

## Suffolk Police and Crime Panel Rules of Procedure

### General

1. The Suffolk Police and Crime Panel (referred to in this document as the Panel) has been established to meet the requirements of the Police Reform and Social Responsibility Act 2011 (the Act) in relation to providing regular public scrutiny of the Police Crime Commissioner for Suffolk.
2. The Panel is a Joint Committee for Suffolk and is supported and operated on behalf of Suffolk local authorities by Suffolk County Council as the 'host' Council for the purposes of the Act. The rules of procedure within the Suffolk County Council's Constitution will apply unless otherwise stated. Councillors will be subject to the code of conduct operated by their authority and the independent co-optees will be subject to the County Council code.
3. Under Schedule 6, paragraph 25 of the Act the Police and Crime Panel must make rules of procedure for the Panel. These must make provision about the appointment, resignation and removal of a person to chair the Panel and may, in particular, make provision about
  - a) The method of making decisions, and
  - b) The formation of sub-committees.
4. These draft Rules of Procedure for the Panel will be considered by the Police and Crime Panel on 23 October 2012, until which time they remain a draft document. Further changes may be necessary upon the issue of new guidance, regulation or changes to legislation.
- 5.

### Review of the panel arrangements, rules of procedure and operation of the Panel

6. Under the Panel Arrangements, Suffolk local authorities have agreed that the Panel should review the panel arrangements, rules of procedure and the operation of the Panel
  - Approximately 6 months after it has been formed and
  - Approximately 6 months prior to the election of a new Police and Crime Commissioner
7. The Panel should make a report of their review to the Suffolk Public Sector Leaders and include any recommendations for changes to either the panel arrangements, the rules of procedure or the operation of the Panel, or relating to the skills and knowledge balance of the membership.

### Chairman and Vice Chairman

8. At its first meeting of the municipal year, the Panel shall elect a Chairman. Panel members are encouraged to select a chairperson on the basis of their skills and experience, with particular regard to chairing a scrutiny committee.
9. The Panel shall elect a Vice Chairman at its first meeting of the year.
10. The Chairman and Vice Chairman shall each hold office for twelve months.
11. The Chairman and/or Vice Chairman may be removed by a vote of no confidence by a simple majority vote at a formal meeting of the Panel.

12. In the event of either the Chairman or Vice Chairman resigning by giving notice in writing to Suffolk County Council's Monitoring Officer or removal, or ceases to be a member of the Panel, a new Chairman or Vice Chairman will be elected at the next meeting of the Panel.

### **Panel Meetings**

13. The Panel shall meet at least four times a year and on such other occasions as shall be agreed by the Panel.
14. A meeting may be called by the Chairman and Vice Chairman following discussion with the Monitoring Officer and scrutiny officer of Suffolk County Council.
15. A meeting of the Panel will also be required to be held within three weeks of notification by the PCC of the proposed appointment of a senior officer of the PCC's staff.

### **Quorum**

16. The quorum of a meeting of the Panel will be any six Members of the Panel
17. If, during a meeting of the Panel, the Chairman counts the numbers of members present and declares that there is not a quorum present, then the meeting will adjourn.

### **Voting**

18. In order to exercise a veto in respect of either the appointment of the Chief Constable or the precept, a recorded vote of members will be taken. For a veto to succeed, two thirds or more members (for a Panel of 13 this is 9 members) of the Police Crime Panel must vote in favour of the veto.
19. For all matters other than those referred to in paragraph 17 above, decision will be by a simple majority of those Panel members present in the room and voting at the time the question was put.
20. If there are equal numbers of votes for and against, the Chairman will have a second, or casting vote.
21. With the exception of items referred to in paragraph 17, the Chairman has the discretion to conduct a vote either by a show of hands or, if there is no dissent, by affirmation of the meeting.

### **Agenda**

22. The order of the agenda will be agreed by the Chairman.
23. Each agenda should be structured to make sure sufficient time is available to give detailed consideration to each item.
24. Any member of the Panel can notify the County Council's Monitoring Officer of a relevant item that they wish to be included on the agenda. At its next meeting the Panel will consider whether or not to include the item in its forward work plan, unless there are exceptional reasons why the item needs to be considered sooner.

### **Attendance at meetings**

25. Every effort should be made to ensure nominated elected members attend scheduled meetings of the Panel, however, in the event of a member not being able to attend, the named substitute, appointed in accordance with paragraph 5 of the Panel Arrangements may participate fully, including voting on decisions.

## **Panel Reports and Recommendations**

26. Where the Panel makes reports and recommendations it shall include:
- An explanation of the matter reviewed or scrutinised.
  - A summary of the evidence considered.
  - A list of the participants involved in the review or scrutiny.
  - Any recommendations on the matter reviewed or scrutinised.
  - Other information as may be prescribed by legislation or statutory guidance.
27. Copies of the reports and recommendations must be sent to each local authority in the Suffolk policing area and will be made available on the County Council's website.

## **Special Functions**

28. The following table refers to special functions of the Panel, which it cannot delegate to a Scrutiny Committee, and the associated legislation:

29. Special Function	30. Relevant Section of the Act
31. Review of Police and Crime Plan	32. Section 28(3)
33. Review of the Annual Report	34. Section 28 (4)
35. Review of Senior appointments	36. Schedule 1, paragraphs 10 and 11
37. Review and potential veto of the proposed precept	38. Schedule 5
39. Review and potential veto of appointment of the Chief Constable	40. Part 1 of Schedule 8

41. In considering information relating to the special functions, the Panel should have regard to the requirements of the Act and any associated legislation or regulations. Information relating to such requirements will be included on reports to the Panel in connection with issues for consideration as part of their Agenda.
42. Reports and recommendations by the Panel in relation to the special function will be made in accordance with paragraphs 25 and 26 above.

## **Police and Crime Plan**

43. The Police Crime Commissioner is obliged to provide the Panel with a copy of the draft Police and Crime Plan, or draft variation to it.
44. The Panel must :
- Hold a public meeting to review the draft Police and Crime Plan (or a variation to it), and
  - Report or make recommendations on the draft Plan which the PCC must take into account.

## **Annual report**

45. The PCC must produce an Annual Report about the exercise of their functions in the financial year and progress in meeting police and crime objectives in the year. The PCC must provide a copy for the Panel for consideration.

46. The Panel must comment on the Annual report of the PCC and for that purpose must:
- arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the Annual Report;
  - require the PCC to attend the meeting to present the Annual Report and answer questions.
  - make a report or recommendations on the Annual Report to the PCC.

#### Senior Appointments

47. The Panel must review the proposed appointments by the PCC of the PCC's Chief Executive, Chief Finance Officer and Deputy PCC.
48. The Panel shall receive notification of the proposed appointments from the PCC including:
- the name of the candidate;
  - the criteria used to assess suitability of the candidate,
  - why the candidate satisfies the criteria; and
  - the terms and conditions proposed for the appointment
49. Within three weeks of the receipt of notification the Panel must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period will not include the post-election period.
50. Before reporting and recommending under 36 above, the Panel must convene a public confirmation hearing of the Panel where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.
51. The Panel must publish the report on its web site and by any other means the Panel considers appropriate and send copies to each of the authorities.
52. The PCC may accept or reject the Panel's recommendation, and must notify the Panel accordingly.

#### Proposed Precept

53. The Panel will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year. The Panel must arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the proposed precept and make a report including recommendations.
54. Having considered the precept, the Panel must:
- support the precept without qualification or comment; or
  - support the precept and make recommendations; or
  - 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).
55. If the Panel vetoes the proposed precept, the report to the PCC must include a statement that the panel has vetoed the proposed precept and give reasons for that decision. The Panel will require a response to the report and any such recommendations.

#### Appointment of the Chief Constable

56. The Panel will receive notification of the proposed appointment of a new Chief Constable from the PCC. The notification will include:
- the name of the candidate;

- the criteria used to assess suitability of the candidate,
  - why the candidate satisfies the criteria; and
  - the terms and conditions proposed for the appointment
57. Within three weeks of the receipt of notification the Panel must hold a confirmation hearing in public to consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. 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.
58. The candidate must participate in the confirmation hearing, either in person or by telephone or video link and answer questions relating to the appointment.
59. In relation to the appointment of a candidate for the position of Chief Constable, the Panel has the power to veto the appointment 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. It cannot exercise the veto until it has held a confirmation hearing.
60. The Panel must publish a report of its review on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
61. The Panel's report must include a recommendation to the PCC as to whether or not the candidate should be appointed. If the Panel vetoes the appointment the report must include a statement to that effect. The PCC must not appoint that candidate as Chief Constable if the Panel has vetoed the appointment.
62. The Secretary of State may make regulations about the steps that are required to be taken in relation to notification of appointment by the PCC, review by the Panel, power of veto, confirmation hearings and steps to be taken by the PCC, and procedures to be followed in relation to them.
- 63.

### **Appointment of an Acting Police and Crime Commissioner by the Panel**

64. The Panel must appoint a person to be acting Commissioner if:
- no person holds the office of PCC;
  - the PCC is incapacitated (i.e. unable to fulfil the functions of PCC) which is a matter for the Panel to determine; or
  - the PCC is suspended.
65. In the event that the Panel has to appoint an acting Commissioner it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.
66. The Panel may appoint a person as acting Commissioner only if the person is a member of the PCC's staff at the time of the appointment.
67. In appointing a person as acting Commissioner in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the PCC in relation to the appointment.
68. The appointment of an acting Commissioner will cease to have effect upon the earliest of the following:
- The election of a person as PCC;
  - the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner;

- in a case where the acting Commissioner is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
  - in a case where the acting PCC is appointed because the PCC is suspended, when the PCC ceases to be suspended.
69. Where the acting Commissioner is appointed because the PCC is incapacitated or suspended, the acting Commissioner's appointment does not terminate because a vacancy occurs in the office of PCC.

### **Complaints against the PCC**

70. The Panel does not have any jurisdiction over complaints about the police force itself from an operational standpoint as these kinds of issues should be dealt with the Chief Constable.
71. Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are dealt with by the Independent Police Complaints Commission (the 'IPCC').
72. The Panel has some flexibility to determine its involvement with regard to complaints. Further statutory guidance is due and a report will be presented to the Police and Crime Panel for consideration at the earliest opportunity.

### **Suspension of the Police and Crime Commissioner**

73. The Panel may suspend the PCC if it appears to the Panel that:
- The PCC is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and
  - the offence is one which carries a maximum term of imprisonment exceeding two years.
74. The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:
- The charge being dropped;
  - the PCC being acquitted of the offence;
  - 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
  - the termination of the suspension by the Panel.
75. In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:
- an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
  - an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

### **Suspension and Removal of the Chief Constable**

76. The PCC must notify the Panel if the PCC intends to suspend the Chief Constable.
77. The PCC must also notify the Panel, in writing, of their 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.
78. The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for their resignation or retirement.
79. If the PCC is still proposing to call upon the Chief Constable to resign, the PCC must notify the Panel accordingly (the 'further notification').

80. 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 the PCC should call for the retirement or resignation. Before making any recommendation the Panel may consult the chief inspector of constabulary, and must hold a hearing.
81. The hearing must be held by the Panel in private. 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. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
82. The Panel must publish the recommendation it makes on the Council's web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
83. The PCC may not call upon the Chief Constable to retire or resign until the end of the process which will occur:
  - 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
  - the PCC notifies the Panel of a decision about whether she/he accepts the Panel's recommendations in relation to resignation or retirement.
  - The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
84. In calculating the six week period, the post election period is ignored.

### **Sub Committees and Scrutiny Task and Finish Groups**

85. The Panel may delegate some of its responsibilities to establish a sub-committee. It cannot delegate responsibility for Special Functions referred to in paragraph 27 above.
86. A sub-committee of a police and crime panel may not co-opt members.
87. The Panel may also establish a scrutiny task and finish group, of up to five members to carry out time limited investigations of particular issues. The Panel will establish its terms of reference, membership and timescale for completion of its task and reporting back to the Panel. The Task and Finish Group may include co-opted members who are not members of the Panel.

### **Criteria for scrutinising a topic**

88. For the purpose of including a matter on its agenda, the Panel shall take into account the following criteria:
  - that the matter comes within its terms of reference;
  - that there is a significant level of public interest in the matter;
  - that it is an issue which has been raised by auditors or other inspection regimes,
  - the effect of new government guidance or legislation;
  - that there is an opportunity to identify and promote good practice;
  - that priority should be given to subjects where scrutiny could make a difference by having a positive impact and adding value to the work of the Police Crime Commissioner.

### **Forward Work Plan**

89. The Panel will maintain an annual forward work plan. Topics can be added to, or removed from, the forward work plan as priorities change.

90. In agreeing its forward work plan the Panel will have regard to:
- The functions and responsibilities of the Panel as set out in the Act, including consideration of the necessary timings to meet its legal responsibilities;
  - The work programmes of each Council's overview and scrutiny committees to avoid duplication and to ensure that there is a co-ordinated approach to scrutiny of the Police Crime Commissioner.
  - The views of key partners.
  - Resources (e.g. panel member availability, officer support or finance) that may be available to the Panel and the limitations of those resources.
91. Similarly when a local authority overview and scrutiny committee is considering a proposal to scrutinise a topic that may link to the remit of the Panel, there will be an expectation that it will request the Panel to include reference to the item on its forward work plan.

### **Gathering Information**

92. The Panel may formally require the PCC to attend a panel meeting. In such circumstances normally no less than 4 weeks notice will be given, in writing, to the PCC. The PCC is welcome to bring supporting staff, but is not obliged to.
93. The Panel may, in exceptional circumstances, need to react to urgent issues where it is impractical to give 4 weeks notice, and in such circumstances as much notice as is possible will be given to the PCC.
94. The Panel may also invite other people, e.g. the Chief Constable to attend the Panel meetings in order to assist with its scrutiny function. Whilst there is no legal duty for them to attend, it is good practice for people to be seen to be co-operating with the Panel.
95. The Panel may also agree specific arrangements for collecting information to assist them in their scrutiny role. This could include, but is not limited to, inviting people or representatives of organisations to attend meetings, conducting surveys, nominating two or more members to meet with particular people or groups or communities.
96. The Panel may, from time to time, include an opportunity to take questions or comments from the public and stakeholder in relation to the work of the Panel. This will be clearly marked on the relevant published Agenda.
97. Commissioned research and comparative data from other local authorities, partnerships, bodies or organisations can provide useful information to support the Panel. For example, performance measurement and benchmarking against other force areas.
98. The Panel will develop a non-exclusive list of organisations and individuals who may be able to assist it in scrutinising particular topics.
99. It is intended that under these arrangements all parties to the Panel and the PCC agree to co-operate fully with the scrutiny of any topic on reasonable notice by:
- making available all information reasonably requested by the Panel; and,
  - ensuring that whenever practical, any request by the Panel that a particular person attend a Panel meeting is accommodated.

### **Presenting Information**

100. Where written reports have been included with agenda papers, the Chairman will usually ask the report author to introduce the item to the Panel. The

introduction should normally last up to 5 minutes and look to highlighting the key issues within the report. Within these introductions it is important NOT to run through the written report in great detail as it is reasonable to expect that Panel members will have had time to read and consider the reports before the meeting.

101. Alternatively, oral presentations can be made and the use of ICT can often be helpful. The suggested time for oral presentations is up to 10 minutes.

### **Methods of operation**

102. A range of methods can be used to discuss items on the agenda. These can include the formal committee style debates or breaking up into assembly/workshop mode with smaller discussion groups feeding back key points and issues.
103. The Panel may also wish to consider the use of smaller sub groups as a sub-committee, or as a working party for in depth scrutiny of an identified subject. Such groups would report back to a meeting of the full Panel, who would agree the final outcomes and recommendations of the scrutiny.
104. Where appropriate the use of video conferencing to receive evidence, should also be encouraged. The Panel should not consider itself restricted to formal meetings.
105. Where methods other than reports and presentations are used, consideration should be given during planning and operation of panel meetings to ensuring that members of the public are not excluded.

### **External Involvement**

106. Consideration should be given as to who else could be included and add value to relevant debates. Such external involvement could include:
- Past, present or future service users;
  - Experts or witnesses;
  - Independent representatives;
  - Members and/or officers of related organisations in the private or voluntary sectors;
  - Representatives of local communities;
  - Members of local authority executive functions.

### **Signing the minutes**

107. The Chairman will sign the minutes of the proceedings of a meeting at the next suitable meeting.
108. The Chairman will move that the minutes of the meeting be signed as a correct record.
109. The only part of the minutes that can be discussed is their accuracy.

### **Openness**

110. The Panel, as a joint local authority committee is bound by legislation about public accessibility to meetings. The requirements of the Local Government Act 1972 with regard to local authority meetings will apply, as will the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, and in general:
- All meetings of the Panel shall be in public, unless the business requires confidentiality.
  - All meetings shall take place at venues which are fully accessible to all.

- The Panel shall ensure that active consideration is given to the use of alternative formats for all its communications so that information is fully accessible to all.
111. Agendas and Minutes of Panel meetings will be published on the Suffolk County Council website. Associated reports will also be published except where the Monitoring Officer confirms that the information in them is confidential or exempt in accordance with relevant legislation.
112. Each district and borough council website will also provide a link to promote the role and work of the Panel.

### **Appointments and Substitutes**

113. Suffolk Public Sector Leaders can recommend to each authority, the number of councillors of each political affiliation to sit on the panel to achieve political proportionality and as defined in paragraph 5 of the Panel Arrangements.
114. The appointment of councillor members to the Panel shall initially be made by each local authority at its Annual meeting.
115. If an elected Panel member ceases to be an elected member of the authority which nominated them, they are no longer eligible to serve on the Panel.
116. Permanent replacement of any local authority representative shall be arranged by the local authority they represent. Any such replacement must be advised to the Monitoring Officer of Suffolk County Council and must preserve the political balance referred to in paragraph 5 of the Panel Arrangements
117. In the event of any Panel member being unable to attend a meeting, a substitute appointed in accordance with the Panel Arrangements paragraph 5.
118. The independent co-opted members shall be appointed by the Panel based on recommendations made in accordance with the Panel Arrangements following an open recruitment process. Independent co-opted members cannot be substituted.
119. The removal of independent co-opted members shall be at the discretion of the Panel on a majority vote, having first obtained the views of the Monitoring Officer.
120. If a vacancy arises it will not be filled unless a nominated member can satisfy the Monitoring Officer that the nominated member has received sufficient training. A comprehensive briefing will be arranged for new members to enable them to contribute effectively.
121. The Panel must have regard to the statutory balanced appointment objective and must seek confirmation from the Secretary of State that the Panel should have additional co-opted members in addition to the 10 councillors and 2 statutory independent co-opted members.

### **Maintaining Knowledge and Understanding**

122. Each member and substitute member of the Panel will be expected to develop and maintain awareness of issues in relation to the remit of the Panel and good scrutiny practice. This will include, among other things:
- The role of the PCP
  - Exercising the right to veto
  - How the Police and Crime Plan is developed
  - Relationships with Police and Crime Commissioner, staff and the force.
  - An understanding of the practice and operation of effective scrutiny.

123. The Monitoring Officer may take reasonable steps to ensure that new Panel members have the appropriate knowledge and understanding of the role and function of the Panel before they participate in Panel meetings.

**Venue and Time**

124. Meetings will be held in appropriate locations for the business, as decided by the Panel.

125. Meetings will start at a time to be agreed by the Panel.

**Interpretation of Rules of Procedure/Terms of Reference**

126. Suffolk County Council's Monitoring Officer is responsible for making a determination over matters of interpretation of the rules of procedure and the Panel's terms of reference (after consulting with the Chairman).

**Document History**

Issue	Date	Details
1	October 2012	The Rules of Procedure were agreed by the Police and Crime Panel at its meeting of 23 October 2012.
2	October 2015	The Rules of Procedure were reviewed and agreed by the Police and Crime Panel at its meeting on 9 October 2015.
3	October 2019	The Rules of Procedure were reviewed, amended and agreed by the Police and Crime Panel at its meeting of 4 October 2019.