

CUMBRIA POLICE AND CRIME PANEL SUPPORT SERVICES AND INFORMATION

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Introduction

Welcome to the Cumbria Police and Crime Panel (PCP), which forms part of the new governance and accountability arrangements for policing, community safety and criminal justice in Cumbria. The Panel's key role will be to maintain a regular check and balance on the performance of the directly elected Police and Crime Commissioner.

The Panel is made up of members from all of the Local Authorities in Cumbria in addition to two Co-opted members. It has been agreed that Cumbria County Council will act as host authority for the Panel, and therefore will be responsible for providing all necessary support and guidance.

The purpose of this short booklet is to outline the services available and processes in place to support Panel members in their role. Where names are given in the booklet, full contact details can be found in Appendix A.

We have tried to make this booklet as useful as possible but if there are any improvements you would like to see made for the future please let me know.

Tracey Ingham
Senior Scrutiny Manager

1 OFFICER SUPPORT

- 1.1 The agreed host authority for the Cumbria PCP is Cumbria County Council. The County Council will therefore provide the officer support for Panel meetings and any work undertaken by the PCP and Panel members in relation to this role. This support will be provided by the Scrutiny Team and Democratic Services, and full contact details for these teams and named individuals are outlined in Appendix A.
- 1.2 The lead officer for the PCP is the Corporate Director Safer and Stronger Communities. Specialist support in the form of Legal Services, Policy Support and Democratic Services are also provided. It is recommended that any queries be directed through the Scrutiny Team as an initial point of contact.
- 1.3 The majority of the County Council's business is conducted by e-mail, and therefore it is proposed that this will be the primary method of circulating information to members of the PCP (with the exception of formal Panel Agenda). Should paper copies of documents be required these can be provided by the Democratic Services Team on request.

2 INFORMATION TECHNOLOGY VIDEO CONFERENCING FACILITIES

- 2.1 The County Council has put in place policies to reduce the impact of its activities on the environment. One of the steps it has taken is to introduce video-conferencing facilities at strategic points around the county so as to reduce the need for members and officers to travel.
- 2.2 Video conferencing can save money, time and the need to travel and all members are strongly encouraged to make use of facilities in appropriate circumstances. The facilities are particularly useful for small meetings such as chair's briefings or for one to one discussions between a member at one end of the county and an officer based some distance away.
- 2.3 Video conferencing equipment is available in many locations throughout the county and can be arranged to be used for PCP work. Please see Appendix B for details of locations of video conferencing sites used by the County Council.
- 2.4 For further information please contact the Scrutiny Team.

3 MEETING VENUES

- 3.1 When the Cumbria PCP was established it was agreed that the Panel meetings would be rotated around venues throughout Cumbria rather than just be located in one place. The County Council Democratic Services Team will therefore schedule the main Panel meetings on an annual basis, making best use of public sector or community venues across each of the districts. Details of venues and directions to these will be circulated to Panel Members in advance of meetings.

4 REFRESHMENTS

- 4.1 On days when there are meetings, coffee and tea will be available to Panel members free of charge, usually in the meeting room.
- 4.2 Lunch is not provided for Panel meetings as standard, and if meetings are scheduled for a full day, or a morning meeting is likely to continue into the afternoon, adequate time will be allowed over the lunchtime for Panel members to go out to have a meal or consume food they have brought themselves.
- 4.3 In exceptional circumstances at the Chair's discretion, it may be possible to provide a lunch when a morning meeting is likely to continue into the afternoon, or for all-day events such as seminars where no local dining facilities are available.

5 CAR INSURANCE

- 5.1 Panel members' motor insurance policies may not automatically cover them for driving on official Cumbria PCP business and members should take action as follows to ensure that they are fully covered. On members' certificates of motor insurance there will be certain limitations as to the use of the vehicle(s) insured under the policy. Use on the business of the PCP would be described as use on official business. If the policy is limited solely to use for social, domestic and pleasure purposes, members should obtain an endorsement on the policy from their insurers to the effect that official use on the business of the PCP is included within the cover provided under the policy.
- 5.2 If Panel members claim expenses from the County Council for the use of their cars on official business or for carrying official passengers, they will need to get an endorsement on the policy to the effect that the acceptance of expenses for such use, or carriage of official passengers, will not constitute use for hire or reward under the policy. Both would otherwise be expressly forbidden under the terms of the normal motor car policy. Most insurers will be happy to provide these endorsements to the policy at no extra cost.
- 5.3 **It is recommended therefore that Panel members check their motor insurance policy immediately and contact their own insurer if they are in any doubt as to whether they are covered for use of their vehicle on PCP business.**

6 POLICE AND CRIME PANEL WEBSITE

- 6.1 The Cumbria PCP will have a dedicated website providing on-line access to information about Cumbria PCP, its members, work and its meetings. The website address is <http://cumbriapcp.org.uk>

7 MEMBER EXPENSES

- 7.1 The County Council will reimburse PCP members' travelling expenses for official PCP business (for example to and from meetings) at the HMRC standard mileage rate. These will be paid upon the submission of a completed expense form (example attached at Appendix C) with supporting receipts.
- 7.2 Completed expenses claims should be returned to Democratic Services at the County Council.

8 THE POLICE AND CRIME COMMISSIONER

- 8.1 The Commissioner within each force area has a statutory duty and electoral mandate to hold the police to account on behalf of the public.
- 8.2 The Commissioner is the recipient of all funding, including the government grant and precept and other sources of income, related to policing and crime reduction and all funding for a force must come via the Commissioner. How this money is allocated is a matter for the Commissioner in consultation with the Chief Constable, or in accordance with any grant terms. The Chief Constable will provide professional advice and recommendations.
- 8.3 The Commissioner has the legal power and duty to:
- a) set the strategic direction and objectives of the force through the Police and Crime Plan, which must have regard to the Strategic Policing Requirement set by the Home Secretary;
 - b) scrutinise, support and challenge the overall performance of the force including against the priorities agreed within the Plan;
 - c) hold the Chief Constable to account for the performance of the force's officers and staff;
 - d) decide the budget, allocating assets and funds to the Chief Constable; and set the precept for the force area;
 - e) appoint the Chief Constable;
 - f) remove the Chief Constable subject to following the process set out in Part 2 of Schedule 8 to the 2011 Act and regulations made under section 50 of the Police Act 1996(a);
 - g) maintain an efficient and effective police force for the police area;
 - h) enter into collaboration agreements with other Commissioners, other policing bodies and partners that improve the efficiency or effectiveness of policing for one or more policing bodies or police forces in consultation with the Chief Constable (where this relates to the functions of the police force, then it must be with the agreement of the Chief Constable);
 - i) provide the local link between the police and communities, working to translate the legitimate desires and aspirations of the public into action;
 - j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;
 - k) publish information specified by the Home Secretary and information that the Commissioner considers necessary to enable the people who

live in the force area to assess the performance of the PCC and Chief Constable;

- l) comply with all reasonable formal requests from the Panel to attend their meetings;
 - m) prepare and issue an annual report to the Panel on the Commissioner's delivery against the objectives set within the Plan;
 - n) monitor all complaints made against officers and staff, whilst having responsibility for complaints against the Chief Constable.
- 8.4 The Commissioner must not fetter the operational independence of the police force and the Chief Constable who leads it.
- 8.5 In order to enable the Commissioner to exercise the functions of their office effectively, they will need access to information and officers and staff within their force area. Such access to any information must not be unreasonably withheld or obstructed by the Chief Constable and/or fetter the Chief Constable's direction and control of the force.
- 8.6 A Commissioner has wider responsibilities than those relating solely to the police force, namely:
- a) a specific responsibility for the delivery of community safety and crime reduction;
 - b) the ability to bring together Community Safety Partnerships at the force level;
 - c) the ability to make crime and disorder reduction grants within their force area;
 - d) a duty to ensure that all collaboration agreements with other Commissioners and forces deliver better value for money or enhance the effectiveness of policing capabilities and resilience;
 - e) a wider responsibility for the enhancement of the delivery of criminal justice in their area.
- 8.7 The first Commissioners will be elected on 15 November 2012, take office seven days later (on 22 November 2012) and serve until May 2016; thereafter commissioners will normally hold office for four years.

9 THE CHIEF CONSTABLE

- 9.1 The Chief Constable is responsible for maintaining the Queen's Peace, and has direction and control over the force's officers and staff. The Chief Constable holds office under the Crown, but is appointed by the Commissioner.
- 9.2 The Chief Constable is accountable to the law for the exercise of police powers, and to the Commissioner for the delivery of efficient and effective policing, management of resources and expenditure by the police force. At all times the Chief Constable, their constables and staff, remain operationally independent in the service of the communities that they serve.
- 9.3 The Chief Constable is responsible to the public and accountable to the Commissioner for:

- a) leading the force in a way that is consistent with the attestation made by all constables on appointment and ensuring that it acts with impartiality;
- b) appointing the force's officers and staff (after consultation with the Commissioner, in the case of officers above the rank of Chief Superintendent and police staff equivalents);
- c) supporting the Commissioner in the delivery of the strategy and objectives set out in the Police and Crime Plan;
- d) assisting the Commissioner in planning the force's budget;
- e) providing the Commissioner with access to information, officers and staff as required;
- f) having regard to the Strategic Policing Requirement when exercising and planning their policing functions in respect of their force's national and international policing responsibilities;
- g) notifying and briefing the Commissioner of any matter or investigation on which the Commissioner may need to provide public assurance either alone or in company with the Chief Constable (Commissioners will be subject to the same duties in relation to sensitive material as Government Ministers);
- h) being the operational voice of policing in the force area and regularly explaining to the public the operational actions of officers and staff under their command;
- i) entering into collaboration agreements with other Chief Constables, other policing bodies and partners that improve the efficiency or effectiveness of policing;
- j) remaining politically independent of their Commissioner;
- k) managing all complaints against the force, its officers and staff, except in relation to the Chief Constable, and ensuring that the Commissioner is kept informed in such a way as to enable the Commissioner to discharge their statutory obligations in relation to complaints in a regular, meaningful and timely fashion. Serious complaints and conduct matters must be passed to the Independent Police Complaints Commission (IPCC) in line with legislation;
- l) exercising the power of direction and control in such a way as is reasonable to enable their Commissioner to have access to all necessary information and staff within the force;
- m) having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the Commissioner.

10 THE POLICE AND CRIME PANEL

10.1 The Panel is made up of 10 councillors and 2 independent members. All county councillors and district councillors are eligible to be members of the Police and Crime Panel. The Panel shall, as far as possible, be politically balanced. Members of the Panel will be appointed at the Annual General Meeting of each council. The first such elections will be held in May 2013.

10.2 The Panel provides checks and balances in relation to the performance of the Commissioner. The Panel does not scrutinise the Chief Constable - it

scrutinises the Commissioner's exercise of their statutory functions. While the Panel is there to challenge the Commissioner, it must also exercise its functions with a view to supporting the effective exercise of the Commissioner's functions.

- 10.3 The Chief Constable retains responsibility for operational matters. If the Panel seek to scrutinise the Commissioner on an operational matter, the Chief Constable may be invited to attend alongside the PCC to offer factual accounts and clarity (if needed) of the Chief Constable's actions and decisions. The accountability of the Chief Constable remains firmly to the Commissioner and not to the Panel.

10.4 Police and Crime Panel Functions

Function	PRSR Act 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 the Act.	sch6 para4(6)

Supporting Powers	PRSR Act Reference
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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)

10.5 Police and Crime Panel Roles and Responsibilities

Chapter 4 of the Police Reform and Social Responsibility Act 2011 states that the police and crime panel must:

- i) **Review the draft police and crime plan**, or draft variation, given to the panel by the relevant police and crime commissioner in accordance with section 5(6)(c), and make a report or recommendations on the draft plan or variation to the commissioner.
- ii) **Arrange for a public meeting of the panel to be held as soon as practicable after the panel is sent an annual report under section 12.**
 - ask the police and crime commissioner, at that meeting, such questions about the annual report as the members of the panel think appropriate,
 - review the annual report, and
 - make a report or recommendations on the annual report to the commissioner.
- iii) **A police and crime panel has the functions conferred by Schedules 1 (procedure for appointments of senior staff), 5 (issuing precepts) and 8 (procedure for appointments by police and crime commissioners).**
- iv) **Review or scrutinise decisions made, or other action taken, by the relevant police and crime commissioner in connection with the discharge of the commissioner's functions.**
 - Make reports or recommendations to the relevant police and crime commissioner with respect to the discharge of the commissioner's functions, insofar as the panel is not otherwise required to do so by subsection (3) or (4) or by Schedule 1, 5 or 8.
- v) **A police and crime panel must publish any reports or recommendations made to the relevant police and crime commissioner.**
 - The police and crime panel for a police area in England must send copies of any such reports or recommendations to each local

authority (district or county council) whose area falls wholly or partly within the police area.

- It is for the police and crime panel to determine the manner in which reports or recommendations are to be published in accordance with subsection (7).

10.6 Schedule 6, Paragraph 27 specifies that the full panel is required to:

- i) carry out scrutiny of police and crime plan [Section 28(3)]
- ii) carry out scrutiny of annual report [Section 28(4)]
- iii) issue precepts [Schedule 5]
- iv) carry out scrutiny of appointment of Chief Constables [Schedule 8 Part 1]

10.7 Power to require attendance and information
(Chapter 4 Section 29 PRSR)

- 1) A police and crime panel may require the relevant police and crime commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any question which appears to the panel to be necessary in order for it to carry out its functions.
- 2) Nothing in subsection (1) requires a member of the police and crime commissioner's staff to give any evidence, or produce any document, which discloses advice given to the commissioner by that person.
- 3) A police and crime panel may require the relevant police and crime commissioner to respond in writing (within a reasonable period determined by the panel) to any report or recommendation made by the panel to the commissioner.
- 4) The police and crime commissioner must comply with any requirement imposed by the panel under subsection (1) or (3).
- 5) Members of the staff of the police and crime commissioner must comply with any requirement imposed on them under subsection (1).
- 6) If a police and crime panel requires the relevant police and crime commissioner to attend before the panel, the panel may (at reasonable notice) request the relevant chief constable to attend before the panel on the same occasion to answer any question which appears to the panel to be necessary in order for it to carry out its functions.

10.8 Information for police and crime panels (Chapter 3, Section 13 PRSR)

- 1) An elected local policing body must provide the relevant police and crime panel with any information which the panel may reasonably require in order to carry out its functions.
- 2) But subsection (1) does not require the elected local policing body to provide information if disclosure of the information:
 - a) would, in the view of the chief officer of police, be against the interests of national security,
 - b) might, in the view of the chief officer of police, jeopardise the safety of any person,



- c) might, in the view of the chief officer of police, prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or
- d) is prohibited by or under any enactment.

3) An elected local policing body may provide the relevant police and crime panel with any other information which the body thinks appropriate.

11 DEALING WITH COMPLAINTS REGARDING THE PCC

11.1 The Police and Crime Panel (PCP) will deal with any non-criminal complaints made against the PCC.

- The PCP can delegate to a sub-committee or an individual to deal with a complaint, they do not have to convene a meeting of the whole panel.
- It may be that some panel members look at the initial complaint and different panel members deal with any investigation (similar to the set-up of a standards committee).
- The PCP must refer any criminal allegations to the Independent Police Complaints Commission (IPCC) for investigation within 24 hours of notification. Upon conclusion of their investigation the IPCC would give a report to the PCP for them to consider and decide upon the next course of action.
- The PCP can refer complaints to the Office of the Police Complaints Commissioner (OPCC) Chief Executive (if they accept the delegation) for either the initial handling (ie ascertain whether or not it is a complaint against the PCC as per set criteria in the IPCC Statutory Guidance or not) or the investigation of the complaint as detailed in Section 7 of The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. This would not be seen as whistleblowing on the PCC but as a triage approach between the PCC, PCP and the Chief Executive.
- It is likely that Chief Executives would not wish to undertake the investigation as in a number of instances there would be a conflict of interests as the Chief Executive would provide advice and support to the PCC. In addition the capacity of the staff within the OPCC would not sustain the investigation of complaints. The Chief Executive would inform the PCP of any complaints received.
- The PCP will retain responsibility for the resolution of the complaint against the PCC even if the Chief Executive has carried out the investigation.

11.2 Pccs And Transparency (Specified Information Order)

What kind of information is covered by the specified information order?



11.3 The specified information order will ensure that PCCs make available to the public information on:

- Who they are and what they do;
- What they spend and how they spend it;
- What their priorities are and how they are doing;
- How they make, record and publish their decisions;
- What policies and procedures govern the operation of the office of PCC;
- Public disclosure of a register of interests.

11.4 The public need independent, consistent and transparent information on the performance and activities of their PCC for democratic accountability to be effective. Transparency is essential to promote confidence in the elected PCC. A consistent minimum evidence base will also allow them to compare the performance of their PCC with PCCs elsewhere. The Government is confident that PCCs will be in a position to publish this information, as most of the information that the regulations require PCCs to publish is already a requirement for police authorities. PCCs will publish information on their website thus increasing their obligation, and wish, to be transparent to the public of Cumbria.

12 APPOINTMENT OF A CHIEF CONSTABLE

12.1 A police and crime commissioner must notify the relevant police and crime panel of each proposed appointment of a chief constable and provide the following information:

- a) the name of the person whom the commissioner is proposing to appoint;
- b) the criteria used to assess the suitability of the candidate for the appointment;
- c) why the candidate satisfies those criteria; and
- d) the terms and conditions on which the candidate is to be appointed.

12.2 The panel must review the proposed appointment and make a report to the commissioner including a recommendation as to whether or not the candidate should be appointed.

12.3 The panel must comply with this process within a period of three weeks beginning with the day on which the panel receives the notification from the commissioner of the proposed appointment. The panel must publish the report to the commissioner and it is for them to determine the manner in which the recommendation is to be published.

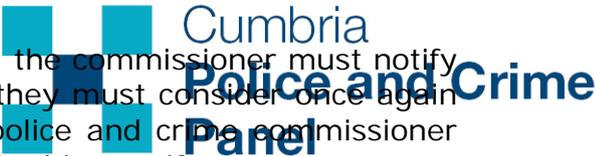
12.4 A police and crime panel must hold a confirmation hearing before making a report to the police and crime commissioner in relation to a proposed appointment and before vetoing an appointment. A "confirmation hearing" is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.

- 12.5 If the panel approves the recommendation for appointment then the police and crime commissioner may accept or reject the panel's recommendation as to whether or not the candidate should be appointed and must notify the panel of the decision whether to accept or reject the recommendation.
- 12.6 If the panel vetoes the proposed appointment the panel must provide a written report to this effect and must include a statement of why the panel has vetoed it within the three week period. This decision must be reached by at least two-thirds of the persons who are members of the panel at the time when the decision is made. The police and crime commissioner must not appoint that candidate as chief constable if the panel has vetoed the appointment. However the veto is not exercisable once the 3 week period has elapsed.

12.7 Proposal of reserve candidate for Chief Constable Appointment

Where the Police and Crime Panel exercises their power to veto the Police and Crime Commissioners proposed appointment, the Commissioner shall propose another person for appointment as chief constable ("a reserve candidate").

- 12.8 The police and crime commissioner proposes a reserve candidate by notifying the panel of the following information:
- a) the name of the reserve candidate;
 - b) the criteria used to assess the suitability of the reserve candidate for the appointment;
 - c) why the reserve candidate satisfies those criteria; and
 - d) the terms and conditions on which the reserve candidate is to be appointed.
- 12.9 Within the period of three weeks beginning with the day on which the panel receives notification the panel shall:
- a) review the proposed appointment; and
 - b) make a report to the police and crime commissioner on the proposed appointment.
- 12.10 The panel must hold a confirmation hearing prior and make a report within three weeks of notification from the Police and Crime Commissioner. The report must include a recommendation to the Police and Crime Commissioner as to whether or not the reserve candidate should be appointed.
- 12.11 On receiving a report from the Police and Crime Panel the commissioner shall have regard to the report (including the recommendation in the report); and notify the panel of their decision as to whether they accept or reject the recommendation.
- 12.12 The end of the confirmation process is reached when the police and crime commissioner gives the notification of whether they accept or reject the panels recommendation. The police and crime commissioner may then appoint the reserve candidate as chief constable; or may propose another



reserve candidate. In the latter eventuality, the commissioner must notify the panel of the proposed candidate which they must consider once again in relation to this further candidate. The police and crime commissioner can continue to propose reserve candidates in this way if necessary.

13 SUSPENSION/REMOVAL OF THE CHIEF CONSTABLE

- 13.1 Upon completion of an investigation by either the Police and Crime Commissioner or the IPCC (Independent Police Complaints Commission) regarding a complaint against the Chief Constable, if the recommendation is to ask the Chief Constable to resign or retire, the Police and Crime Commissioner must provide the Police and Crime Panel of the findings. They will then consider the findings of the investigation as part of their scrutiny process.
- 13.2 The Police and Crime Commissioner must provide the Police and Crime Panel with written notification that they are intending to call upon the Chief Constable to retire or resign. A copy of this notification is then given to the Chief Constable.
- 13.3 A Police and Crime Commissioner cannot call upon a Chief Constable to retire or resign until the end of the scrutiny process by the Police and Crime Panel. The Chief Constable is then provided with the opportunity to make written representations about the proposals to call for their retirement or resignation. The Police and Crime Commissioner must consider these representations and provide the Police and Crime Panel with a copy as soon as practicable. If after consideration the Police and Crime Commissioner is still proposing to call upon the Chief Constable to retire or resign they must notify the Chief Constable and the Police and Crime Panel.
- 13.4 Under Schedule 8 of the Police Reform and Social Responsibility Act 2011 the Police and Crime Panel must make a recommendation to the Police and Crime Commissioner as to whether or not the Commissioner should call for the retirement or resignation. The recommendation must be given to the Police and Crime Commissioner in writing before the end of the period of six weeks beginning with the day on which the panel receives the notification.
- 13.5 Before making the recommendation, the panel may consult the Chief Inspector of Constabulary but must hold a scrutiny hearing. A “scrutiny hearing” is a meeting of the panel, held in private, which the Police and Crime Commissioner and the Chief Constable are both entitled to attend for the purpose of making representations relating to the proposal to call upon the Chief Constable to retire or resign. Following the scrutiny hearing the panel must publish their recommendation and it is for the panel to determine the manner in which the recommendation is to be published.
- 13.6 The Police and Crime Commissioner must then consider the Police and Crime Panel’s recommendation. Upon considering it they may accept or reject the recommendation. The Police and Crime Commissioner must notify the Police and Crime Panel of their decision whether or not to accept the recommendation.

14 APPOINTMENT/REMOVAL OF THE CHIEF OFFICERS OF THE POLICE AND CRIME COMMISSIONER

- 14.1 A Police and Crime Commissioner must notify the relevant Police and Crime Panel of each proposed appointment by the commissioner of:
- a) the commissioner's chief executive,
 - b) the commissioner's chief finance officer, or
 - c) a deputy police and crime commissioner.
- 14.2 In a case where the Police and Crime Commissioner notifies the relevant Police and Crime Panel of such an appointment (“a proposed senior appointment”), the commissioner must also notify the panel of the following information:
- a) the name of the person whom the commissioner is proposing to appoint;
 - b) the criteria used to assess the suitability of the candidate for the appointment;
 - c) why the candidate satisfies those criteria; and
 - d) the terms and conditions on which the candidate is to be appointed.
- 14.3 When a Police and Crime Panel is notified of a proposed senior appointment, they must review the proposal and make a report to the commissioner on it. The report must include a recommendation to the police and crime commissioner as to whether or not the candidate should be appointed. The report must be published by the panel.
- 14.4 The panel has three weeks to review the proposed appointment.
- 14.5 The Police and Crime Panel must hold a confirmation hearing before making a report and recommendation to the Police and Crime Commissioner in relation to a proposed senior appointment. A “confirmation hearing” is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.
- 14.6 The Police and Crime Commissioner may accept or reject the panel's recommendation as to whether or not the candidate should be appointed and must notify the panel of the decision whether to accept or reject the recommendation.

15 APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER

- 15.1 The Police and Crime Commissioner may appoint a Deputy Police and Crime Commissioner.
- 15.2 None of the following may be appointed as the Deputy Police and Crime Commissioner:

- a) a person who has not attained the age of 18 on the day of the appointment;
 - b) a person who is subject to a relevant disqualification;
 - c) a Member of the House of Commons;
 - d) a member of the European Parliament;
 - e) a member of the National Assembly for Wales;
 - f) a member of the Scottish Parliament;
 - g) a member of the Northern Ireland Assembly.
- 15.3 The terms and conditions of a person who is appointed as the Deputy Police and Crime Commissioner must provide for the appointment to end not later than the day when the current term of office of the appointing police and crime commissioner ends. Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the deputy police and crime commissioner.
- 15.4 As a Deputy Police and Crime Commissioner will be designated as member of staff of the Police and Crime Commissioner and therefore a commissioner may pay remuneration, allowances and gratuities to the members of their staff.
- 15.5 When considering an affirmation of a Deputy Police and Crime Commissioner appointment the Police and Crime Panel must consider the possibility that a deputy may be required to act as Police and Crime Commissioner in the event of the Police and Crime Commissioner being removed from office. Therefore a person may not be appointed as a Deputy Police and Crime Commissioner if the person is disqualified from being elected as, or being, a Police and Crime Commissioner under:
- a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or
 - b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions and corrupt or illegal election practices).

16 SUSPENSION OF A POLICE AND CRIME COMMISSIONER

- 16.1 A police and crime panel may suspend the Police and Crime Commissioner if it appears to the panel that:
- a) the Commissioner 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.
- 16.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
- a) the charge being dropped;
 - b) the police and crime commissioner being acquitted of the offence;

- c) the police and crime commissioner being convicted of the offence but not being disqualified under section 66 by virtue of the conviction;
- d) the termination of the suspension by the police and crime panel.

16.3 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.

17 APPOINTMENT OF ACTING COMMISSIONER

17.1 The Police and Crime Panel for a police area must appoint a person to act as Police and Crime Commissioner for that area (the “acting commissioner”) if:

- a) no person holds the office of police and crime commissioner for that area,
- b) the police and crime commissioner for that area is incapacitated, or
- c) the police and crime commissioner for that area is suspended in accordance with section 30.

17.2 A Police and Crime Commissioner is incapacitated if the Commissioner is unable to exercise the functions of Commissioner, except where the Commissioner is unable to exercise those functions only because the commissioner has yet to give a declaration of office under section 70 (PRSR); and it is for the police and crime panel for a police area to determine whether or not the police and crime commissioner for that area is incapacitated.

17.3 The Police and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.

17.4 In appointing a person as acting commissioner in a case where the police and crime commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the commissioner in relation to the appointment. All the functions of a Police and Crime Commissioner are exercisable by an acting commissioner, apart from issuing or varying a police and crime plan. Any property or rights vested in the police and crime commissioner may be dealt with by the acting commissioner as if vested in the acting commissioner.

17.5 The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as police and crime commissioner;
- b) the termination by the police and crime panel, or by the acting commissioner, of the appointment of the acting commissioner;
- c) in a case where the acting commissioner is appointed because the police and crime commissioner is incapacitated, the commissioner ceasing to be incapacitated;
- d) in a case where the acting commissioner is appointed because the police and crime commissioner is suspended, the commissioner ceasing to be suspended.

- 17.6 In a case where the acting commissioner is appointed because the police and crime commissioner is incapacitated or suspended and a vacancy subsequently occurs in the office of police and crime commissioner, the occurrence of that vacancy does not affect the appointment of the acting commissioner.

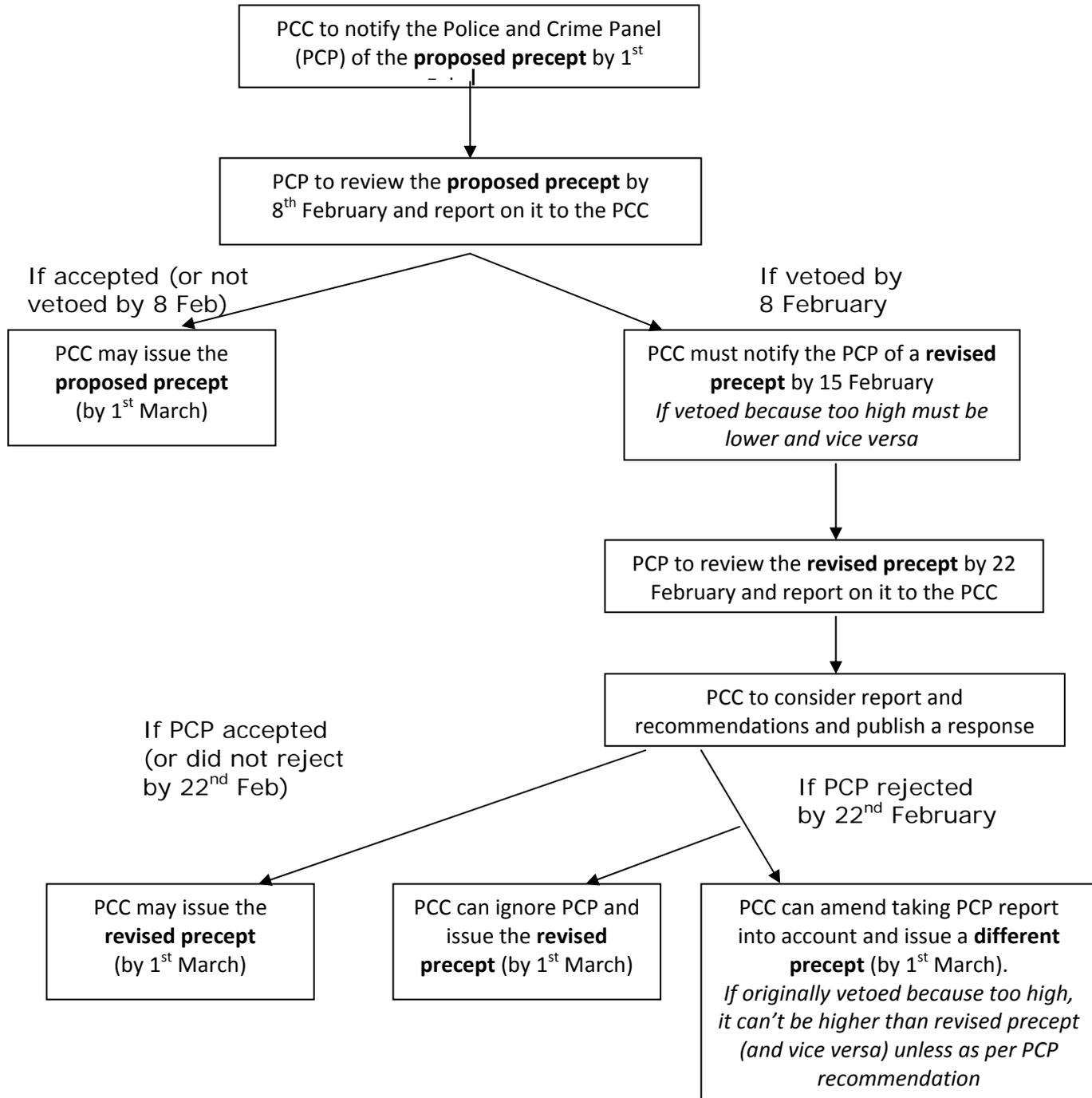
18 CONSULTATION ON THE POLICE AND CRIME COMMISSIONERS COUNCIL TAX PRECEPT/POLICE AND CRIME PLAN

- 18.1 Before issuing or varying a police and crime plan, a PCC must:

Prepare a draft of the plan or variation; consult with the chief constable in preparing the plan; provide a copy to the police and crime panel and have regard to any report or recommendations made by the panel. The PCC must then give the panel a response or any such report or recommendations and publish such a response.

- 18.2 Various methods of consultation with the communities of Cumbria would take place. A meeting in October would see the PCC bring draft proposals to the Police and Crime Panel for discussion, although for 2012 this will be later due to the PCC not taking up office until 22 November 2012.

19 PCC PRECEPT AND PLAN APPROVAL/VETO PROCESS



20 POLICE AND CRIME COMMISSIONER'S ANNUAL REPORT

- 20.1 The Police and Crime Panel must review the draft police and crime plan, or draft variation, given to the panel by the relevant Police and Crime Commissioner and make a report or recommendations on the draft plan or variation to the commissioner.
- 20.2 The police and crime panel must:
- a) arrange for a public meeting of the panel to be held as soon as practicable after the panel is sent an annual report,
 - b) ask the Police and Crime Commissioner, at that meeting, such questions about the annual report as the members of the panel think appropriate,
 - c) review the annual report, and
 - d) make a report or recommendations on the annual report to the commissioner

21 REVIEW/SCRUTINISE DECISIONS OF THE POLICE AND CRIME COMMISSIONER

- 21.1 The Police and Crime Panel must review or scrutinise decisions made, or other action taken, by the police and crime commissioner in connection with the discharge of the commissioner's functions; making reports or recommendations thereafter.
- 21.2 The panel must publish any reports or recommendations made to the relevant police and crime commissioner and send copies of any such reports or recommendations to each local authority (county council or district council) whose area falls wholly or partly within the police area. It is for the panel to determine the manner in which reports or recommendations are to be published.

21.2 Questions and Answers

How will the Panel report back to local authorities in respect of their strategic role?

Every local authority in the police force area will have at least one councillor on the Police and Crime Panel. It will be for the panel, the members and the individual local authorities to determine how information will be passed between them.

Do local elections change the composition of Panels?

The balance of the Panel should be actively reviewed, including after elections, to ensure that the membership of the panel fulfils the requirements of the balanced appointment objective "as far as is practicable". Therefore a review will have to be carried out after the May elections in 2013.

How will funding for the panel work?

The Home Office will provide funding to support Panels in discharging their functions, as set out in the Act. A total of £53,300 will be provided for support and running costs per Panel. In addition each Panel member can receive up to £920 per year, to fund necessary expenses. The funding for

the first year will be provided on a pro rata basis to cover October 2012 to March 2013. This funding will be passed to the 'host' authority as a grant.

What will the host authority actually do?

The host authority will receive the Home Office funding and administer the Panel. Hosting does not confer leadership of the panel.

Who will arbitrate if there is a deadlock between the PCC and PCP over the Precept?

The PCC retains ultimate responsibility for setting the Precept, as it will be the PCC who is held to account by the public. This information will be detailed in the secondary legislation which is in the process of being laid.

22 ACCESS TO INFORMATION

22.1 The Office of the Police and Crime Commissioner will hold reports and supporting documentation which will be accessible by the public either on the PCC's website or via a request for a paper copy.

22.2 There are 11 grounds under which an item must meet in order for it to be heard in the closed or PART2 of a meeting.

22.3 Descriptions of Exempt Information:

1. Information relating to an individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person;

or

 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information relating to the personal circumstances of any person.
9. Information which is subject to any obligation of confidentiality.

10. Information which relates in any way to matters concerning national security.
11. The deliberations of a Standards Committee or a sub-committee of a Standards Committee established under the provisions of Part III of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 64(2) or 71(2) of the Local Government Act 2000.

Copies of these documents to be given out at the Induction

Current Policing Plan
Current Annual Report
Current Local Policing Summary

Appendix A

CONTACT DETAILS

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