

Cumbria Police, Fire and Crime Panel
Terms of Reference, Approach and
Composition



Terms of Reference

1. To hold the elected Commissioner to account and seek to work with them in a constructive manner with a view to supporting the effective exercise of their functions within Cumbria.
2. To review and make reports or recommendations on the draft Police and Crime Plan, draft Fire and Rescue Plan or draft variation, given to the Panel by the Commissioner which the Commissioner must take into account, and to publish the reports or recommendations.
3. To hold a public confirmation hearing and review, make reports and recommendations (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Finance Officers and Deputy Police, Fire and Crime Commissioner) made by the Commissioner and to publish the reports or recommendations.
4. To hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable and Chief Fire Officer including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports.
5. Upon receiving written notification from the Commissioner of his/her intention to call upon the Chief Constable or Chief Fire Officer to retire or resign the Panel will make recommendations to the Commissioner as to whether or not such resignation or retirement should be called for.
6. To consult the Chief Inspector of Constabulary where it is proposed to dismiss the Chief Constable or the Chief Fire and Rescue Inspector for England where it is proposed to dismiss the Chief Fire Officer and hold a private meeting of the Panel in which the Commissioner and the Officer concerned are both entitled to attend for the purpose of making representations about the requirement to resign or retire and to publish the recommendations made to the Commissioner.
7. To review and make reports and recommendations (as necessary) on the proposed precept for both Police and Fire and Rescue including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports or recommendations.
8. To review or scrutinise decisions or proposals made, or other action taken, by the Commissioner in connection with the discharge of the Commissioner's functions, which may be in the form of reports or recommendations to the Commissioner which must be published.
9. To fulfil functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.

10. To appoint an Acting Commissioner if necessary, where the Commissioner is incapacitated, resigns or is disqualified or suspended.
11. To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom, the Channel Islands or Isle of Man with an offence that carries a maximum term of imprisonment exceeding two years.
12. To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group.
13. To require the Commissioner and his or her staff to attend meetings to give evidence in accordance with statute when deemed necessary for the Panel to discharge its functions.
14. Following a requirement made by the Panel for the Commissioner to attend a meeting, it may request the attendance of the Chief Constable or Chief Fire Officer at that meeting to answer questions which the Panel feels are necessary for the discharge of its functions.
15. To require the Commissioner to respond in writing within a specific timescale to any report or recommendation made by the Panel to the Commissioner.
16. To undertake any other such functions as are conferred upon the Panel by the Police Reform and Social Responsibility Act 2011 and Police and Crime Act 2017 and any subsequent regulations made under the Acts.

Approach

17. The authorities comprising the Police, Fire and Crime Panel are Cumberland Council and Westmorland and Furness Council.
18. The authorities shall agree a Host Authority for the Secretariat for the Panel, which shall provide democratic support, Monitoring Officer support and such scrutiny, legal, financial, administrative and other support as is reasonably required to enable the Panel to undertake its functions within the resources agreed by the Panel
19. Westmorland and Furness Council shall act as the initial Host Authority until such time as either:
 - (i) The Panel resolves at its annual meeting (held in July of each year) that another Authority should carry out this function, provided that such other Authority agrees. In which case, the function will be transferred twelve months after the Panel decision unless a shorter period is agreed between the existing Host Authority and the new Host Authority; or
 - (ii) The Host Authority serves notice that it no longer wishes to be the Host Authority and this function is transferred to another Authority in which case, a twelve month notice period will apply, unless a shorter period is agreed between the existing Host Authority the new Host Authority.
20. The Host Authority will be responsible for ensuring that agendas, summons and papers are sent out that comply with the requirements of the Local Government Act 1972. The notice of meeting and summons will be signed by the Proper Officer of the Host Authority.

21. Meetings will be governed by the Access to Information Rules for the Host Authority. Public reports, agendas and minutes will be published on the dedicated webpage provided by the Host Authority, to which other authorities are invited to provide a link.
22. Members are under an obligation not to disclose any confidential or exempt information that they obtain as a member of the Panel when it has been made clear to them that the information is not in the public domain.
23. Reports to the Panel must make reference to statutory or legal provisions to which the Panel must have regard.
24. Where, in the view of the Host Authority's Monitoring Officer, a decision within the Panel's remit is sufficiently urgent that it cannot wait for the next meeting of the Panel and it is not in the public interest that the matter should be delayed, then the Host Authority's Chief Executive Officer may decide the matter in consultation with Chairman of the Panel. The action taken will be reported to the next meeting of the Panel. This paragraph does not empower the Chief Executive to take any decision on a matter which is reserved by law to the Panel. All urgent decisions will be reported, in writing, to the next Panel meeting.

Composition

25. Panel shall comprise 10 councillors and 2 independent, co-opted members.
26. Each authority shall appoint 5 Councillors. No substitutes are permitted.
27. When appointing councillors, each authority shall have regard to:
 - (i) The 'balanced objective requirement' in its annual appointment process, namely the need to represent all parts of the police force and fire and rescue service area; the need to represent the political makeup of the authorities taken together; and the need to have the skills, knowledge and experience necessary to enable the Panel to discharge its functions effectively, and
 - (ii) The Fire and Rescue expertise objective namely the objective that members of the Panel (when taken together) have the skills, knowledge and experience necessary for the Panel to effectively discharge its functions in relation to the fire and rescue authority.
28. Once each authority has appointed councillors to the Panel, the Monitoring Officer of the Host Authority will examine the political makeup of the Panel against the proportionality criteria specified in the Police and Social Responsibility Act and associated guidance. If as a result of this review the Monitoring Officer determines that one or more seats should be allocated to a non-aligned councillor then the Host Authority shall write to all of the non-aligned councillors seeking expressions of interest in serving on the Panel. Once these nominations have been received the Independent Persons will then select the candidate(s). The successful candidate will then be officially nominated to the Panel through their own authority.
29. Each member of the panel shall comply with the Code of Conduct for their Authority when acting as a member of the panel. Co-opted members will be bound by the Code of Conduct of the Host Authority when acting as a member of the panel.

30. In the event that an Authority does not appoint a Member in accordance with these requirements, the Secretary of State will appoint a Member from the Authority to the Panel in accordance with the provisions in the Act.
31. Validity of the proceedings of the Panel shall not be affected by either a vacancy in the membership of the Panel or by a defect in appointment.
32. Membership of the Panel ceases if a member ceases to be a Councillor of the appointing local authority.
33. An Authority may decide in accordance with its procedures to remove an appointed councillor from the Panel at any time and upon doing so shall give written notice to the host authority of the change in its member.
34. A Councillor may resign from the Panel at any time by giving notice to the appointing authority who will inform the host authority.
35. Where a Panel Member fails to attend meetings of the Panel over a six month period then the host authority shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Panel and the appointment of a replacement member from that Authority.
36. In the event that any Member resigns from the Panel, or is removed from the Panel by his or her Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel, applying the considerations given above.
37. The two independent members will be co-opted to the Panel, with no provision for substitution. Their term of office shall be 4 years and no co-opted member shall serve more than 2 full terms. After this time the positions will be re-advertised.
38. A co-opted member may resign from the Panel by, giving at least three months written notice to the host authority. In exceptional circumstances the Panel may agree to a shorter notice period.
39. If an independent co-opted member ceases to be a member through removal, resignation or some other means, the Panel will seek a replacement member as soon as possible through the process as described in these arrangements. The new appointment will be for the remainder of the term.
40. The following shall be disqualified from being appointed and from being a co-opted member
 - (i) the Commissioner for the police force and fire and rescue area;
 - (ii) a member of staff of the Commissioner's Office for the area;
 - (iii) a member of the civilian staff of the Police Force for the area;
 - (iv) a Member of Parliament;
 - (v) a Member of the National Assembly for Wales;
 - (vi) a Member of the Scottish Parliament;
 - (vii) a Member of the European Parliament;
 - (viii) a member of the uniformed Police Force for Cumbria;
 - (ix) a member of one of the 2 local authorities in Cumbria;
 - (x) a member of staff of the Cumbria Fire and Rescue Authority.

41. The appointments of co-opted Members shall be undertaken in accordance with the following principles:

- (i) Appointments shall be on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
- (ii) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre - determined criteria;
- (iii) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised; and
- (iv) The selection process will endeavour to encourage applications from candidates which reflect the breadth of communities in Cumbria and will welcome applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability, age or other factor.