

## **Cumbria Police and Crime Panel - Rules of Procedure**

### **1 OPERATING ARRANGEMENTS**

- 1.1 Cumbria County Council shall act as the lead authority in establishing the Police and Crime Panel and provide the necessary officer support.
- 1.2 The panel shall be made up of a minimum of 10 councillors and two independent members.

### **2 MEMBERSHIP**

- 2.1 All county councillors and district councillors are eligible to be members of the Police and Crime Panel.
- 2.4 The panel membership shall, as far as possible, be politically balanced.
- 2.5 All members of the Police and Crime Panel may vote in proceedings of the panel.

### **3 CASUAL VACANCIES**

- 3.1 A vacancy on a Police and Crime Panel arises when a county councillor, a district councillor or an independent member resigns in writing from the membership of the panel by notifying the Assistant Director – Legal and Democratic Services (Cumbria County Council).
- 3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 4.

### **4 INDEPENDENT MEMBERS**

- 4.1 The Police and Crime Panel shall co-opt two independent members onto the panel for a term of four years, starting in October 2012.
- 4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A

closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.

- 4.3 Information packs should be prepared and sent to those requesting application forms.
- 4.4 The applications will be considered against an agreed eligibility criteria and then the chairman and vice-chairman of the panel will be invited to meet to consider applications and interview candidates.
- 4.5 Following the interviews, the chairman and vice-chairman will make recommendations to the panel about membership.

## **5 APPOINTMENT OF MEMBERS**

Members of the panel will be appointed at the Annual General Meeting of each council.

## **6 REMOVAL AND RESIGNATION OF MEMBERS**

- 6.1 An Authority may decide in accordance with their procedures to remove their appointed member from the panel at any point and on doing so shall give notice in writing to the Assistant Director – Legal and Democratic Services of Cumbria County Council as host authority.
- 6.2 An appointed member may resign from the panel by giving written notice to the Assistant Director – Legal and Democratic Services of Cumbria County Council and the Authority they represent on the panel.
- 6.3 In the event that any appointed member resigns from the panel, or is removed from the panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative member to the panel. The validity of the proceedings of the panel is not affected by a vacancy in the membership.
- 6.4 The Panel may decide to terminate the appointment of a co-opted independent non-elected member if at least two-thirds of the persons who are members of the panel at the time are in favour of making the decision for any of the reasons set out below:
  - a) The member has not attended any meetings of the Panel for more than 12 months without the consent of the Panel

b) The member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted member of the panel

c) The member is found to be no longer eligible to hold the position in line with the requirements of the Police Reform and Social Responsibility Act 2011

d) The member is found to be failing in his or her duties and responsibilities on the panel.

e) The member fails to act in accordance with the Cumbria County Council Members' Code of Conduct.

6.5 Written notice will be given to the member detailing the reasons for termination.

## **7. CHAIRMAN OF THE POLICE AND CRIME PANEL**

7.1 The chairman of the Police and Crime Panel will be appointed in June of each year or at the first meeting of the Panel following the appointment of members to the Panel by constituent councils and will be drawn from amongst the councillors sitting on the panel.

7.2 The vice-chairman will be appointed in June of each year or at the first meeting of the Panel following the appointment of members to the Panel by constituent council and will be drawn from amongst the councillors sitting on the panel.

7.3 In the event of the resignation of the chairman or removal of chairman, a new chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the panel.

7.4 The process for electing the Chairman and Vice-Chairman shall be as follows:-

7.5 If only one nomination is received, the Chair will declare the person nominated to be appointed.

7.6 If two persons are nominated, there will be a vote by show of hands or recorded vote, whichever the meeting determines. The nominee with the highest number of votes will be declared duly appointed. In the event of equality of votes, then the Chair will exercise a casting vote.



- 7.7 If three or more persons are nominated, there will be a vote by show of hands or recorded vote, whichever the meeting determines. If one nominee has an overall majority of the votes cast, he/she will be declared duly appointed. If not, then the nominee with the lowest number of votes will be excluded from the next round of voting. This process will be repeated, if necessary, until only two nominees are left, when the procedure is as at 8.6 above. At all stages, any equality will be resolved by the casting vote of the Chair.

## **8 MEETINGS OF THE POLICE AND CRIME PANEL**

- 8.1 There shall be a minimum of four ordinary meetings of the Police and Crime Panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- 8.2 An extraordinary meeting may be called by the chairman, by four members of the panel or by the Assistant Director – Legal and Democratic Services (Cumbria County Council).

## **9 QUORUM**

A meeting of the Police and Crime Panel cannot take place unless one third of the whole number of its members is present.

## **10 VOTING**

- 10.1 Voting will be by show of hands and by simple majority unless the Act, regulations made under the Act or these rules require otherwise.

## **11 WORK PROGRAMME**

- 11.1 The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the Police and Crime Panel will also take into account the wishes of its members.
- 11.2 The work programme must include the functions described in the terms of reference for the panel.

## **12 AGENDA ITEMS**

Any member of the Police and Crime Panel shall be entitled to give notice to the Assistant Director – Legal and Democratic Services (Cumbria County Council) 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.

## **13 REPORTS FROM POLICE AND CRIME PANEL**

- 13.1 Where the Police and Crime Panel make a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- 13.2 The Police and Crime Panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to
- a) Consider the report or recommendations.
  - b) Respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take.
  - c) Where the Police and Crime Panel has published the report or recommendations, publish the response.
  - d) Where the Police and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- 13.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).
- 13.4 If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

## **14 POLICE AND CRIME COMMISSIONER AND OFFICERS GIVING ACCOUNT**

- 14.1 The Police and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime

Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any questions which appear to the panel to be necessary in order to carry out its functions.

- 14.2 Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 14.3 Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.
- 14.4 If the Police and Crime Panel require the Police and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable to attend before the panel on the same occasion to answer any questions which appears to the panel to be necessary in order for it to carry out its functions.

## **15 ATTENDANCE BY OTHERS**

The Police and Crime Panel may invite people other than those referred to above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders, councillors who are not members of the panel and officers in other parts of the public sector and may invite such people to attend.

## **16 SUB-COMMITTEES AND TASK GROUPS**

- 16.1 Time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- 16.2 The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.



- 16.3 In this paragraph 'special functions' means the functions conferred on a Police and Crime Panel by
- a) Section 28(3) of Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan).
  - b) Section 28 (4) of Police Reform and Social Responsibility Act (scrutiny of annual report).
  - c) Paragraphs 10 and 11 of Schedule 1 of Police Reform and Social Responsibility Act (review of senior appointments).
  - d) Schedule 5 of Police Reform and Social Responsibility Act (issuing precepts).
  - e) Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).

16.4 The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

## **17 CARRYING OUT 'SPECIAL FUNCTIONS'**

Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at (13).

### **17.1 Senior appointments**

17.1.1 The panel has powers to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold public confirmation hearings for these posts.

17.1.2 The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

17.1.3 With regards to the appointment of the Chief Constable, the panel is required to hold a hearing within the period of three weeks from



the day on which the panel receives notification from the Police and Crime Commissioner.

17.1.4 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the panel is required to review the proposed appointment and make a report to the commissioner on the appointment.

17.1.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.

17.1.6 Having considered the appointment, the panel will be asked to either:

- 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 of the persons who are members of the panel at the time when the decision is made).

17.1.7 If the panel vetoes the appointment of the candidate, the report to the commissioner must include a statement that the panel has vetoed the appointment with reasons.

## **17.2 Appointment of an Acting Police and Crime Commissioner**

17.2.1 The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:

- a) no person holds the office of Police and Crime Commissioner
- b) the Police and Crime Commissioner is incapacitated, or
- c) the Police and Crime Commissioner is suspended.

17.2.2 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.



17.2.3 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.

17.2.4 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, or
- d) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.

### **17.3 Proposed precept**

17.3.1 The Police and Crime Commissioner will, by 1 February at the latest, notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the financial year. The panel must, by no later than 8 February, review the proposed precept and make a report including recommendations.

17.3.2 Having considered the precept, the Police and Crime 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 of the persons who are members of the panel at the time when the decision is made).

17.3.3 If the panel vetoes the proposed precept, the report to the commissioner must include a statement that the panel has vetoed the proposed precept with reasons. The panel will require a response to the report and any such recommendations.

## 18 COMPLAINTS

- 18.1 Non-criminal complaints in relation to the Police and Crime Commissioner or other office holders can be considered by the Police and Crime Panel through a hearing. The panel can examine this through a sub-committee following the procedure rules.
- 18.2 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.
- 18.3 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 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
  - d) the termination of the suspension by the Police and Crime Panel.
- 18.4 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.

## 19. RULES OF DEBATE

- 19.1 On each item, the Chairman will invite members to speak in turn.
- 19.2 Any member speaking will be silent at the request of the Chairman.

- 19.3 All decisions will be made by a simple majority of votes of members present unless otherwise specified by statute, the Panel Arrangements or these Rules of Procedure. The Chairman of the meeting will have a second or casting vote in the event of a tied vote. All other Panel members will have one vote. Voting will be by a show of hands.
- 19.4 Any member can ask for the way in which they voted to be recorded in the minutes.
- 19.5 A recorded vote shall be undertaken if requested by one third of members present at the meeting.
- 19.6 Any member can make a proposition or propose an amendment if backed by a seconder. Votes will be taken unless consensus is reached.
- 19.7 A meeting or debate can be adjourned at the request of the Chairman, including an adjournment of the meeting if the required quorum is not present.
- 19.8 The validity of a decision will not be affected by any vacancy in the Panel membership, provided that the quorum has been met.
- 19.9 The Panel will not usually review any decision it has taken during the six months following such decision
- 19.10 Following a warning from the Chairman to a member about disruptive behaviour, the Chairman may ask the Panel to agree that the member no longer be heard if the behaviour continues.
- 19.11 The Chairman may order the removal of disruptive members of the public from a meeting, or clear the public gallery to enable Panel business to continue.
- 19.12 All mobile phones and other communication devices must not disrupt Panel meetings.
- 19.13 No visual or sound recording may be taken without the permission of the Chairman in advance of the meeting.

## 201. **DISCLOSABLE PECUNIARY INTERESTS**

- 20.1 Where, at a meeting of the Panel or a Sub-Committee, a member becomes aware that he/she has a disclosable pecuniary interest (as

defined for the purposes of section 30(3) of the Localism Act 2011) in any matter to be considered, and the interest is not already entered on the register of interests of the local authority whose Members' Code of Conduct the member is subject to, the member must disclose the interest to the meeting.

20.2 Where a member discloses such an interest to the meeting, he/she may not participate, or participate further, in any discussion of the matter or participate in any vote, or further vote, taken on the matter at the meeting. The member shall leave the room for the duration of the consideration of that matter.

20.3 The member shall not improperly seek to influence the outcome of that item of business.

## **21. PUBLIC PARTICIPATION**

21.1 The public have the right to ask questions and submit petitions relating to the work of the Panel.

21.2 The scheme cannot be used by employees of the Cumbria Constabulary or the Police and Crime Commissioner's office.

21.3 Questions and petitions relating to the following will not be accepted

- operational policing matters (*this is not a matter for the Panel*)
- matters covered by legal or other proceedings,
- matters relating to employees of the Cumbria Constabulary or the Police and Crime Commissioner's office.
- party political matters
- confidential matters.

21.4 Questions and petitions must received in writing at least 7 working days before the date of a Panel meeting will be submitted to the next meeting of the Panel.

21.5 Petitions must include a clear and concise statement covering the subject of the petition, stating

- What action the petitioners wish the Panel to take
- The name and address and signature of any person supporting the petition (the address can be an address where a signatory lives, works or studies)

- 21.6 Anyone submitting a question or petition will be expected to attend the meeting to put their question or petition. Anyone not able to attend can arrange for someone else to attend on their behalf. Failing this, the matter will be dealt with in their absence.
- 21.7 Members of the public can speak for up to 2 minutes before asking their question or presenting their petition.
- 21.8 Once the question has been asked or the petition presented, members of the Panel may wish to speak and ask questions. Depending on the nature of the issue and whether the matter has been discussed previously the Chair may simply respond immediately without opening the matter up for debate. The public will have no right of reply.
- 21.9 It is not possible to ask more than one question at any one meeting. It is not possible to ask the same question or present the same petition again at a later meeting, unless there has been a significant change in the circumstances relating to the subject matter of the question/petition. The final decision as to whether a question or petition will be accepted is for the Chairman of the meeting.
- 21.10 There is a total time limit of 30 minutes for dealing with questions and petitions from the public