

Public Document Pack

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

www.plymouth.gov.uk/democracy

Date: 12 October 2012

Please ask for: Judith Shore, Democratic and Member Support Manager
T: 01752 307990 E: judith.shore@plymouth.gov.uk

DEVON AND CORNWALL POLICE AND CRIME PANEL

Date: Monday 22 October 2012

Time: 10 am

Venue: Council House, next to the Civic Centre, Plymouth

Members:

Councillor Croad, Chair

Councillor Kennedy, Vice Chair

Councillors Barker, Boyd, Brown, Diviani, Folkes, Hare-Scott, Hicks, Oliver, Penberthy, Robertson, Rowe, Saltern, Sanders, Sutton, Williams and Wood.

Independent members: Yvonne Atkinson (Devon), Mike Firbank (Cornwall and Isles of Scilly)

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 POLICE AND CRIME PANEL

1. APPOINTMENT OF CHAIR

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

2. APPOINTMENT OF VICE CHAIR

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

3. APOLOGIES

To receive apologies for non-attendance submitted by members.

4. MINUTES (Pages 1 - 8)

To sign and confirm as a correct record the minutes of the meeting held on 25 July 2012.

5. APPOINTMENT OF INDEPENDENT MEMBERS (Pages 9 - 10)

The Panel will be asked to approve the Selection Panel's recommendations regarding the appointment of two independent members to the Devon and Cornwall Police and Crime Panel.

6. HOME OFFICE RESPONSE TO PANEL COMPOSITION (Pages 11 - 12)

The Panel will be asked to note the letter from the Home Office regarding the composition of the Panel.

7. PANEL ARRANGEMENTS AND RULES OF PROCEDURE (Pages 13 - 34)

The Panel will be asked to agree the revised Panel and Arrangements and Rules of Procedure previously agreed at the Shadow Police and Crime Panel meeting on 25 July 2012.

8. PRECEPT REGULATION AND REPORT TIMELINE (Pages 35 - 38)

The Panel will receive a report proposing the arrangements for receiving and responding to the Police and Crime Commissioner's proposed Precept.

**9. DRAFT 'MEMORANDUM OF UNDERSTANDING' (Pages 39 - 48)
BETWEEN THE OFFICE OF THE POLICE AND CRIME
COMMISSIONER AND THE POLICE AND CRIME
PANEL**

The Panel will be asked for its views on the proposals made by the Police Authority about a proposed 'Memo of Understanding'.

**10. WORK PROGRAMME AND FUTURE MEETING (Pages 49 - 50)
DATES**

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

This page is intentionally left blank

Devon and Cornwall Shadow Police and Crime Panel**Wednesday 25 July 2012****PRESENT:**

Councillor Croad, in the Chair
Councillor Kennedy, Vice Chair
Councillors Barker, Boyd, Brown, Diviani, Folkes, Hare-Scott, Oliver, Penberthy, Robertson, Rowe, Saltern, Sanders, Williams and Wood.

Apologies for absence: Councillors Hicks and Edwards (substitute: Cllr Sutton)

Also in attendance: Giles Perritt (Head Policy, Partnership and Performance, Sarah Hopkins (Community Safety Manager), Judith Shore (Democratic and Member Support Manager)

The meeting started at 2.00 pm and finished at 4.30 pm.

Note: At a future meeting, the committee will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. WELCOME AND INTRODUCTIONS

Mr Perritt, Head of Policy, Performance and Partnerships, PCC, welcomed everyone to the meeting.

Cllr Penberthy, PCC, also welcomed councillors and outlined the challenges that the Panel would face.

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

Mr Perritt reminded Members that the positions of Chair and Vice-Chair would be for one meeting only (unless the Panel needed to be convened again prior to the first, formal meeting). The first items of business of the first, formal Panel meeting would be the election of the Chair and the Vice Chair.

Mr Perritt suggested that, once the Chair and Vice Chair had been elected, a 15 minute adjournment could be allowed to enable them to meet with officers about the agenda items and the meeting's proceedings.

Ms Shore outlined the election process; if there were 3 or more candidates for the position and none had more than half of the votes, the candidate with the fewest votes would be eliminated and a new vote taken. This would continue until one of the final two candidates had more than half the votes or a simple majority.

Ms Shore reminded members that she had circulated, prior to the meeting, a statement from Cllr Kennedy and, at the meeting a statement, from Cllr Croad

outlining their reasons for wanting to undertake the position of Chair. Each candidate also verbally outlined their reasons.

Ms Shore asked for nominations for the position of Chair and both Cllrs Croad and Kennedy were nominated and seconded. She then put the nominations to the vote and Cllr Croad, who received the greatest number of votes, was **ELECTED**.

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

The Chair asked for nominations for the position of Vice-Chair and both Cllrs Kennedy and Rowe were nominated and seconded. Each candidate also verbally outlined their reasons for wanting to undertake the position of Vice Chair. The Chair then put the nominations to the vote and Cllr Kennedy, who received the greatest number of votes, was **ELECTED**.

The meeting then adjourned for 15 minutes.

After the adjournment, the Chair announced that, for expediency, the agenda would be reorganised and items taken in the order set out below.

4. **DRAFT PANEL ARRANGEMENTS AND RULES OF PROCEDURE AND SUBMISSION TO HOME OFFICE ON PANEL COMPOSITION AND HOST AUTHORITY**

Mrs Hopkins, the Community Safety Manager, PCC, introduced the report and advised that the rules of procedure would be finalised once all relevant regulations and guidance had been received from the Home Office/Local Government Association and would be considered again at the first, formal Panel meeting.

The Chair confirmed that it would be more appropriate to use the term Vice Chair (rather than Deputy Chair) as this was the term familiar to most Members.

Ms Shore, Democratic and Member Support Manager, PCC reminded Members that agreement had already been reached that the two Independent Members must comprise one resident of, or person who works in, Devon (includes Plymouth and Torbay) and one resident of, or a person who works in, Cornwall (and the Isles of Scilly).

It had been suggested that one of the positions i.e. the Chair or the Deputy Chair of the Panel, could be filled by a member from Cornwall (and the Isles of Scilly) and the other position by a member from Devon (including Plymouth and Torbay) and advised the Panel that it may wish to add this criteria to the Panel Arrangements and Rules of Procedure?

Ms Shore highlighted that section 5 of the report outlined the recruitment and selection of Independent Members. Section 5.6 stated that, '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.'

It had been suggested that:

- if the Panel at its first, formal meeting was required to interview candidates (potentially 12 people) this relatively lengthy process could leave insufficient time to allow proper consideration of the other items of business.
- asking candidates to make a presentation and answer questions in front of a panel of 18 members may be intimidating for many people and the Panel would not want to discourage any application.
- due to members' existing commitments, it may be impractical to convene a further meeting of the entire Shadow Panel prior to the first, formal meeting.

Alternative arrangements could be that, at today's meeting, the Shadow Panel appointed a Selection Panel comprising six members: three from Devon (including Plymouth and Torbay) and three from Cornwall (and the Isles of Scilly). Each shortlisted candidate would subsequently be invited to address the Selection Panel and answer questions for a time-limited period, following which the Selection Panel would make recommendations to the Police and Crime Panel. Also, a small Panel of six members would be easier to convene.

Members discussed and were in broad agreement with the above proposals and also requested that:

- substitute members of the Panel should be allowed (Panel arrangements – section 7) as not all members would be able to attend each meeting and it was important for each authority to be represented at each meeting.
- Members of the public should be able to ask questions of the Panel more often than once a year (Panel arrangements – section 31). Most councils allowed public questions at each meeting.

AGREED:

(1) **to adopt the Panel Arrangements and Rules of Procedure as set out in the Appendix to the report subject to the following changes:**

- **Vice Chair (not Deputy Chair)**
- **Chair and Vice Chair to be selected on same principle as independent members (i.e. one from Cornwall/Isles of Scilly and one from Devon)**
- **the appointment of a Selection Panel for the recruitment of independent members**
- **substitute members to be allowed**
- **members of the public allowed to ask questions at each meeting**

(2) **Members of the Selection Panel (three from Cornwall/Isles and three from Devon) are:**

From Devon/Plymouth/Torbay (Cllrs Paul Diviani, Chris Penberthy and Philip Sanders) and from Cornwall/Isles of Scilly (Cllrs Lance Kennedy, Alec Robertson* and Jeremy Rowe)

*Cllr Robertson advised that he would, if Cllr Hicks so wished, give his place to Cllr Hicks (who had sent his apologies for absence to the meeting).

- (3) to review/update the Panel Arrangements and Rules of Procedure in light of further advice and Home Office regulations and provide an update to the fully constituted Panel when it meets in October 2012**

5. RECRUITMENT OF INDEPENDENT MEMBERS

Mrs Hopkins introduced the report and the proposal for process for recruitment of Independent Members of the panel and:

- advised of a correction to the wording of the advert – the term ‘fixed allowance’ should be corrected to ‘reasonable expenses’.
- highlighted that selection criteria had not been included (see p10, section 5.5 of rules of procedure) as they were not yet finalised - further guidance was awaited from the Home Office. She suggested that the criteria be agreed in consultation with the Chair and Vice Chair.
- reported that, in addition to the proposed networks for advertising for independent members, further options would include community and voluntary sector organisations, including Devon Reform and other partner agencies. Mrs Hopkins highlighted the need to avoid excessive advertising costs.
- proposed that Members agreed the framework for advertising, the advert itself and delegated the final arrangements for advertising and short listing of independent members to the Host Authority.

Members discussed and supported the proposals and pointed out a number of typographical errors which would be corrected.

AGREED that:

- (1) Appendices 1 – 3 attached to the report are a suitable framework on which to base the initial selection of independent members for short listing and interview subject to the selection criteria being finalised in consultation with the Chair and Vice Chair.**
- (2) the advert attached to the report at Appendix 4 is a suitable advert for recruitment of the independent members subject to the term ‘fixed allowance’ being replaced with ‘reasonable expenses’.**
- (3) the Host Authority, in consultation with the Chair and Vice**

Chair, will agree the final arrangements for advertising and short listing of independent members.

6. **INDUCTION FOR MEMBERS OF POLICE AND CRIME PANEL**

Mrs Hopkins introduced the report. She advised that, though it wasn't stated in the report, the 'Equality Duty' and Rehabilitation of Offender Act 1974 (which supported the rehabilitation into employment of reformed offenders who have stayed on the right side of the law) would be included in the Induction Programme. She asked Members to consider the proposed induction programme and delegate the organisational arrangements to the Host Authority.

Members would be sent an analysis form to complete which would inform the content of the induction programme.

Cllr Penberthy suggested that the training programme included an initial 'induction' session, complemented by a programme of topical induction/training on the day of, and prior to, each scheduled Panel meeting (which would minimise the number of meetings that Panel Members were required to attend). This would ensure that Members were fully briefed and gained appropriate skills and knowledge in a timely way which would assist them to conduct their business efficiently and effectively. The Panel may also wish to consider a programme of scrutiny topics with regards to the work of the Commissioner and it could be helpful to consider an introduction/refresher on scrutiny methods and processes.

Members were in broad agreement with those suggestions.

AGREED:

- (1) the induction programme, based upon the proposals outlined in the report and at the meeting**
- (2) to delegate authority to the Host Authority for decisions on content, detailed arrangements and the training provider(s) in consultation with the Chair**
- (3) that Members will complete and return the analysis form which will inform the content of the induction programme**

7. **NOTIFICATION OF PANEL TO THE HOME OFFICE**

Mr Perritt explained the background to the notification to the Home Office and asked Members to declare whether any authority wished to be identified as 'failing to nominate' for Home Office notification. (The deadline for return had been extended by the Home Office from 16 July to not later than the end of July 2012.

No Member responded to this request, therefore it was **AGREED that the membership of the Police and Crime Panel, as stated on pages 9 and 10 of the agenda, would be notified to the Home Office.**

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

Mr Chris Williams, Senior Advisor – Community Safety, Local Government Association gave a PowerPoint presentation about the new arrangements and the current process for using the veto and how to achieve a successful panel. He advised that the draft regulations would undoubtedly change before October. The presentation was followed by questions and answers which included:

- a minimum of 4 meetings a year would be required. However, additional meetings would be required in the first year in order to achieve objectives in a short period of time
- timescales were extremely tight
- training was required so that Members fully understood their role
- the consequences of the use of the power of veto were extremely limited and the purpose of the procedure was questioned.

Members were asked to submit any comments/feedback about the power of veto or any other matter relating to the proposed arrangements for the Police and Crime Panel to Mrs Hopkins who would forward any responses to the Home Office.

The Chair thanked Mr Williams for his presentation.

9. **WORK PROGRAMME**

Mrs Hopkins introduced the work programme and advised that it may be subject to considerable change before October, due to regulations being made/amended and advice/interpretation becoming available.

AGREED the draft work programme is noted and will be subject to further changes.

10. **DATE OF NEXT MEETING**

The Chair advised that, further to consultation with all Members, there were only a limited number of dates available in October for the Panel to hold its first, formal meeting.

After discussion, it was **AGREED that the date for the first, formal meeting of the Panel is Monday 22 October (in Plymouth).**

(Members will be required to attend for the entire day to allow for training/briefing and the Panel meeting.)

It was suggested that the fourth Monday of the month may be suitable for subsequent meetings and Mrs Shore undertook to consult all members about potential meeting dates.

Subject: Appointment of Independent Members
Date: 22 October 2012
Author: Judith Shore, Democratic and Member Support Manager
Organisation: Plymouth City Council
Contact: Tel (01752) 307990 e-mail judith.shore@plymouth.gov.uk

Executive summary

The recommendation to appoint independent members arises from interviews held by the Selection Panel (a sub-committee of the Police and Crime Panel) to consider applications for the position of independent member of the Devon and Cornwall Police and Crime Panel.

The selection process was agreed at a shadow meeting of the Panel held on 25 July 2012.

Interviews were held on 5 October and two candidates were recommended for appointment as independent members of the Panel.

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

The compulsory appointment of a minimum of two independent members is in accordance with The Police Reform and Social Responsibility Act 2011 (Schedule 6 Part 2 Section 4(3)(a))

Implications: resources including finance, human and IT

None

Recommendations & Reasons for recommended action

It is recommended that the Devon and Cornwall Police and Crime Panel appoint the following people as independent members for a period of four years commencing 22 October 2012:

1. Yvonne Atkinson – independent member for Devon (includes Plymouth and Torbay)
2. Mike Firbank – independent member for Cornwall (and the Isles of Scilly)

Alternative options considered, and reasons for recommended action

The Panel could decide not to appoint either or both of recommended independent members, but this would mean rejecting the recommendations of the Selection Panel which considered the matter in detail and would mean the Panel was not fully constituted in time.

Background Papers

Panel arrangements and rules of procedure
Candidates' applications (confidential)

I. Background

- I.1 The Police Reform and Social Responsibility Act 2011 (Schedule 6 Part 2 Section 4(3)(a)) and the Panel Arrangements and Rules of Procedure enable the Panel to co-opt two independent members onto the Panel for a term of four years (starting in 2012).
- I.2 The Panel must secure that (as far as is reasonably practicable) independent members of the Panel (when taken together) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- I.3 Independent members must be residents of Devon and Cornwall: one must be resident or work in Cornwall (and the Isles of Scilly) and the other must be resident or work in Devon (includes Plymouth and Torbay).
- I.4 On 25 July 2012, the Shadow Panel agreed the selection criteria and arrangements for advertising and short listing of candidates subject to the final arrangements being agreed in consultation with the Chair and Vice Chair.
- I.5 The advert was placed across a variety of media in Devon, Cornwall and the Isles of Scilly and over 60 information packs were sent to those requesting application forms. Over 20 applications were received.
- I.6 The applications and shortlist were considered and agreed against the selection criteria by the Community Safety Manager and a Business Support Manager from the Host Authority, in consultation with the Chair and Vice Chair of the Panel.
- I.7 On 5 October the Selection Panel (Councillors Diviani, Kennedy and Penberthy) interviewed the shortlisted candidates. It was hoped that a female member of the Police and Crime Panel would be able to join the Selection Panel but, for personal reasons, this was not possible.
- I.8 After very careful consideration, the Selection Panel recommended that the Police and Crime Panel appoint Yvonne Atkinson and the Mike Firbank as independent members.



Home Office

Stephen Rimmer
Director General
Crime and Policing Group
3rd Floor Peel, 2 Marsham Street, London SW1P 4DF
Tel 020 7035 1440

Bob Coomber
Chief Executive
Plymouth Council

By email

14 September 2012

Dear Bob,

I would like to thank you for submitting your signed Part 2 of the PCP notification form requesting Home Secretary approval for the co-option of additional members to the Devon and Cornwall Police and Crime Panel.

2. The Home Secretary has considered the PCP's request and has noted that co-option is sought with a view to enabling the PCP to meet, or better meet, the balanced appointment objective. I can confirm that the Home Secretary has formally approved the request for co-option.
3. If you require further information please contact Heather Vivian on 020 7035 3197 or via e-mail at policeandcrimepanels@homeoffice.gsi.gov.uk

Yours sincerely

STEPHEN RIMMER

This page is intentionally left blank

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: Panel Arrangements and Rules of Procedure

Date: 22 October 2012

Author: Sarah Hopkins, Community Safety Partnership Manager

Organisation: Plymouth City Council

Contact: Tel: 01752 305542 Email: sarah.hopkins@plymouth.gov.uk

Ref: SH/PCP/PA&RoP/Update

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. The first Draft Panel Arrangements and Rules of Procedure were developed by the Host Authority in consultation with all 13 local authorities in Devon, Cornwall and the Isles of Scilly.

The first draft, prepared by the Host Authority, was subsequently presented to and adopted by the Shadow Police and Crime Panel when it met in July this year, with only a few minor amendments which have been incorporated.

The Shadow Panel was advised that, at the time, some sections were subject to further regulations and guidance, some of which have now been received and incorporated.

The updated Panel Arrangements and Rules of Procedure are attached (Appendix I).

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

Agreement of revisions and updates to Panel Arrangements and Rules of Procedure is fundamental to the work of the Panel and its ability to influence key decisions which will be taken by the new Police and Crime Commissioner after their election.

Implications: resources including finance, human and IT:

The Panel Arrangements and Rules of Procedure include arrangements for scrutinising the precept, which is a key resources issue, and section 22 has been updated in the light the latest relevant Regulation.

Recommendations & Reasons for recommended action:

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

1. Adopts the revised Panel Arrangements and Rules of Procedure set out in the Appendix.
2. Agrees to review/update the document in light of further advice and Home Office regulations, as required.

Agreeing these recommendations will allow the 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.

Alternative options considered, and reasons for recommended action:

If the Panel does not agree Panel Arrangements and Rules of Procedure including revisions, this would reduce the Panel's ability to influence key decisions which will be taken by the new Police and Crime Commissioner soon after their election.

Background Papers:

1. Police Reform and Social Responsibility Act 2011¹
 2. Devon & Cornwall Police & Crime Panel Arrangements and Rules of Procedure (draft)
-

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. 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.

1.2 In accordance with the requirements of the Act, the first draft of Panel Arrangements and Rules of Procedure was prepared by the Host Authority in consultation with all 13 local authorities. These were subsequently presented to, and adopted by, the Shadow Police and Crime Panel when it met in July this year, with only a few minor amendments which have been incorporated.

2. Adopting Revisions to Panel Arrangements and Rules of Procedure

2.1 Following the adoption of the first draft of the Panel Arrangements and Rules of Procedure, a number of amendments have been made to the document in light of new Regulations and guidance and a general ‘tidying up’, the most significant of being:

- Recruitment and Selection of independent members
- Substitutions of Panel Members
- Code of Conduct for Panel Members (now Guiding Principles)
- Voting
- Meetings of the Panel
- Regulations covering the exercise of the veto powers of the panel over the precept and appointment of the chief constable
- Rules of Debate
- Public Participation
- Annex 3 “Guiding Principles” has been removed and incorporated into Annex I “Guiding Principles”.

2.2 Further amendments/updates may still be needed in the future because advice and guidance is expected on:

- Role of Panel as ‘scrutiny’ body, and links to Overview and Scrutiny Committees for Community Safety and Panels working across force borders.
- Confirmation Hearings (of senior staff other than the Chief Constable)
- Guidance on the handling of non-criminal complaints (however, this is likely to be very ‘light touch’).

2.3 Proposed amendments will be brought to the Panel as required.

3.0 Conclusion

Adopting revisions to Panel Arrangements and Rules of Procedure will enable the Shadow Panel to comply with the law and 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.

This page is intentionally left blank

DEVON AND CORNWALL POLICE AND CRIME PANEL

PANEL ARRANGEMENTS AND RULES OF PROCEDURE

SECTION:	Page
1 BACKGROUND	2
2 FUNCTIONS OF THE PANEL	2
3 HOST AUTHORITY	3
4 PANEL MEMBERSHIP	3
5 RECRUITMENT AND SELECTION OF INDEPENDENT MEMBERS	4
6 APPOINTING THE CHAIR/VICE CHAIR OF THE PANEL	4
7 SUBSTITUTIONS OF PANEL MEMBERS	5
8 ATTENDANCE BY OTHERS	5
9 PANEL VACANCIES	5
10 DELEGATED AUTHORITY OF PANEL MEMBERS	5
11 INDUCTION/TRAINING OF PANEL MEMBERS	6
12 GUIDING PRINCIPLES OF PUBLIC LIFE	6
13 EXPENSES FOR PANEL MEMBERS	6
14 QUORUM INCLUDING POWER OF VETO	6
15 VOTING	6
16 MEETINGS OF THE PANEL	7
17 WORK PROGRAMME	7
18 AGENDA ITEMS AND MINUTES	7
19 TASK GROUPS	8
20 POLICE AND CRIME PLAN	8
21 ANNUAL REPORT	8
22 SCRUTINISING THE PRECEPT	8
23 SCRUTINY AND REVIEW OF THE PCC	10
24 PANEL REPORTS	10
25 SENIOR APPOINTMENTS	11
26 APPOINTMENT OF AN ACTING POLICE AND CRIME COMMISSIONER	12
27 HANDLING (NON CRIMINAL) COMPLAINTS – <i>Further Guidance awaited</i>	13
28 SUSPENSION OF THE POLICE AND CRIME COMMISSIONER	13
29 SUSPENSION AND REMOVAL OF THE CHIEF CONSTABLE	14
30 RULES OF DEBATE	14
31 PUBLIC ATTENDANCE AND PARTICIPATION	14
Annex 1 GUIDING PRINCIPLES OF PUBLIC LIFE	16
Annex 2 RULES OF DEBATE	17

I BACKGROUND

- 1.1 The Police Reform and Social Responsibility Act 2011 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:

	FUNCTION	Reference
1	<i>(Special Function¹)</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) Sch 1 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 Sch 8
5	Review and report on the PCC’s proposals to remove a Chief Constable.	Sch 8, para 15

¹ ‘Special Functions’ are those functions which cannot be delegated to a Task Group.

6	(Special Function) 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)

Supporting Powers	
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 1).

3 HOST AUTHORITY

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

4 PANEL MEMBERSHIP

4.1 The Panel shall comprise 20 members as follows:

Authority	Seats allocated
Devon (County)	1
Devon Districts:	
East Devon	1
Exeter	1
Mid-Devon	1
North-Devon	1
South Hams	1
Teignbridge	1
Torridge	1
West Devon	1
Cornwall	5
Plymouth	2
Torbay	1
Isles of Scilly	1

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

- 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 15 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: one must be resident or work in Cornwall (and the Isles of Scilly) and the other must be resident or work in Devon (includes Plymouth and Torbay).
- 5.2 The Panel agrees 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 will be at least two weeks after the date the advert is first placed.
- 5.4 Information packs will 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 a Selection Panel which will normally comprise six local authority members: three from Devon (including Plymouth and Torbay) and three from Cornwall (and the Isles of Scilly). A minimum of three members are required and will include one member from Devon (includes Plymouth and Torbay) and one member from Cornwall (and the Isles of Scilly). The Chair of the Selection Panel will be appointed, by the other members present, on the day of interview.
- 5.7 Each shortlisted candidate will be invited to address the Selection Panel and answer questions for a time-limited period, following which the Selection Panel will make a recommendation for the appointment of an independent member(s) to the Police and Crime Panel.

6 APPOINTING THE CHAIR/VICE CHAIR OF THE PANEL

- 6.1 Either the Chair or the Vice Chair of the Panel will be a Member from Cornwall (and the Isles of Scilly) and the other position will be filled by a Member from Devon (includes Plymouth and Torbay).

- 6.2 The Chair and the Vice Chair of the Panel will be appointed in June of each year or at the first meeting of the Panel following the annual appointment of Members to the Panel by constituent councils.
- 6.3 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.
- 6.4 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.
- 6.5 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 6.3
- 6.6 The Chair may be removed by agreement of a two-thirds majority of all members of the Panel and, in that event, the Panel will appoint a replacement Chair from the Panel members.

7 SUBSTITUTIONS OF PANEL MEMBERS

- 7.1 A Panel member may send another councillor (who must be from the same authority and belong to the same political group) to a Panel meeting in their place. Substitutions must be for a whole meeting - a member cannot take over from their substitute or hand over to them part of the way through the meeting.

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 GUIDING PRINCIPLES OF PUBLIC LIFE

- 12.1 All members will be expected to comply with the seven principles of public life when undertaking the work of the Panel – see Annex I.

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 (subject to continued funding from the Home Office) for this purpose per full calendar year. The Host Authority will determine what constitutes a 'reasonable expense'.
- 13.2 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 (subject to continued funding from the Home Office) for this purpose per full calendar year. Expenses will be reimbursed by the Host Authority upon production of receipts. The Host Authority will determine what constitutes a 'reasonable expense'.

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 (i.e. 14 members or more).

15 VOTING

- 15.1 Voting will be by show of hands (or recorded vote) 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.
- 15.4 Any member present at the meeting may ask for a recorded vote and, if one quarter of those members present indicates support, the voting will be recorded.
- 15.5 Any member can ask for the minutes to record whether they voted for or against or abstained on a vote. The request must be made immediately after the 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 to, for example:
- appoint an Acting PCC (paragraph 26)
 - 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).
- 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 AND MINUTES

- 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.
- 18.4 The Chair will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy.

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) make any recommendations about 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 SCRUTINISING THE PRECEPT

- 22.1 Regulations require that the PCC must notify the Panel of the precept by 1 February of the relevant financial year which the PCC is proposing to issue.
- 22.2 Having received and 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 – see paragraph 14.2).

- 22.3 The Panel must review the proposed precept and must make a report ('first report') to the PCC by not later than 8 February of the relevant financial year, and may also exercise its power of veto. The report may include recommendations, including recommendations as to the precept that should be issued for the relevant financial year. The Panel must publish its report on the host authority web site and issue copies of relevant documentation to all Panel members including recommendations.
- 22.4 If the Panel fails to review and make a report to the PCC by 8 February, the end of the scrutiny process is reached and the PCC may issue the proposed precept.
- 22.5 If the Panel vetoes the proposed precept, the Panel must advise of this in the 'first report' to the PCC by 8 February and must include a statement that the Panel has vetoed the proposed precept because either:
- it is too high and the revised precept should be lower than the proposed precept; or
 - it is too low and the revised precept should be higher than the proposed precept.

The PCC must not issue the proposed precept as the precept for the relevant financial year.

- 22.6 Upon receipt of the Panel's first report and any recommendations the PCC must, by 15 February of the relevant financial year:
- have regard to the Panel's first report (including any recommendations in the report)
 - give the panel a response to the Panel's first report and any recommendations
 - publish the response
- 22.7 On receiving a response containing notification of a revised precept, the Panel must by the 22 February of the relevant financial year:
- review the revised precept
 - make a report (the 'second report') to the PCC

The second report may:

- indicate whether the panel accepts or rejects the revised precept (but the rejection does not prevent the PCC from issuing the revised precept for that financial year), and
 - make recommendations, including recommendations as to the precept that should be issued for the financial year.
- 22.8 If the Panel fails to review and make a second report to the PCC by 22 February, the end of the scrutiny process is reached and the PCC may issue the revised precept.
- 22.9 Upon receipt of the Panel's second report, the PCC must, by 1 March of the relevant financial year:
- have regard to the second report (including any recommendations in the report);
 - give the Panel a response to the second report (and any such recommendations); and
 - publish the response.
- 22.10 Except where 22.4 or 22.8 above applies, the end of the scrutiny process has been reached when the PCC gives the Panel a response to the second report. The PCC may then:
- issue the revised precept as the precept for the financial year, and
 - issue a different precept
- 22.11 In relation to the Panel's first report in 22.5 above,
- where 22.5(a) applied, the PCC shall not issue a precept which is higher than the revised precept; and

- b) where 22.5(b) applied, the PCC shall not issue a precept which is lower than the revised precept, unless it would be in accordance with a recommendation made by the Panel in the second report to do so.

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.
- 23.4 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.
- 23.5 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.
- 23.6 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 PANEL REPORTS

- 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, the response from the PCC will be published 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 PCC must provide the Panel with specific information in relation to the individual and the appointment. The Act and the Regulations require that when notifying the Panel of a candidate for appointment as Chief Constable, a PCC must provide the Panel with the following information:
- the name of the proposed candidate;
 - the criteria that were used to assess the suitability of the candidate;
 - how the candidate has satisfied those criteria; and
 - the terms and conditions on which the candidate is to be appointed.
- 25.3 The Panel is then required to review the proposed appointment and hold a confirmatory hearing to question the candidate 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.
- 25.4 For the purposes of the Act and the Regulations, a 'confirmation hearing' is a meeting of the Panel, held in public, where the proposed candidate is requested to appear to answer questions from the Panel. The candidate may appear at the meeting in person or by any means that would enable them to participate. 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)
- 25.5 The Panel must write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed and may include exercising the power of veto; and the Panel's report must be published.
- 25.6 If the Panel does not veto the proposed appointment the PCC may accept or reject the Panel's recommendation as to whether the individual should be appointed; in either case the PCC must notify the Panel of their decision.
- 25.7 If the Panel vetoes the proposed appointment, this must be agreed by two-thirds majority of the Panel members (see paragraph 14.2). This option can only be used for the first candidate; the PCC must not appoint the individual as Chief Constable. The PCC must then propose another candidate for appointment as Chief Constable; the Panel must follow the same scrutiny process for this subsequent candidate but will not have the power to veto the appointment.
- 25.8 Following any veto, the Regulations require that:

- the PCC proposes another individual (“reserve candidate”) for appointment as Chief Constable;
- the PCC provides the Panel with specific information in relation to the individual and the appointment;
- the Panel must review the proposed appointment within three weeks of receiving a notification. This must include holding a public confirmation hearing and making a report to the PCC on the proposed appointment. The process is the same as for an initial candidate, however the Panel’s power of veto does not apply to the reserve candidate;
- the Panel must hold a public confirmation hearing to question the candidate;
- the Panel must write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed;
- the Panel must make and publish a report regarding the proposed appointment.

25.10 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.

25.11 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.

25.12 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 incapacitated² (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).

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:

- a) the election of a person as PCC;
- b) the termination by the Panel, or by the acting PCC, of the appointment of the acting PCC;
- c) in a case where the acting PCC is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or

² 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.

- d) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

27 HANDLING (NON-CRIMINAL) 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](#)³
- 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:
 - a) endorse the proposed response
 - b) ask the office for the PCC to reconsider the proposed response,
 - c) agree an alternative course of action,
 - d) agree to undertake further investigation and reconsider the issue at a subsequent ordinary meeting of the Panel.
 - e) 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/further guidance 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:
 - a) the PCC 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.
- 28.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:
 - 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.

³ 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.

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

- 30.1 The Panel's rules of debate will be governed by the rules set out in Annex 2.

31 PUBLIC ATTENDANCE AND PARTICIPATION

- 31.1 Members of the public may attend Panel meetings except where confidential or exempt information is likely to be discussed.
- 31.2 Members of the public who live in Devon, Cornwall or the Isles of Scilly may ask questions at each meeting (no more than 2 questions per person per meeting) that are relevant to the Panel's functions.

- 31.3 A maximum of 30 minutes will be allocated to this at the start of each meeting. Each question must be no longer than 100 words and must be framed so as to seek information rather than to make a statement.
- 31.4 Questions must be put in writing to the Democratic and Member Support Manager at Plymouth City Council at least 5 clear working days before the Panel meeting.
- 31.5 A response will be given as either an oral answer or a written reply.
- 31.6 If the questioner is present at the Panel meeting they will be asked if they wish to pose their question, if not, the Chair will read the question and answer to the meeting. If the questioner is not present, the question and answer will be included in the minutes of the meeting and a copy will be sent to the questioner.
- 31.7 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 OF PUBLIC LIFE

All members will be expected to comply with the he 'Seven Principles of Public Life' when undertaking the work of the Panel. They are:

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other 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 seek to 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.

Rules of debate**1. What is a Motion?**

- 1.1 A motion is a proposal at a meeting that certain action is taken or certain views about a subject are expressed by the Panel.
- 1.2 The purpose of a motion is to introduce new business. A motion should be in positive language (ie that the Panel does something, not that the Panel refrains from doing something) to avoid confusion when voting. Motions normally require a majority vote.
- 1.3 A motion cannot be proposed when another motion is under consideration.
- 1.4 Any motion requires a seconder, can be debated and can be amended.

2. No speeches until motion or amendment moved and seconded

- 2.1 No other speeches can be made on a motion/amendment until it has been moved, the mover has explained the purpose of the motion/amendment and it has been seconded. A member may have up to five minutes to move a motion/amendment and explain its purpose. No other speeches may be made until the motion/amendment has been seconded.

3. Right to require motion in writing

- 3.1 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

4. Content and length of speeches

- 4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair.

5. Amendments to motions

- 5.1 Unless notice of the amendment is given, the chair may require it to be written down and handed to him/her before it is discussed.
- 5.2 An amendment must be relevant to the motion and must be a proposal:
- to refer a motion elsewhere
 - to add, replace or leave out words

Amendments to add, replace or leave out words must not negate the motion

- 5.3 Only one amendment may be moved and discussed at any one time. No further amendment may be moved until that amendment has been disposed of.
- 5.4 After an amendment has been carried, the chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

6. Point of order

A member may raise a point of order at any time. The Chair will hear him/her immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.

7. **Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

DEVON AND CORNWALL POLICE AND CRIME PANEL

Subject: Precept Regulation and Report Timeline

Date: 22 October 2012

Author: Sarah Hopkins, Community Safety Partnership Manager

Organisation: Plymouth City Council

Contact: Tel: 01752 305542 Email: sarah.hopkins@plymouth.gov.uk

Ref: SH/22.10.12/Precept Reports

Executive Summary:

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 come into force on 22 November 2012 and make provision for the scrutiny, by the Police and Crime Panel, of a proposal from the Police and Crime Commissioner (PCC) as to the issuing of a Precept and the appointment of a Chief Constable.

This report focuses on how the Panel should exercise its responsibilities regarding the proposed Precept in the light of these regulations and the associated timetable announced nationally. It also describes how the Host Authority will manage the provision of reports to the Panel in order to accommodate this extremely tight timetable.

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

The precept-setting timetable has implications with specific regards to the timescale for issuing reports (see para 18.1 in Panel Arrangements and Rules of Procedure) and the process for scrutinising the Police and Crime Commissioner's proposed Precept.

Implications: resources including finance, human and IT:

The PCC is required to notify the Panel of his/her proposed level of Precept by 1 February 2013 and the Panel needs to review/respond by 8 February 2013. This has implications for the Host Authority which (unless the proposal is received early) will have less than five working days to prepare a report about the Police and Crime Commissioner's proposed level of Precept and submit this to the Panel. The Panel Arrangements and Rules of Procedure state that agendas must be published and distributed at least five clear working days in advance of the meeting.

If the Panel does not veto the Precept, the timetable following this decision is unlikely to be problematic. However, if the Panel decides to exercise its power of veto, and the PCC takes the maximum time to respond to the Panel's view, the PCC's revised Precept will not be known until 1 March 2013. This is likely to have implications for most, if not all councils' budget setting timelines.

Recommendations & Reasons for recommended action:

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

- Notes the requirements of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012. (this report only refers to the precept setting part of the Regulation, not Chief Constable appointments)
- Agrees to hold a meeting on 8 February 2013 in order to consider the PCC's proposed precept
- Agrees to a provisional meeting date of 22 February 2013, to consider the PCC's revised proposed level of precept, if required.
- Notes that the Host Authority will issue a report regarding both the Police and Crime Commissioner's proposed and, if needed, revised Precept less than five working days in advance of relevant meetings.
- Agrees to seek talks between the Police and Crime Panel Chair and the Police and Crime Commissioner with the view to maximising opportunities for co-operation over the Precept-setting timetable.

Agreeing these recommendations would ensure the Panel meets fully the requirements of the Regulation whilst considering practical implications.

Alternative options considered, and reasons for recommended action:

If the Panel does not agree to the recommendations, this may result in the Precept being agreed by default and the Panel would be unable to adequately fulfill its functions and would lose the opportunity to influence key decisions to be taken by the new Police and Crime Commissioner.

Background Papers:

1. Police Reform and Social Responsibility Act 2011
 2. Draft Panel Arrangements and Rules of Procedure
 3. Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
-

1.0 Introduction

- 1.1 The Home Office has recently announced the deadlines for precept-setting for Police and Crime Commissioners. This is later than first advised and presents some risks for Local Authorities' budget-setting timetables.
- 1.2 The timetable now leaves just one week for the Police and Crime Panel to respond to the PCC's proposed level of precept. The PCC is required to notify the Panel of his/her proposal by 1 February (each year) and the Panel needs to review/respond by 8 February (each year). In practical terms, this means the Panel will need to schedule a meeting for Friday 8 February 2013.
- 1.3 If the precept is not vetoed by the Panel at this meeting, the level required will be known on this date, ie in time to inform the budget-setting meetings of most, if not all, councils across Devon and Cornwall.
- 1.4 If, however, the Panel decides on 8 February 2013 to veto the proposed precept, the PCC needs to issue a revised precept by 15 February 2013. In these circumstances, the Panel would need to meet again to consider and respond to this by 22 February. In practical terms a meeting will need to be provisionally set for 22 February.
- 1.5 If the PCC subsequently takes the maximum time to respond to the Panel's view on the revised Precept (whether the Panel accepts or rejects this), the final decision does not have to be provided until 1 March 2013. This is unlikely to be known in time for most, if not all councils' budget-setting timetables.
- 1.6 In order to allow sufficient time to enable the Host Authority to prepare and issue reports on the Police and Crime Commissioner's proposed Precept, and any revision thereafter, the timescale set by the regulation will mean that these reports will have to be issued less than five clear working days in advance of the meeting.
- 1.7 The Host Authority will, however, do its utmost to provide sufficient time for Panel members to receive and consider the report(s) prior to the proposed meeting(s).

This page is intentionally left blank

SUGGESTED DRAFT MEMORANDUM OF UNDERSTANDING BETWEEN THE POLICE AND CRIME COMMISSIONER FOR DEVON AND CORNWALL AND THE DEVON AND CORNWALL POLICE AND CRIME PANEL

1. Introduction

This Memorandum of Understanding has been drawn up to assist in the smooth and efficient business operations between the Office of the PCC and the Police and Crime Panel. Ultimately, this MoU is intended to ensure the interactions between the two bodies are proportionate, open and in the best interests of the public.

This MoU is an informal agreement reached between the Office of the PCC and the Police & Crime Panel to work effectively and efficiently in the interests of the public. It is not legally binding and does not replace legislation, regulations or codes of practice. The MoU is an open commitment by both parties to co-operate and work constructively in a way that enhances policing for local people.

References in this MoU to the Police and Crime Panel may also refer to any sub groups of the Panel as appropriate.

2. Background

The Police Reform and Social Responsibility Act 2011 introduces a new model of governance to policing in England Wales based upon a directly-elected Police and Crime Commissioner (PCC) being accountable to the public for the totality of policing in that area.

The PCC will hold the chief constable to account for policing delivery. The PCC's decisions and actions will be scrutinised by a Police and Crime Panel.

The new governance model will rely on a shared understanding of individual roles, mutual respect of responsibilities and the co-operation of the PCC, Panel and chief constable to ensure the effective discharge of duties.

Whilst this MoU is intended to primarily refer to full Police and Crime Panel meetings, it is understood that it may also be applicable to Task Groups or other such sub groups of the Panel.

3. Key Principles

Principles shared by Office of the PCC and PCP

- To work as effectively and efficiently in the interests of the public, policing and the public purse
- To commit to openness and transparency
- To work in co-operation with each other as far as is reasonably practical in accordance with statutory requirements.
- To communicate regularly and openly, and operate within a culture of “no surprises”
- To observe the ‘spirit’ and intent of the Act and police reform, namely that primacy rests with the directly-elected and publically accountable PCC.

DRAFT - For consultation only September 2012

4. Respective Roles and Responsibilities – legal framework

Very broadly, the roles of the key parties responsible for police governance are as set out in the list of statutory functions included at *Appendix A*.

5. Areas of common responsibility

The PCC and the Panel have a joint responsibility for working together to enhance policing for local communities, ensuring value for money and seeking to reduce bureaucracy where possible. This shared responsibility is most likely to be achieved where this MoU is observed.

6. Information sharing, officer liaison and co-operation

The Office of the PCC and the PCP will work together to synchronise arrangements for the planning and timetabling of a work programme. The practical arrangements and processes for the Police and Crime Panel to conduct its scrutiny responsibilities will be prepared by the Police and Crime Panel in consultation with the Office of the PCC.

This will include the agreement of process and schedule for the following key functions

- presentation and scrutiny of the PCC's Police and Crime Plan
- presentation and scrutiny of the PCC's proposed precept
- presentation and scrutiny of the PCC's Annual Report
- presentation and scrutiny of the PCC's appointee for deputy PCC
- presentation and scrutiny of the PCC's proposed appointee for chief constable
- presentation and scrutiny of the PCC's appointee for chief executive
- presentation and scrutiny of the PCC's appointee for chief finance officer

7. Veto

In cases where the Panel exercises its right to veto, or is minded to exercise its right to veto, the Office of the PCC will be informed at the earliest opportunity. The Panel will not inform any other party, other than those with a clear and legitimate right to this information in discharging the Panel's statutory duties, of its intention to exercise the veto until the PCC has been informed.

8. Points of contact

The key point of contact within the Office of the PCC will be the Chief Executive. This includes correspondence to the Joint Audit Committee.

The key point of contact within the Police and Crime Panel will be.....

Where possible, in the interests of efficiency and effectiveness and to maintain an audit record, correspondence between the Office of the PCC and the Panel will be electronic by way of PDF documents attached to an email.

9. Panel meetings

Notwithstanding the Panel's statutory role, the PCC is singularly and publically accountable for the maintenance of an efficient and effective police force. The PCC will require to be, and be seen to be, publically and visibly accountable for decisions made and actions taken. To assist this, and to encourage as wide an engagement with the public as possible it is expected that meetings of the Police and Crime Panel will be held at a variety of locations across Devon and Cornwall and the Isles of

DRAFT - For consultation only September 2012

Scilly, at venues readily accessible to the public and preferably that offer webcast facilities.

10. Attendance at Panel meetings

Requests for the PCC, deputy PCC or officers of the Office of the PCC to attend a meeting of the Panel should be directed to the Chief Executive. As much notice as possible for such requests should be given but normally no less than 10 working days. Any officer called to attend the Panel may be accompanied.

It is expected that an attendee requested to attend the Panel will be informed of the topics under discussion in advance of the meeting in order to enhance the effectiveness of the scrutiny process.

The PCC should be advised of any guests invited to attend a Panel meeting for the purposes of providing the Panel with advice and or guidance.

The Office of the PCC will be advised immediately of any changes to the membership of the Panel. The Office of the PCC will also be informed of the name and role of any individual brought in to advise the Panel on matters relating to their scrutiny of the PCC.

11. Correspondence including Police and Crime Panel's requirements to issue reports and/ or recommendations

Correspondence and communications between the Office of the PCC and the Panel will be electronic by way of PDF documents attached to an email. The email should be addressed to the key point of contact in the Office of the PCC/ Panel.

12. Panel meeting minutes

The Office of the PCC will be consulted in the preparation of Minutes of Panel meetings (at which the PCC's staff were in attendance).

13. Definitions

Variation- The PCC is required to send a variation of the Police and Crime Plan to the Panel. For the purposes of common understanding, variation will be defined as a material change to the Plan or budget that will result in a diversion from existing strategy or policy. Any areas of uncertainty will be resolved by the Chief Executive providing advice to the PCC.

Reasonable time – the PCC must provide the Panel with reasonable time to review the draft Police and Crime Plan. This is understood as being ten working days. NB – this is subject to the statutory instrument regulating precept scrutiny processes and its links to the Police and Crime Plan.

Where the Panel requires the PCC to respond in writing to a report or recommendation, *Reasonable time* is understood to mean 10 working days.

Reasonable notice - The Panel is required to provide reasonable notice to require attendance of the PCC or their staff to attend before the Panel. This is understood to mean no less than 10 working days.

DRAFT - For consultation only September 2012

Have regard to – There are a number of instances where the PCC is required to 'have regard' to a report or recommendations of the Police and Crime Panel. The PCC is also required to have regard to the Protocol, Strategic Policing Requirement, Police and Crime Plan and any code of practice issued by the Secretary of State).

For the purposes of this MoU, '*have regard to*' is based upon the so-called Grandson duties, namely, that the report/ recommendation policy or plan to which regard must be paid has been truly brought into account in reaching a decision, that the report / recommendation policy or plan is properly understood and that a clear reason for a departure from the recommendation, policy or plan is given.

14. Engagement with the chief constable

The chief constable is accountable to the PCC only. The chief constable may only attend a Panel meeting when accompanied by the PCC. To maintain appropriate working relationships, any intended communications from the Panel to the chief constable will be referred to the PCC first.

15. Engagement with third parties

In the interests of the principles of this MoU all communications with any third party from the Panel will be copied to the Office of the PCC. This includes communication with the Home Office, IPCC, HMIC, Joint Audit Committee or any other body.

16. Engagement with the press and media

The PCC is publically accountable for the maintenance of an efficient and effective police force. Regular interaction with the press and media will be important to assist the PCC to be held to account by the public and for decisions and actions to be seen to be open and transparent. It is expected that the PCC will wish to communicate with the media regularly as part of their statutory duties to publish information and to be open and transparent..

With this respect, following a Panel meeting it is understood that the PCC will call a press/ media briefing. It will be for the PCC and Panel to agree the format of this press/ media briefing but it is understood that this will be organised in such a way that the PCC's direct and primary accountability to the public is borne in mind.

17. Reconciliation of disputes

From time to time differences of opinion between the exercise or operation of processes between the Office of the PCC and the Panel may arise. Where this is the case, all effort should be made to resolve the dispute amicably. Where this is not possible, a written record of the issue under dispute will be made to the PCC's Chief Executive or key contact for the Panel, as appropriate.

Where the Chief Executive/ key contact for the Panel is unable to resolve the point of dispute, it may be necessary to lodge a complaint using the agreed procedure.

18. Complaints

Where a complaint is to be made against the Office of the PCC or against the Police and Crime Panel from either party it will be dealt with in line with each organisation's complaints procedure.

DRAFT - For consultation only September 2012

FUNCTIONS OF THE POLICE AND CRIME COMMISSIONER	Reference
Secure the maintenance of an efficient and effective police force for that area	s1(6)
Strategic Planning	
Prepare a draft and issue a police and crime plan	s5 (Regs)
Review the police and crime plan, particularly in the light of (i) any report or recommendations made by the police and crime panel; and (ii) any changes in the strategic policing requirement	s5(9)
Holding to account	
Hold the chief constable to account for: <ul style="list-style-type: none"> • the functions of the chief constable, and of persons under the direction and control of the chief constable. • the exercise of the duty to have regard to police and crime plan • the exercise of the duty to have regard to strategic policing requirement • the exercise of the duty to have regard to codes of practice issued by Secretary of State • the effectiveness and efficiency of the chief constable's arrangements for co-operating with other persons • the effectiveness and efficiency of the chief constable's arrangements for engagement with local people • the extent to which the chief constable achieves value for money • the exercise of duties relating to equality and diversity • the exercise of duties in relation to the safeguarding of children and the promotion of child welfare 	s1(7) s1(8)(a) s1(8)(b) s1(8)(c) s1(8)(d) s1(8)(e) s1(8)(f) s1(8)(g) s1(8)(h)
Partnership working	
Make a crime and disorder reduction grant to any person	s9
Have regard to the relevant priorities of each responsible authority	s10(1)
Act in co-operation with responsible authorities	s10(2) (CDA Regs)
Make arrangements with criminal justice agencies for the exercise of functions so as to	s10(3)

DRAFT - For consultation only September 2012

provide an efficient and effective criminal justice system for the area	
Enter into collaboration agreements	s22A PA'96 as inserted by s89; sch12
Keep collaboration agreements under review	s22C PA'96 as inserted by s89; sch12
Provide advice and assistance to a body outside the UK	s26 PA'96 as amended by para 25 sch16
People	
Appoint, manage complaints regarding, suspend and remove the chief constable	s38 and sch8 (Regs)
Appoint a chief executive and chief finance officer (and may appoint other staff, including a Deputy PCC)	sch1 para6 to 8

Information and Engagement	
Publish specified information in the time or manner specified	s11 (Regs)
Produce an annual report	s12
Provide the police and crime panel with any information which the panel may reasonably require	s13
<p>Make arrangements for obtaining</p> <ul style="list-style-type: none"> • the views of people about matters concerning the policing of the area, • their co-operation with the police in preventing crime and anti-social behaviour in that area; • the views of victims of crime in that area about matters concerning the policing of that area. • the views of <ul style="list-style-type: none"> (a) the people in that police area, and (b) the relevant ratepayers' representatives, on the proposals of the police and crime commissioner for expenditure before the first precept for a financial year is issued by the police and crime commissioner 	<p>s96(1) and (2) PA'96 as amended by s14</p> <p style="text-align: right;">(Regs)</p> <p>S96(1B) PA'96 as amended by s14</p>

DRAFT - For consultation only September 2012

Finance	
Enter into agreements for supply of goods and services	s1 Local Authorities (Goods and Services) Act 1970; s15
Keep the police fund	s21 (<i>Pension Regs</i>)
Receive grants for police purposes	s46 PA'96 as amended by s24
Receive grants for capital expenditure	s47 PA'96 as amended by s25
Receive national security grants	s48 PA'96 as amended by s25
Receive grants from local authorities	s92 PA'96 as amended by s25
Accept gifts or loans	s93 PA'96 as amended by s25
Borrow monies	s94 PA'96 as amended by s25
Issue a precept	s39 Local Government Finance Act 1992 as amended by s26 and sch5 (<i>Regs</i>)
Receive emergency financial assistance	s155 Local Government and Housing Act 1989 as amended by s27
Do anything calculated to facilitate the exercise of their functions, including: <ul style="list-style-type: none"> • entering into contracts and other agreements • acquiring and disposing of property (including land) • borrowing money 	sch1 para 14

DRAFT - For consultation only September 2012

FUNCTIONS OF THE POLICE AND CRIME PANEL	Reference
Review and report on every issue of the PCC's police and crime plan	s28(3)(a) (Regs)
Review and report on the PCC's annual report	s28(4)
Review senior appointments (Deputy PCC, chief executive and chief finance officer)	s28(5), sch1 para9 to 11
Review (and if necessary veto) chief constable appointments	s28(5) and sch8
Review and report on PCC's proposals to remove a chief constable	sch8 para15
Review (and if necessary veto) PCC's level of precept	s28(5) and sch5
Review or scrutinise decisions made and actions taken by the PCC	s28(6)
Publish any reports and recommendations made	s28(7) to (9)
Suspend the PCC on their being charged	s30 (Regs)
Appoint an Acting PCC if necessary	s62
Initial handling and informal resolution of complaints against PCC / DPCC	sch7 para3 (Regs)
These functions must be exercised with a view to supporting the effective exercise of the functions of the PCC	s28(2)
A police and crime panel may not exercise any functions other than those conferred by this Act.	sch6 para4(6)
Supporting powers	
Require reasonable information	s13

DRAFT - For consultation only September 2012

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)

This page is intentionally left blank

Devon and Cornwall Police and Crime Panel Work Programme

2012/2013	22 Oct	N	14 Dec	18 Jan (P)	8 Feb	22 Feb (P)	8 Mar (P)	22 Mar (P)	12 Apr	M	J	12 July	A	S	11 Oct
Appoint Independent Members (Selection Panel to make recommendation)															
Review/agree revised Panel Arrangements and Rules of Procedure															
Precept regulations and report timeline															
Receive first draft of Police and Crime Plan			?	?											
Agree complaints procedure			?												
Confirmatory Hearing of Chief Constable			?	?											
Confirmation Hearings (Chief Executive, Chief Finance Officer, Deputy PCC) TBC															
Review precept (to be notified by 1 Feb) and make recommendation to PCC															
Review revised precept (if Panel vetoes initial precept)															
Review draft Police and Crime Plan															
Panel Annual Public Meeting, including interim review of the Police and Crime Plan.															
Annual appointment of Panel members															
Annual Review of Panel Arrangements and Rules of Procedure															

It is intended that training for members will be organised to take place on the same day as, and prior to, Panel meetings in order to minimise travel maximise members' availability. Where possible, topics will be selected to complement the Panel's business that day.

(P) = provisional meeting date

This page is intentionally left blank