticipated that advertising the role should incur no cost.

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**Recommendations & Reasons for recommended action:**

It is recommended that the Shadow Devon and Cornwall Police and Crime Panel:

1. Agree that the attached 'Appendices 1-3' are deemed a suitable framework on which to base the initial selection of independent members for short listing and interview;
  2. Agree the attached advert, Appendix 4, is deemed a suitable advert for recruitment of the independent members.
  3. Subject to recommendations 1 and 2 being agreed, delegates to the Host Authority, in liaison with the Chair and Deputy Chair of the Panel, the arrangements for advertising and short-listing of Independent Members.
- 

**Alternative options considered, and reasons for recommended action:**

An alternative would be for the interviews to be delegated to a task group, this would require a change to the panel arrangements and terms of reference.

## **Background Papers:**

Appendix 1 - Process Timeline

Appendix 2 - Eligibility Criteria

Appendix 3 - Roles and Responsibilities of Members

Appendix 4 – Advertisement

## **1 Introduction**

- 1.1 The Police Reform and Social Responsibility Act 2011 introduced significant changes in police governance and accountability.
- 1.2 The introduction of a Police and Crime Panel (the Panel) provides checks and balances in relation to the performance of the new Police and Crime Commissioner (PCC) and scrutinises the exercise of their statutory functions. The Panel will have wide ranging powers including those to scrutinise the PCC's annual report, police and crime plan and will hold power of veto over the PCC's proposed local precepts and the selection of a Chief Constable.
- 1.3 Provisions detailed in the Act require that two independent members sit on the Panel. Due to the nature of the work required of an independent member, a rigorous selection process will need to take place to ensure that independent members have the skills and knowledge to understand and act upon information presented to them.
- 1.4 Individuals must be carefully selected to compliment the councillors nominated to the panel and fill gaps in experience on the panel in order to satisfy the 'balanced appointment objective'.
- 1.5 This report details the recruitment process for two independent members of the Panel to take office from October 2012 in accordance with the requirements of the Police and Social Reform Act 2011.

## **2 Framework**

- 2.1 The shadow Panel is recommended to seek applications from independent members using the framework attached at Appendices 1 – 3. These have largely been derived from Local Government Association Guidance to be used for this purpose.
- 2.2 In the absence of a knowledge/experience gap analysis, and taking into consideration that many nominated councillors have relevant experience, the shadow Panel is recommended to note the eligibility criteria and agree that the attached person specification, role and responsibilities as a suitable framework on which to base the initial selection of independent members for short listing and interview.

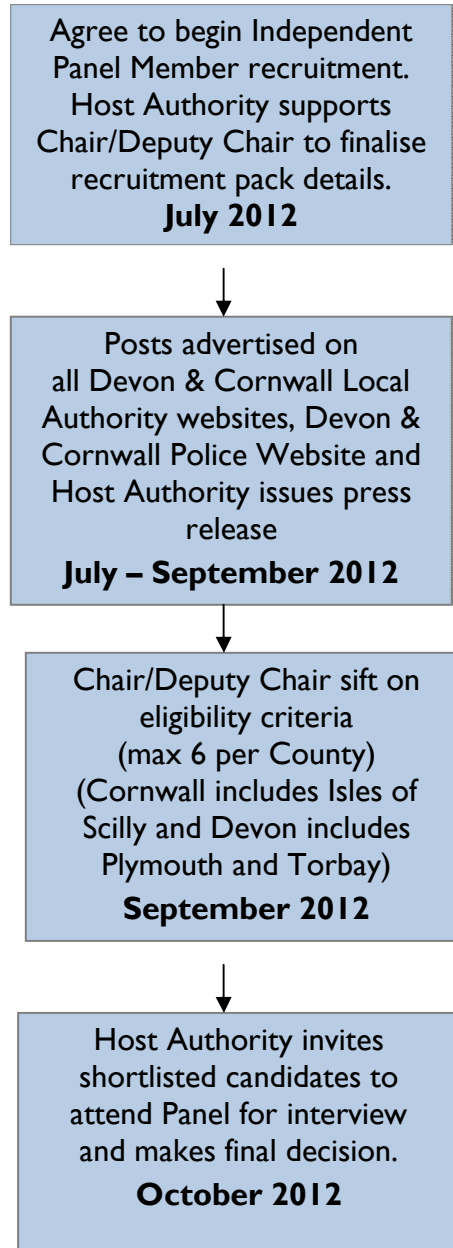
## **3 Recruitment Process**

- 3.1 In order to expedite the recruitment process, the panel is recommended to delegate the recruitment process to the Sarah Hopkins, in consultation with the Chair and Deputy Chair of the Panel.
- 3.2 Subject to the documents attached at appendices 1 – 3 being agreed, the panel is

recommended to authorise the placing of an advert as detailed at Appendix 5. This will be done through existing networks, in particular all Local Authority websites in Devon & Cornwall, Devon & Cornwall Police Website, and one press release for the whole of Devon & Cornwall coordinated by the Host Authority. It is anticipated that the advertisement for the role of independent panel members will incur no cost.

- 3.3 The Chair and Deputy Chair of the Panel, supported by officers of the Host Authority, will shortlist applicants against the criteria. The shortlist will comprise no more than 6 candidates per County (Devon to include Plymouth and Torbay, and Cornwall to include the Isles of Scilly).
- 3.4 Interviews of shortlisted candidates will take place at the first meeting of the Police and Crime Panel in October 2012.

**Independent Panel Member Recruitment Process Timeline**



**Eligibility Criteria for Initial Officer Sift**

The following cannot be considered for a position on the panel, namely:

- Anyone under 18 years old
- The police and crime commissioner or any member of their staff
- Members of parliament
- Members of the national assembly for wale and the Scottish parliament
- Members of the European parliament
- Police officers<sup>1</sup>
- Persons who do not live or work in the police force area
- Civil servants engaged in political activity
- Local authority councillors

Independent Members must comprise of one resident of, or person who works in Devon (includes Torbay and Plymouth) and one resident of, or person who works in Cornwall (includes Isle of Scilly).

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<sup>1</sup> Police officers are not covered by the restrictions on membership of the panel in Section 22 in Schedule 6. Also police officers do not fall within Section 22 (a) as members of staff of the PCC as this category covers people appointed under Section 6 of Schedule 1. However, under section 1(2)(a) of Schedule 1 to the Police Regulations 2003 (S.I. 2003/527) a member of a police force may not "take any active part in politics". The Home Office would regard co-option to a panel, for the purpose of scrutinising an elected PCC, as taking an active part in politics, and accordingly as being prohibited for police officers.

## Roles and Responsibilities of Co-opted Independent Panel Members

### Role

All co-optees are full voting members and will have access to the same level of support and information as elected members on the panel. The core role of both elected members and independent co-optees on the panel is to:

- scrutinise the work of the Police and Crime Commissioner (PCC) to ensure that the PCC is discharging its functions effectively;
- bring any specialist knowledge, skills, experience and expertise they may have to the scrutiny work of the panel;
- ensure that there is an effective independent challenge to the PCC and that this challenge is constructive to support the PCC in carrying out their role;
- act as a non-party-political voice for those who live and/or work in the Devon and Cornwall area.

### Responsibilities

A co-opted member of the police and crime panel is expected to:

- attend all formal meetings of the panel (approx four per year);
- establish good relations with other members, officers and co-optees;
- attend additional meetings e.g. working groups or evidence gathering sessions, as required;
- prepare for each meeting by reading the agenda, papers and additional information to familiarise with the issues to be covered during the meeting. Prior to the meeting consider the questions to put to the police and crime commissioner and other expert witnesses;
- listen carefully at the meetings, ask questions in a way which is non-judgmental, respect confidentiality and help the panel to make practical suggestions for improvements in services;
- assist in the preparation of reports and the formulation of recommendations; this may involve volunteering to participate in sub groups;
- attend training and development events as needed;
- abide by the panel arrangements and rules of procedure which set out how the police and crime panel will operate in the Devon and Cornwall area;
- keep abreast of the key issues in relation to the responsibilities of the police and crime commissioner and the priorities within the police and crime plan;
- contribute to achieving an open, accountable and transparent decision making process in relation to policing and community safety issues in the Devon and Cornwall area.

Panel members are expected to adhere to the 'seven principles of public life' which are listed below:

### Nolan principles

**Selflessness:** Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.



**Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties. **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership:** Holders of public office should promote and support these principles by leadership and example.

**Appointment of Independent Members of the Devon and Cornwall Police and Crime Panel**  
**Building Safer Communities Together**

If you want to make a real difference in your community and influence local policing and community safety issues, you could be the right person to serve as an independent member of the new Devon and Cornwall Police and Crime Panel.

The Panel is part of the new accountability arrangements for policing in Devon, Cornwall and the Isles of Scilly. The panel will maintain a 'check and balance' on the performance of the directly elected Police and Crime Commissioner (to be elected on 15 November 2012).

The Panel is looking for two people who have knowledge and skills to contribute as independent members from November 2012.

The role will require attendance at, at least 4 meetings a year and a commitment of around 3 to 5 hours per month, with meetings held during the day at locations across Devon and Cornwall. The role is unpaid but will a fixed allowance of £920 per year will be paid.

This is an important and challenging role which offers you the chance to provide independent and constructive challenge to support the Police Commissioner.

We would particularly welcome applicants from the business, voluntary and community sector, organisations supporting black and minority ethnic groups or victims of crime as well as representatives of the community safety or the criminal justice system.

For a copy of the application pack please contact Gemma Pearce on 01752 307990. The closing date for applications is Friday 7 September 2012 and interviews will be held in late October.