



## Cambridgeshire Police and Crime Panel Rules of Procedure

### 1.0 General

#### 1.1 In this document:

- the “Panel” is the Police and Crime Panel for the Cambridgeshire Police Force;
- the “Secretariat” is the financial, administrative, scrutiny and other officer support to the Panel;
- the “Host Authority” is the council which is host to the Secretariat at the relevant time;
- the “PCC” is the Police and Crime Commissioner
- the “Act” is the Police Reform and Social Responsibility Act 2011;
- the “Panel Arrangements Document” is the document which sets out the agreement of all 7 Authorities on the overarching framework for how the Panel will operate;
- the “Rules” are the rules as set out in this Rules of Procedure Document.

1.2 These Rules of Procedure (“the Rules”) are made by the Panel pursuant to Schedule 6, paragraph 25, of the Police Reform and Social Responsibility Act 2011 (the ‘Act’).

1.3 The Police and Crime Panel (‘the Panel’) will be conducted in accordance with the Rules. The Rules should be read and considered in conjunction with the Panel Arrangements.

1.4 The Rules shall be reviewed annually at the Panel’s Annual Meeting. In the first year of operation amendments may be made mid-year to take into account a Memorandum of Understanding between the Panel and the newly elected Police and Crime Commissioner; and at any time may be updated should regulations require.

1.5 The Rules shall not be amended unless written notification of the amendment/s required are received by the Panel Secretariat not less than fifteen working days prior to the Panel meeting. No amendment may be considered by the Panel which does not comply with the Act, relevant Regulations or statutory guidance.

1.6 If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail. The Monitoring Officer of the Host Authority will have the final ruling as to the interpretation of legal matters.

1.7 Where the Rules do not explicitly address an issue the Standing Orders from the Host Authority will apply.

1.8 All Panel members will be subject to a Member Code of Conduct which for elected members will be those of their own Council; co-opted members will be subject to the Code of Conduct of the Host Authority provided that the Panel may agree to adopt such additional protocols as it thinks fit.

## **2.0 Election of Chairperson and Vice-Chairperson**

2.1 The Chairperson and Vice-Chairperson of the Panel shall be elected from amongst the members of the Panel. The election will take place annually at the Annual Meeting of the Panel, which will normally be held in June of each year.

2.2 Save for the requirement for re-election; there is no maximum term length for the Chairperson or Vice-Chairperson positions.

2.3 The positions will be elected by those members present at the Annual Meeting by a simple majority vote.

2.4 The Vice-Chairperson will preside in the absence of the Chairperson and, if neither is present, the Panel will appoint a Chairperson from among the remaining members for the purposes of that meeting.

## **3.0 Resignation and removal of the Chairperson and Vice-Chairperson**

3.1 The Chairperson and/or Vice Chairperson may be removed by a vote of no confidence by a simple majority vote at a formal meeting of the Panel.

3.2 In the event of the resignation or removal of the Chairperson or Vice-Chairperson an election for the position will be held at the next meeting of the Panel.

## **4.0 Panel Meetings**

4.1 The Panel will hold at least four Ordinary Meetings per year to carry out its functions.

4.2 The date, time and venue of each Ordinary Meeting shall be determined and published on the Panel's website at least 10 working days in advance, unless the Chairperson or, in his/her absence, the Vice-Chairperson agrees that there are special reasons for an urgent meeting in which case the notice period may be shorter. Ordinary Meetings will not be held in April or May. The calendar of meetings will normally be agreed by the Panel at its Annual Meeting.

4.3 Extraordinary Meetings may also be called by the Chairperson or by any four members of the Panel or by the Monitoring Officer of the Host Authority.

4.4 The date, time and venue of an Extraordinary Meeting must be published on the Panel's website, and all Panel members notified at least ten working days before an Extraordinary Meeting, unless the Chairperson or, in his/her absence, the Vice-Chairperson agrees that there are special reasons for an urgent meeting in which case the notice period may be shorter.

4.5 Any request for an Extraordinary Meeting of the Panel must specify the particular item of business for which the Extraordinary Meeting is to be called.

4.6 The Panel will determine the location and timing of its meetings, bearing in mind the principle that meetings should be rotated across the Cambridgeshire area.

- 4.7 Ordinary Meetings will take place in accordance with a work programme agreed by the Panel, and will start at the time decided by the Panel. The maximum length of a meeting shall normally be three hours, however meetings would normally be expected to last no longer than two hours.
- 4.8 The agenda to be followed at Ordinary Meetings will be as follows:
1. to receive apologies for absence;
  2. to receive any declarations of interest from members;
  3. to approve the minutes of the last meeting;
  4. to receive the minutes of Sub-Committees and Task Groups and any reports submitted to the Panel by those Sub-Committees and Task Groups; and
  5. to receive any questions, statements or petitions from members of the public in accordance with paragraph 7;
  6. to consider written and verbal reports from officers and Panel members; and
  7. to consider items requested by members in accordance with paragraph 4.12.
- 4.9 The only business to be conducted at an Extraordinary Meeting of the Panel will be:
- a) to choose a person to preside if the Chairperson and Vice-Chairperson are absent or otherwise unable to preside;
  - b) to consider the matter specified in the request to call an Extraordinary Meeting;
  - c) to receive any questions, statements or petitions from members of the public in accordance with paragraph 7 which must relate to the matter of business specified in the request to call the Extraordinary Meeting;
  - d) no other business may be conducted at the meeting unless the Panel otherwise resolve.
- 4.10 The Panel Agenda, and accompanying papers, will normally be issued to Panel members at least 5 working days before the meeting. It will also be published on the Panel's website and by sending copies to each Panel member, and publicised by any other means the Panel considers appropriate. Papers will normally be sent by email.
- 4.11 The Secretariat will endeavour to co-ordinate the circulation of papers as early as possible to enable members to have as much time as possible to consider the issues before the meeting.

*The scheduling of ad-hoc agenda items*

- 4.12 Any member of the Panel shall be entitled to give notice to the Secretariat that he or she wishes an item relevant to the functions of the Panel to be included on the agenda following the existing scheduled items of business. Items will normally be considered at the next Ordinary Meeting of the Panel, providing that the following conditions apply:
- a) At least 15 working days written notice is given to the Secretariat (The Police and Crime Commissioner (PCC) is required to be given 10 working days notice therefore this timing allows for discussions prior to this).

- b) The item must be relevant to the remit of the Panel, as set out in the Panel Arrangements Document.
  - c) The item must not have been already considered within the last six months by the Panel.
- 4.13 In the event of a dispute on whether the conditions listed above apply, the Monitoring Officer of the Host Authority will advise the Chairperson and Panel. The Chairperson's decision shall be final.
- 4.14 Where the conditions above apply and the agenda item is discussed, the Panel may consider at this point whether any further action is needed in terms of further agenda time; investigation outside of the meeting; or a written response or information from the PCC.

## **5.0 Quorum**

- 5.1 A meeting of the Panel cannot take place unless at least one third of the membership of the Panel is present.

## **6.0 Voting**

- 6.1 Unless agreed by consensus, a decision is taken by a majority of those present and voting.
- 6.2 Voting is generally by a show of hands unless a named vote is called for by a member of the Panel.
- 6.3 If a Panel member arrives at the meeting before the casting of votes on any item has been commenced he/she is entitled to vote on that item.
- 6.4 Immediately after a vote is taken any Panel member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.
- 6.5 The Chairperson of the Panel, or other person presiding, shall have a second and/or casting vote where votes for and against a proposal are equal. There shall be no restriction on the manner in which the casting vote is exercised.

## **7.0 Public Participation**

- 7.1 Members of the public may attend all public meetings subject only to the exceptions in the Access to Information Standing Orders attached at Annex A.
- 7.2 The Police and Crime Panel may also invite other people 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.
- 7.3 Part of the order of business at public meetings shall be designated for community involvement. The time allowed for this section of the meeting shall be up to 30 minutes. During this part of the meeting there shall be provision for:
- Questions and statements from the public; and

- The receipt of petitions.

7.4 At an Ordinary meeting, questions and statements need not relate to an item on the agenda. At an Extraordinary Meeting only questions and statements that relate to the principle agenda item shall be admitted as stated in standing order 4.9

### **Questions and Statements**

7.5 A member of the public (Questioner) wishing to ask a question or make a statement at a public meeting of the Panel must submit his/her question or statement in writing, by facsimile transmission or by electronic mail to the Secretariat in advance of the meeting. To guarantee acceptance (subject to paragraphs 7.9 and 7.10), the Questioner's submission must be received by the Secretariat not later than 12 noon, three working days before the meeting date. Submissions received after the deadline may be accepted at the discretion of the Chairperson.

7.6 Each question or statement must give the name and address of the Questioner. All questions and statements to be addressed to the Chairperson.

7.7 The Secretariat shall circulate copies of all questions and statements to Panel members in advance of the meeting.

7.8 Questions and statements from the Public shall be taken at the beginning of the meeting. The Chairperson shall determine the order in which questions or statements are put to the Panel.

7.9 If the Chairperson decides that a matter is urgent he or she can allow a question or statement without having received notice, as at paragraph 7.5, provided a copy of the question or statement is delivered to the Secretariat not later than:

- (a) 10am on the day of the meeting for meetings held in the afternoon;
- (b) 4pm on the (working) day before the meeting for meetings held in the morning.

In such circumstances, the Chairperson shall have discretion as to the order in which it is presented to the meeting.

7.10 No person may submit more than two questions or statements to a Panel meeting and no more than two such questions or statements may be asked on behalf of one organisation.

7.11 If the Secretariat considers that a question or statement is:

- (a) not about a matter for which the Panel has a responsibility;
- (b) not a matter for the Commissioner;
- (c) illegal, improper, irregular, frivolous or offensive;
- (d) substantially the same as a question or statement which has been put at a meeting of the Panel in the previous six months; or
- (e) requires the disclosure of confidential or exempt information;

The Secretariat shall inform the Chairperson who will then decide whether or not to accept the question or statement to be put. If the Chairperson decides not to accept a question or statement his or her reasons will be recorded in the minutes of the meeting and will not be open to debate.

- 7.12 The Secretariat may edit any question or statement provided the person asking the question or statement is consulted about any alteration.
- 7.13 The Secretariat will enter each question or statement received in a book open to public inspection and will within two working days send a copy to the Panel or the nominated respondent. In addition, a copy of all questions, statements and responses will be published on the Panel's website and added as an annex to the meeting's minutes.
- 7.14 Two minutes are allowed to the Questioner to read or explain each submitted question or statement.
- 7.15 If a questioner who has submitted a written question or statement is unable to be present at a Panel meeting, the Panel shall provide a written response. Where possible, the written response will be available for public inspection at the meeting. However, where this is not possible, a written response will be sent to the questioner within ten days of the meeting.
- 7.16 A questioner who has put a question or made a statement in person may also put one supplementary question without notice to the member who has replied to his or her original question or statement. A supplementary question must arise directly out of the original question, statement or the reply and be directed to clarifying the reply. The Chairperson may reject a supplementary question on any of the grounds in paragraph 7.11 above. One minute is allowed for putting a supplementary question.
- 7.17 An answer can take any of the following forms:
- (a) a direct oral answer;
  - (b) a reference to a publicly available document if it answers the question;
  - (c) if it would not be practicable or appropriate to answer a question orally the member will supply a written answer to the questioner within 10 days.
- 7.18 The person asked the question may refuse to answer but must give his or her reasons for doing so.
- 7.19 Any questions not fully answered at the end of the allotted period will be answered in writing within ten days and published on the Panel's website.

### **Petitions**

- 7.20 Members and residents can present petitions.
- 7.21 Every petition must be polite and must be relevant to the responsibilities of Panel.
- 7.22 The petitioner must say what the petition is about without commenting;
- 7.23 Petitions must contain at least 3 signatures. To present a petition, the Secretariat must receive written notice and the wording of the petition no later than 4 pm on the day before the meeting. No more than two people must present the petition and say what it is about, without commenting. It will be referred to the Secretariat for consideration.
- 7.24 There will be no debate about a petition when it is presented.

- 7.25 A report to the Panel about the action taken on the petition will be made no later than the second Ordinary Meeting of the Panel following the meeting when the petition was presented.

### **General Participation**

- 7.26 Any further involvement from the public at the meetings of the Panel will be at the discretion of the Chairperson, including involvement in any debate and the asking of questions or making statements, without prior notice, during the debate on items on the agenda.
- 7.27 Members of the public are entitled to record the meetings of the Panel using audio and visual recording equipment. If the Chairperson feels that the recording is obstructing, disturbing or disrupting the proceedings of the meeting, the recording must cease.

### **8.0 Work Programme**

- 8.1 The Panel will be responsible for setting its work programme. In doing so it shall have regard to:
- a) the requirement to undertake the functions and responsibilities of the Panel as set out in the Act including consideration of the necessary timings to meet its legal responsibilities;
  - b) the priorities defined by the PCC;
  - c) the views of the public on Police and Crime matters;
  - d) the views of key partners, including Probation, Health, Community Safety Partnerships; and relevant county, district council or town or parish councils
  - e) the views of its members and advisers; and
  - f) the resources available to support the delivery of the work programme.

### **Suggestions from Members of the Public for items of Scrutiny by the Panel**

- 8.2 Members of the public may submit suggestions for items of scrutiny to the Panel in writing by letter, facsimile transmission or by electronic mail to the Secretariat **not later than 12 noon, five working days before the day of the Panel meeting (not including the day of the meeting itself)**. Each suggestion must give the name and address of the person submitting the suggestion. The suggested item for scrutiny will be considered at the next meeting of the Panel under the item on the Agenda called "Meeting Dates and Agenda Plan".

### **9.0 Sub-Committees**

- 9.1 The Panel may set up Sub-Committees to undertake specified functions of the Panel. The role of Sub-Committees is to carry out delegated Panel functions, excluding those functions that are not able to be delegated under the Act. Sub-Committees may formally take decisions as delegated to them by the Panel.
- 9.2 The work to be undertaken by a Sub-Committee will be agreed by the Panel. In commissioning the work the Panel will agree as part of the scoping document the following:
- a) terms of reference and delegations;
  - b) purpose/objectives;

- c) resources;
- d) timescales for completing the work and reporting back;
- e) membership

9.3 The Panel shall appoint Sub-Committees. The Chairperson of the Panel may make a recommendation to the Panel on membership.

9.4 The maximum size of a Sub-Committee shall be seven members. The minimum size is three members. Size shall be determined on a case-by-case basis at the point that the review is commissioned.

9.5 The membership of Sub-Committees shall be confined to members of the Panel.

9.6 In determining the membership of a Sub-Committee the Panel shall give, so far as practicable, consideration to the duties in the Act to consider political balance; geographical balance; and the skills and expertise of members.

9.7 Sub-Committee meetings shall be minuted. The minutes shall be published on the Panel's website and presented at the next meeting of the Panel.

## **10.0 Task Groups**

10.1 The role of Task Groups is to undertake time-limited investigations into particular issues, such as a scrutiny topic review. They are informal working groups, and as such have no decision-making power. Task Groups will report back upon the completion of their work with a report and recommendations to the Panel.

10.2 The work to be undertaken by a Task Group will be agreed by the Panel. In commissioning the work the Panel will agree as part of the scoping document the following:

- a) terms of reference;
- b) purpose/objectives;
- c) approach to gathering evidence;
- d) resources to support the review;
- e) timescales for completing the work and reporting back; and
- f) membership.

10.3 The Panel will appoint Task Groups. The Chairperson of the Panel may make a recommendation to the Panel on the membership.

10.4 The maximum size of a Task Group shall be agreed by the Panel at the point that the review is commissioned. The minimum size is three members.

10.5 The Panel shall appoint a Chairperson of the Task Group from within the membership of the Panel. The Chairperson of the Panel may make a recommendation on whom to appoint.

10.6 The composition of a Task Group will be determined by the role it is to perform. Whilst issues of political and geographical balance may be taken into account, to help the effectiveness of the group consideration may also be given to:

- a) skills and expertise
- b) availability of members to undertake the work



- c) interest and commitment
- d) Local knowledge

10.7 The Panel may choose to co-opt non-Panel members onto a Task Group if it is considered that they possess skills, expertise, or a perspective which will assist the Group in its work. Co-opted members on a Task Group are non-voting members of the Group.

10.8 The following eligibility rules will apply to non-voting co-opted members of Task Groups:

- a) must live and/or work in the Cambridgeshire Police Force area; and
- b) must be able to provide expertise/layperson's perspective to assist the group in carrying out its scrutiny function.

### **11.0 Panel Reports and Recommendations—General**

11.1 Where the Panel makes a report to the PCC, the PCC will publish the report or recommendations on its website, except where the information is exempt or confidential as defined in the Local Government Act 1972 (as amended).

11.2 The Panel may require the PCC within 20 working days (or within such other period as is indicated in these Rules) of the date on which s/he receives the Panel's report or recommendations to:

- a) consider the report or recommendations;
- b) respond to the Panel indicating what (if any) action the PCC proposes to take;
- c) publish the response from the PCC where the Panel has published the report or recommendations.

11.3 The Panel will formally make requests to the PCC or issue other statements by way of reports and recommendations. As the Panel is a scrutiny body, rather than an executive decision-making committee, motions or resolutions will not be considered by the Panel.

#### *Procedure for Agreeing Reports and Recommendations*

11.4 Recommendations to the PCC from the Panel will be made as an outcome of a scrutiny review or as a result of an agenda item discussion.

11.5 As a cross-party scrutiny committee, reports and recommendations to the PCC should normally be agreed by consensus rather than a formal vote. Where this is not possible a vote may be taken, under the voting procedure outlined above. This includes the option of a Panel member requesting that a named vote is taken at the meeting to ensure that views are minuted.

#### *Minority Reporting*

11.6 In exceptional circumstances, one minority report in relation to a report prepared by a Task Groups may be prepared and submitted for consideration with the majority report to the PCC. Where a member or members wish to submit a minority report the Chairperson of the Panel and Secretariat should be notified as soon as possible in advance of the Panel meeting, normally 10 working days notice should be given depending on the timing of the Task Group's consideration of its majority report.

11.7 The PCC's responsibilities and remit relate to the Committee as a whole, therefore the PCC will respond to the Committee as a whole and not to individual members of the Panel. This means that for the purposes of communication to the public, stakeholders and the PCC the majority report represents the viewpoint of the Panel. The PCC will be required only to respond to the majority report.

## **12.0 PCC and others giving account**

12.1 The presumption will be that the PCC will be required to attend all formal Police and Crime Panel meetings (Ordinary and Extraordinary) to answer questions which may be necessary to assist the Panel in discharging its functions, unless the Panel decides that this is not necessary and informs the PCC that he/she will not be required.

12.2 The PCC shall be notified by the Secretariat of the Panel of the Annual Work Programme of the Panel, including meeting dates.

12.3 In setting the Annual Work Programme the Panel should identify and consider where possible what papers will be required, and if any supporting staff from the Secretariat, Police or otherwise are likely to be needed in addition to the PCC, in order to give as much notice as possible.

12.4 Where a new agenda item is scheduled for a meeting that is not included within the work programme and the PCC (and staff/or Chief Constable) is required to attend, the Secretariat will inform the relevant persons of the nature of the agenda item and any written information that is required as soon as possible.

12.5 At least 15 working days notice will be given of the new agenda item to the PCC and any requirement to provide written information (owing to the access of information requirements this equates to 10 working days notice for the provision of written information).

12.6 In exceptional circumstances, and where there is agreement between the PCC and Chairperson of the Panel, shorter notice may be required for either attendance or papers.

12.7 If the Panel requires the PCC to attend before the Panel, the Panel may also request the Chief Constable to attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

12.8 In undertaking its functions, the Panel may invite persons other than those referred to above to attend Panel meetings, to address the meeting, discuss issues of local concern and/or answer questions. This may, for example and not exclusively, include residents, stakeholders, Council members who are not members of the Panel and officers from other parts of the public sector.

12.9 The Secretariat shall publish on the Panel's website any written responses from the PCC to matters raised at meetings of the Panel.

## **13.0 Special Functions**

13.1 The Special Functions of the Panel, as set out in the Panel Arrangements, are those functions which are conferred on the Panel in relation to:

- a) the review of the Police and Crime Plan as required by Section 28(3) of the Act;
- b) the review of the Annual Report as required by Section 28 (4) of the Act;
- c) the review of senior appointments in accordance with Paragraphs 10 and 11 of Schedule 1 of the Act;
- d) the review and potential veto of the proposed precept in accordance with Schedule 5 of the Act;
- e) the review and potential veto of appointment of the Chief Constable in accordance with Part 1 the Act.

#### **14.0 Police and Crime Plan**

- 14.1 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft of any variation to it, from the PCC.
- 14.2 The Panel will:
  - a) hold a meeting to review the draft Police and Crime Plan (or a variation to it); and
  - b) report or make recommendations on the draft Plan which the PCC must take into account.

#### **15.0 Annual Report**

- 15.1 The PCC must publish an Annual Report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the Panel for consideration.
- 15.2 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
  - a) arrange for a meeting of the Panel to be held as soon as practicable after the Panel receives the Annual Report;
  - b) require the PCC to attend the meeting to present the Annual Report and answer such questions about the Annual Report as the Panel think appropriate;
  - c) make a report and/or recommendations on the Annual Report to the PCC.

#### **16.0 Proposed precept**

- 16.1 The Panel will receive notification from the PCC of the precept that s/he are proposing to issue for the coming financial year. The Panel will arrange for a meeting of the Panel to be held as soon as practicable after the Panel receives the proposed precept and make a report including recommendations.
- 16.2 Having considered the precept, the Panel will either:
  - a) support the precept without qualification or comment; or
  - 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).
- 16.3 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 from the PCC within seven days to the

report and any such recommendations.

## **17.0 Senior Appointments**

- 17.1 The Panel must review the proposed appointment by the PCC of the Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime PCC.
- 17.2 The Panel will receive notification of the proposed appointment from the PCC, which will include:
- a) the name of the candidate;
  - b) the criteria used to assess suitability of the candidate;
  - c) why the candidate satisfies the criteria; and
  - d) the terms and conditions proposed for the appointment.
- 17.3 The Panel must hold a confirmation hearing for all proposed senior appointments as outlined in 17.1 within 15 working days of receipt of notification by the PCC. It must also report to the PCC at the same time with its recommendations. The 15 working days will not include the relevant post-election period. The relevant post-election period means the period that:
- a) Begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50 of the Police Reform and Social Responsibility Act 2011, and
  - b) Ends with the day on which the person elected as Police and Crime Commissioner delivers a declaration of acceptance of office under section 70 of the Police Reform and Social Responsibility Act 2011.
- 17.4 The confirmation hearings will be held in public and the candidates will be questioned in relation to their appointment. Candidates must attend, either in person or by video link. After questioning the candidate, the Panel in accordance with schedule 12A of the Local Government Act 1972, will go into private session in order to determine its recommendations regarding the candidate's appointment.
- 17.5 Following the hearing, the Panel will make a report of its recommendations to the PCC on the proposed appointment. The PCC must respond in writing within 20 working days of receipt of the Panel's report confirming whether the recommendation has been accepted or not.
- 17.6 In relation to the proposed appointment of the Chief Constable, the Panel is required to make recommendations to the PCC and has the power to veto the appointment. Following the hearing, the Panel will be asked to:
- a) support the appointment without qualification or comment;
  - b) support the appointment with associated recommendations, or
  - c) veto the appointment of the Chief Constable (a two thirds majority is required of those members present at the time when the decision is made.) (This may be subject to change following Home Office Regulations)
- 17.7 If the Panel vetoes an appointment, it must set out its reasons for doing so in a report to the PCC and the PCC must not then appoint that candidate as Chief Constable.

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

- 18.1 The Panel may suspend the PCC if it appears to the Panel that:
- a) the PCC is 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.
- 18.2 This decision will be taken at a formal Panel meeting via a majority vote.
- 18.3 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:
- a) the charge being dropped;
  - b) the PCC being acquitted of the offence;
  - c) the PCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act 2011 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.

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

- 19.1 The Panel will receive notification if the PCC suspends the Chief Constable.
- 19.2 The PCC must also notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.
- 19.3 The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
- 19.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the Panel accordingly (the 'further notification').
- 19.5 Within 30 days from the date of receiving the further notification the Panel must make a recommendation in writing to the PCC as to whether or not s/he should call for the retirement or resignation. Before making any recommendation the Panel may consult the Chief Inspector of Constabulary, and must hold a Scrutiny hearing.
- 19.6 The Scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the PCC and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the Scrutiny hearing can be by attending in person or video link.

- 19.7 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
- (a) at the end of 30 days from the Panel having received notification if the Panel has not by then given the PCC a recommendation as to whether or not she/he should call for the retirement or resignation; or
  - (b) when the PCC notifies the Panel of a decision about whether she/he accepts the Panel's recommendations in relation to resignation or retirement.
- 19.8 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.

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

- 20.1 The Panel must meet to appoint a person to be acting PCC within 15 working days if:
- a) no person holds the office of PCC;
  - b) the PCC is incapacitated (i.e. unable to fulfil the functions of PCC) which is a matter for the Panel to determine; or
  - c) the PCC is suspended.
- 20.2 In the event that the Panel has to appoint an Acting PCC it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.
- 20.3 The Panel may appoint a person as Acting PCC only if the person is a member of the PCC's staff at the time of the appointment.
- 20.4 In appointing a person as Acting PCC 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.
- 20.5 The appointment of an Acting PCC will cease to have effect upon the earliest of the following:
- a) the election of a person as PCC;
  - b) the termination by the Panel, or by the Acting PCC, of the appointment of the Acting PCC;
  - c) where the Acting PCC is appointed because the PCC is incapacitated, the PCC ceases to be incapacitated; or
  - d) where the Acting PCC is appointed because the PCC is suspended, the PCC ceases to be suspended.
- 20.6 Where the Acting PCC is appointed because the PCC is incapacitated or suspended, the Acting PCC's appointment does not terminate because a vacancy occurs in the office of PCC.

## **21.0 Complaints**

- 21.1 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').

- 21.2 The Panel may however be involved in the informal resolution of certain other complaints against the PCC and Deputy PCC, where they are not being investigated by the IPCC or cease to be investigated by the IPCC.
- 21.3 The Panel shall have a complaints procedure for complaint handling that shall be set out in a protocol.

## **22.0 Further Guidelines/Protocols**

- 22.1 The Panel may agree further guidelines/protocols to assist it in carrying out its business so long as these are in accordance with the Rules of Procedure, Panel Arrangements and legal requirements. Further guidance and protocols may cover:
- a) Memoranda of Understanding between the PCC and Panel.
  - b) Communications Protocols (including media handling).
  - c) Public Involvement.
  - d) Complaints Procedure.
  - e) PCP and Local Scrutiny Committees' Protocol.

## **ANNEX A: ACCESS TO INFORMATION STANDING ORDERS**

### **1.0 SCOPE**

- 1.1 These standing orders apply to all formal meetings of the Police and Crime Panel.
- 1.2 These rules do not affect any additional rights to information contained elsewhere in this constitution or granted by law.

### **2.0 RIGHTS TO ATTEND MEETINGS**

- 2.1 Members of the public may attend all meetings, subject only to the exceptions in these standing orders.

### **3.0 NOTICES OF MEETING**

- 3.1 The Secretariat will give at least ten clear days notice of any meeting by posting details of the meeting at the principal offices of the Host Authority and on the Internet.

### **4.0 ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

- 4.1 The Secretariat will make copies of the agenda and reports open to the public available for inspection at the designated offices at least five clear days before the meeting. If an item is added to the agenda later, the Monitoring Officer of the Host Authority shall make each report available to the public as soon as the report is completed and sent to members, and will ensure that it will be open to inspection from the time the item was added to the supplementary agenda.

### **5.0 SUPPLY OF COPIES**

- 5.1 The Secretariat will supply hard copies of:
  - a) any agenda and reports which are open to public inspection;
  - b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
  - c) if the Monitoring Officer of the Host Authority thinks fit, copies of any other documents supplied to members in connection with an item to any person on payment of a charge for postage and any other costs under the Host Authority's Charging Policy. Under the Freedom of Information Act, information would be supplied free until these costs go over the threshold of £450, when a charge would be levied.

### **6.0 ACCESS TO MINUTES ETC AFTER THE MEETING**

- 6.1 The Secretariat will make available hard copies of the following for six years after a meeting:
  - a) the minutes of the meeting, or, where appropriate, records of decisions taken, together with reasons, for all meetings of the Panel, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
  - b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;



- c) the agenda for the meeting; and
- d) reports relating to items when the meeting was open to the public.

## **7.0 BACKGROUND PAPERS**

- 7.1 *List of background papers:* Reports will include a list (prepared by the Secretariat) of those documents (called background papers) relating to the subject matter of the report which in their opinion disclose any facts or matters on which the report or an important part of the report is based; and which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.
- 7.2 *Public inspection of background papers:* The Council will make available for public inspection via its website for six years after the date of the meeting one copy of each of the documents on the list of background papers.
- 7.3 *Use of media technology at Panel Meetings:* At the discretion of the Chairperson of the Panel recording of meetings and use of media technology will be permitted provided that it does not release information that the Secretariat has identified as being confidential under the Access to Information Regulations.
- 7.4 The Secretariat supports the use of networking sites to disseminate information during their meetings, provided that confidential information as outlined above is not deliberately or inadvertently disclosed.

## **8.0 SUMMARY OF THE PUBLIC'S RIGHTS**

- 8.1 A written summary of the public's rights to attend meetings and to inspect and copy documents is available for inspection at the Principal Offices of the Host Authority.

## **9.0 EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS** **Confidential or Exempt information – requirement to exclude public**

- 9.1 The public must be excluded from an item at a meeting whenever it is likely to be confidential in view of the nature of the business.
- 9.2 *Meaning of confidential information:* Confidential information means information given to the Panel by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by reason of a Court Order or any enactment.
- 9.3 The public may be excluded from an item at a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed.
- 9.4 *Meaning of exempt information:* Subject to the test of the Public Interest set out below, information is exempt information where it falls within any of the following categories:
  - 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 public authority holding the information), except where the information is required to be registered under certain prescribed statutes including the Companies Act 1985 and the Charities Act 1993. "Financial or business affairs" includes contemplated, as well as past or current activities.

- 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. "Labour relations matter" means any matter which may be the subject of a trade dispute, or any dispute about any such matter (i.e. a matter specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992.)
- 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 which or by virtue of which requirements are to be 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.

9.5 *Public interest test:* Information falling within any of categories 1-7 set out above, which is not prevented from being exempt because it falls within category 3, and is required to be registered under the prescribed enactments is exempt information if, and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **10.0 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

10.1 The Monitoring Officer of the Host Authority may exclude access by the public to a report which, in his or her opinion, relates to an item during which, in accordance with this Access to Information Standing Order, the meeting is likely not to be open to the public; or, as the case may be, was not open to the public. Such reports will be marked "Not for publication", together with the category of information likely to be disclosed.

## **11.0 RECORD OF DECISIONS**

11.1 After any formal meeting of the Panel, the Secretariat will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and, where appropriate, any alternative options considered and rejected at that meeting. All such decisions will be recorded in the Panel's minutes and published accordingly.