

DEVON AND CORNWALL POLICE AND CRIME PANEL

PANEL ARRANGEMENTS AND RULES OF PROCEDURE

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I BACKGROUND

- 1.1 The Police Reform and Social Responsibility Act 2011 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:
- a) it is too high and the revised precept should be lower than the proposed precept; or
 - b) 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:
- a) have regard to the Panel's first report (including any recommendations in the report)
 - b) give the panel a response to the Panel's first report and any recommendations
 - c) 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:
- a) review the revised precept
 - b) 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:
- a) have regard to the second report (including any recommendations in the report);
 - b) give the Panel a response to the second report (and any such recommendations); and
 - c) 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:
- a) issue the revised precept as the precept for the financial year, and
 - b) issue a different precept
- 22.11 In relation to the Panel's first report in 22.5 above,
- a) 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.