

This is a FIRST DRAFT FOR CONSULTATION (as at 17 05 2012) prepared in respect of the Devon and Cornwall Police and Crime Panel. All comments welcomed – please email sarah.hopkins@plymouth.gov.uk

DEVON AND CORNWALL POLICE AND CRIME PANEL

PANEL ARRANGEMENTS AND RULES OF PROCEDURE

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I BACKGROUND

- 1.1 The Police Reform and Social Responsibility Act 2011¹ 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 'Special Functions' of the Panel and are

	SPECIAL FUNCTION	Reference²
1	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	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	To review and make a report on (and if necessary veto) the proposed appointment of the Chief Constable.	s28 (5) and Sch 8

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

² Police Reform and Social Responsibility Act 2011

5	Review and report on the PCC's proposals to remove a Chief Constable.	Sch 8, para 15
6	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)

Special 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 2).

3 HOST AUTHORITY

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

4 PANEL MEMBERSHIP

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

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 the 15th July each year.

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

5.0 RECRUITMENT AND SELECTION OF INDEPENDENT MEMBERS

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

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

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

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

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

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

6 APPOINTING THE CHAIR/DEPUTY CHAIR OF THE PANEL

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

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

- 6.3 In the event of the resignation or removal of the Chair, a new Chair will be appointed by the Panel at its next meeting from the Panel Members, using the same voting procedure as in 6.1
- 6.4 The Chair may be removed by agreement of a two-thirds majority of all members on the Panel and, in that event, the Panel will appoint a replacement Chair from the Panel.

7 SUBSTITUTIONS OF PANEL MEMBERS

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

8 ATTENDANCE BY OTHERS

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

9 PANEL VACANCIES

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

10 DELEGATED AUTHORITY OF PANEL MEMBERS

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

11 INDUCTION/TRAINING OF PANEL MEMBERS

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

12 CODE OF CONDUCT FOR PANEL MEMBERS

- 12.1 All members will be expected to comply with the Code of Conduct as set out in Annex I.
- 12.2 All Members must sign a declaration that they will at all times observe the Members' Code of Conduct set out in Annex I.

- 12.3 In the case of Local Authority members, any claim of breach of any aspect of the Code of Conduct will be notified to their Local Authority who will be expected to deal with the issue.
- 12.4 In the case of Independent Members, any claim of breach of any aspect of the Code of Conduct, will be considered by the Chair of the Panel who will make recommendations to the Panel, if appropriate.

13 EXPENSES FOR PANEL MEMBERS

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

14 QUORUM

- 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).

15 VOTING

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

16 MEETINGS OF THE PANEL

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

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

17 WORK PROGRAMME

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

18 AGENDA ITEMS

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

19 TASK GROUPS

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

20 POLICE AND CRIME PLAN

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

21 ANNUAL REPORT

- 21.1 The PCC must produce an Annual Report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the Panel for consideration.
- 21.2 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
- a) arrange a meeting of the Panel to consider Annual Report;
 - b) require the PCC to attend the meeting to present the Annual Report and answer such questions about the Annual Report as the Members of the Panel think appropriate;
 - c) make a report including any recommendations, on the Annual Report to the PCC.
- 21.3 The Panel must publish its report on the host authority web site and issue copies of this to all Panel members and the PCC.

22 PROPOSED PRECEPT

- 22.1 The PCC will notify the Panel of the precept which the PCC is proposing to issue for the financial year. The Panel must review the proposed precept and make a report, which the Panel will publish on the host authority web site and issue copies of relevant documentation to all Panel members including recommendations.
- 22.2 Having considered the precept, the Panel will either:
- a) support the precept without qualification or comment;
 - b) support the precept and make recommendations, or
 - c) veto the proposed precept (by the required majority of at least two thirds).
- 22.3 If the Panel vetoes the proposed precept³, the report to the PCC must include a statement that the Panel has vetoed the proposed precept with reasons. The Panel will require a response to the report and any recommendations.

³ Note: this section may have to be varied in the light of Home Office Regulations expected to be laid in June on the exercise of the veto.

23 SCRUTINY AND REVIEW OF THE PCC

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

24 REPORTS FROM PANEL

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

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

25 SENIOR APPOINTMENTS

- 25.1 When the PCC proposes appointments of Chief Constable, Chief Executive, Chief Finance Officer or Deputy PCC, the Panel will hold a confirmation hearing, at which the candidate will be requested to appear to answer questions relating to their appointment.
- 25.2 In the case of the appointment of the Chief Constable, the Panel is required to hold a confirmatory hearing within three weeks from the day on which the Panel receives notification from the PCC. This can be at the next available ordinary meeting of the Panel if the timescale permits, otherwise an extraordinary meeting will need to be arranged. The three week period shall not include the 'post election period', being any period between the date of poll at the ordinary election of the PCC, and the date of declaration of acceptance of office of the PCC.
- 25.3 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel has the requirement to make a recommendation on the appointment and also has the power to veto the appointment. Having considered the appointment, the Panel can:
- a) support the appointment without qualification or comment;
 - b) support the appointment with associated recommendations, or
 - c) veto the appointment of the Chief Constable (by the required majority of at least two thirds⁴
- 25.4 If the Panel vetoes the appointment of the Chief Constable, the report to the PCC must include a statement that the Panel has vetoed the appointment with reasons.
- 25.5 In the case of the other senior appointment/s of Chief Executive, Chief Finance Officer and Deputy PCC, the Panel will be notified by the PCC of the need for a confirmatory hearing of his/her proposed appointments, which will be held at the next available ordinary meeting of the Panel.
- 25.6 Following the confirmatory hearings of Chief Executive, Chief Finance Officer and Deputy PCC, the Panel will review the proposed appointments and make a report and any recommendations to the PCC on the appointment/s.
- 25.7 The Panel must publish the reports and any recommendations on the host authority web site and issue copies of relevant documentation to all Panel members.

26 APPOINTMENT OF AN ACTING POLICE AND CRIME COMMISSIONER

- 26.1 The Panel must appoint a person to be acting PCC if:
- a) no person holds the office of PCC;
 - b) the PCC is incapacitated⁵ (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).

⁴ Note: this section may have to be varied in the light of Home Office Regulations expected to be laid in June on the exercise of the veto.

⁵ Incapacitated – a person is temporarily or permanently impaired by mental and/or physical deficiency, disability, illness, or by the use of drugs to the extent he or she lacks sufficient understanding to make rational decisions or engage in responsible actions.

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

27 COMPLAINTS

- 27.1 Non-criminal complaints in relation to the PCC should be dealt with and/or delegated by the Panel in accordance with the Act and the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#)⁶
- 27.2 In the first instance, non-criminal complaints will be delegated to the office for the PCC (*this is yet to be agreed with the Police Authority*) and reports on all non-criminal complaints, and recommendations for how they are dealt with are provided regularly to Panel meetings.
- 27.3 When considering any action in response to a complaint, the Panel can:
- endorse the proposed response
 - ask the office for the PCC to reconsider the proposed response,
 - agree an alternative course of action,
 - agree to undertake further investigation and reconsider the issue at a subsequent ordinary meeting of the Panel.
 - Invite the complainant(s) and/or their representative(s) to address the Panel.

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

28 SUSPENSION OF THE POLICE AND CRIME COMMISSIONER

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

⁶ Further guidance is due to be published in the spring by the Independent Police Complaints Commission, and the Home Office on how complaints should be handled.

- a) the charge being dropped;
- b) the PCC being acquitted of the offence;
- c) the PCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
- d) the termination of the suspension by the Panel.

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

28.4 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

29 SUSPENSION AND REMOVAL OF THE CHIEF CONSTABLE

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

29.2 The PCC must also notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

29.3 The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

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

29.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the PCC as to whether or not s/he should call for the retirement or resignation. Before making any recommendation the Panel may consult the chief inspector of constabulary, and must hold a private Scrutiny Hearing (Schedule 8 part 2 s15 (4b) and 15 (9) of the Act).

29.6 The Scrutiny Hearing which must be held by the Panel is a Panel meeting in private, which the PCC and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign.

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

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

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

- 29.9 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 29.10 In calculating the six week period, this period shall not include the 'post election period', being any period between the date of poll at the ordinary election of the PCC, and the date of declaration of acceptance of office of the PCC.

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

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

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

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

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

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

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

DRAFT

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

Adopted by the Panel on: xxxxxxxxxxxxxxxx

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

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

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

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

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

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

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

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

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

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

Registering and declaring pecuniary and non-pecuniary interests

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

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

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.⁷

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

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

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⁷ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

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

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

DEVON AND CORNWALL POLICE AND CRIME PANEL GUIDING PRINCIPLES

Adopted by the Panel on: xxxxxxxxxxxxxxxx

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

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

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