

SHADOW CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 4
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Report of Head of Legal Services, Peterborough City Council

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TERMS OF REFERENCE & RULES OF PROCEDURE

1. PURPOSE

- 1.1 The purpose of this report is to review the terms of reference and rules of procedure to be adopted by the Police and Crime Panel.

2. RECOMMENDATIONS

- 2.1 It is recommended that:

- (a) the Panel note the proposed terms of reference
- (b) the Panel review the proposed rules of procedure and agrees:
 - (1) whether the Chairmanship of the Panel should be fixed for a number of years or rotated on an annual basis
 - (2) the number of meetings to be held each year
 - (3) the extent of public involvement at the meetings
- (c) a further report is brought to the Panel meeting in January 2013 to adopt the revised terms of reference and rules of procedure

3. TERMS OF REFERENCE

- 3.1 The terms of reference for the Panel are defined by the obligations under the Police Reform and Social Responsibility Act 2011 which introduced the concept of the Police and Crime Panel. The terms of reference include both mandatory and discretionary functions. The proposed terms of reference are included as Appendix 1.
- 3.2 The terms of reference will remain fixed as they reflect the full extent of the Panel's powers. It will be a matter for the Panel however to consider how responsive its scrutiny function will be i.e. the level of resource it allocates to this function.
- 3.3 The 'special functions' set out in the terms of reference are those which have to be carried out by the Panel alone and cannot be delegated to a sub-committee. These include the principal functions of:
- reviewing the Police and Crime plan
 - reviewing the annual report
 - confirming certain senior appointments with a power to veto the proposed appointment of the Chief Constable
 - reviewing the budget with the power to veto the precept set by the Commissioner
- 3.4 The functions of the Panel also include a mandatory requirement to scrutinise decisions of the Commissioner, although this function may be delegated to a sub-committee of the Panel.

4. RULES OF PROCEDURE

- 4.1 The rules of procedure outline how the Panel will operate. They can also be referred to as the standing orders of the Panel.

5. KEY ISSUES

- 5.1 Unlike the terms of reference the rules of procedure allow the Panel to decide how it wants to carry out its mandatory functions.

5.2 Panel chair

The rules must cover the appointment, resignation and removal of the panel chair. There could be several options for chairing the panel meetings. The panel itself will need to choose whether:

- the panel elects a chair at the first meeting and annually (after relevant local and police and crime commissioner (PCC) elections) or
- the role of panel chair will be rotated amongst the membership, or
- the chair might be agreed for the same period that the PCC is elected for.

- 5.3 The removal of a chair under these rules is dealt with by simple vote of no confidence. There are no qualifications around the calling for a vote of no confidence and the matter is decided by majority vote of the Panel.

5.4 Sub-Committees

The rules of procedure also cover the creation and operation of sub-committees. Sub-committees will deal primarily with any scrutiny of Commissioner decisions. Whilst there is a general view that scrutiny of local issues will be necessary for the Panel to inform its understanding of the Police and Crime Plan, this has to be weighed up against the limited budget available to the Panel.

- 5.5 Under the Panel arrangements which have been agreed by the Cabinet and/or Council of each of the Cambridgeshire authorities it was agreed that any additional funding for the work of the Panel would have to be shared equally amongst each of the participating local authorities. Such work will have to be budgeted for carefully so as not to create any unexpected items of expenditure.

5.6 Public participation

The panel, as a joint local authority committee, will be bound by legislation about public accessibility to meetings. This means that meetings will be held in public (unless confidential or exempt information will be disclosed) and the public will have rights to see reports and background papers and any record of decisions. Rules regarding public access to the work of the Panel are set out in Annex A to the draft rules.

- 5.7 Members of the Panel are invited to give their views on the extent of public engagement at meetings of the Panel, principally whether to allow public speaking and if this should be at the Chair's discretion or questions notified in advance of any meetings. It is presumed that no public participation will be permitted when the Committee may be confirming senior appointments, however this is for the Panel to consider.

6. IMPLICATIONS

- 6.1 There are no legal considerations which have not been addressed in this report. There are budget considerations as the Home Office budget to support the work of the Panel is limited and future funding is not guaranteed, however there is a further paper on the Panel's budget which deals specifically with these issues.

7. CONSULTATION

- 7.1 Consultation on the proposals for the membership of the Cambridgeshire Police and Crime

Panel has been undertaken with the Secretary of State and the Local Government Association. Once membership is confirmed, the manner in which the Panel carries out its functions is a matter for the participating authorities. The Police Authority has been consulted on the contents of this report and officers of the local authorities and the Police authority have been working together in a working group to assist in the formulation of the Panel.

8. NEXT STEPS

- 8.1 Members are asked to give their views on the operation of the Panel so that the terms of reference and rules of procedure can be finalised. They will then be brought to the meeting of the Panel in January 2013 to confirm and adopt them.

9. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 9.1 Police Reform and Social Responsibility Act 2011
LGA guidance "Police and Crime Panels"

10. APPENDICES

Appendix 1: Draft terms of reference
Appendix 2: Draft rules of procedure