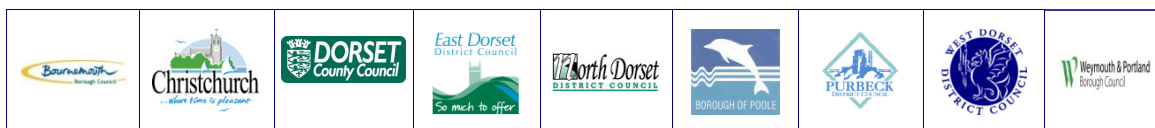


Agenda item:

# Dorset Police and Crime Panel

3



Date of Meeting	10 September 2015
Officer	Chief Executive, Dorset County Council
<b>Subject of Report</b>	<b>Panel Governance</b> - Proposed Changes to the Rules of Procedure for the appointment of Chairman / Vice-Chairman
Executive Summary	<p>At its meeting on 9 June 2015 the Dorset Police and Crime Panel (PCP) discussed potential changes to its current Rules of Procedure in respect of the election to the roles of Chairman and Vice-Chairman.</p> <p>Clarification was sought by Members on the legal basis of a decision which would allow the Panel to elect any Panel Member (including an Independent Member) to act as either Chairman, or Vice-Chairman.</p> <p>Advice provided by the Head of Legal and Democratic Services of the host authority is that there is no statutory, or other reason, why any member of the Panel, including the non-local authority members, cannot be appointed to the role of Chairman or Vice Chairman. Therefore the Panel is free to amend its Rules of Procedure to allow for such an approach, if it wishes to do so.</p>
Impact Assessment:	<p>Equalities Impact Assessment: N/A</p>
	<p>Use of Evidence: Advice from the Head of Legal and Democratic Services of the host authority (Dorset County Council).</p>
	<p>Budget: No budget, VAT or other cost implications have been identified arising directly from this report.</p>
	<p>Risk Assessment: Having considered the risks associated with this decision using the County Council's approved risk management methodology, the level of risk has been identified as: Current Risk: LOW</p>

	Residual Risk: LOW Other Implications: None
Recommendation	The Panel consider the proposed changes to its existing Rules of Procedure, as set out in Appendix A (paragraphs 2.1 & 2.2), to allow;  i) The position of Chairman and Vice-Chairman to be selected from the full range of panel members, including any non-local authority member.
Reason for Recommendation	To ensure that the Panel's Rules of Procedure are fit for purpose.
Appendices	Appendix A – Proposed revisions to the Panel's Rules of Procedure
Background Papers	Minutes of the Dorset PCP held on 9 June 2015
Report Originator and Contact	Mark Taylor, Head of Assurance, Risk and Audit Tel: 01305 224982 Email: <a href="mailto:m.taylor@dorsetcc.gov.uk">m.taylor@dorsetcc.gov.uk</a>

## 1. Introduction

- 1.1 At its last meeting on 9 June the Panel discussed its existing Rules of Procedure in relation to the appointment of the positions of Chairman and Vice-Chairman to the panel.
- 1.2 The current rules state (at paragraphs 2.1 to 2.3) that that these roles are to be appointed in June each year and are to be drawn from amongst the councillors sitting on the panel.
- 1.3 As the panel membership includes non-local authority (Independent) members, the panel wished to review the legal position to establish if there was any statutory barrier to these roles being drawn from any member of the panel.
- 1.4 The Head of Legal and Democratic Services of the host authority (Dorset County Council) has reviewed the position and has confirmed that there is no statutory impediment to such a change if the panel is minded to adopt a change to its Rules of Procedure.

## 2. Proposed draft changes to the existing 'Rules of Procedure'

- 2.1 To assist the panel in its consideration of a change to the existing governance arrangements, a draft revised Rules of Procedure document has been included as Appendix A.
- 2.2 The panel is requested to consider the proposed changes at paragraphs 2.1 & 2.2 and decide whether they wish the revised Procedures to be adopted.

**DORSET POLICE AND CRIME PANEL**

**PROCEDURE RULES**

**1. Host Authority Procedure Rules**

- 1.1. These procedure rules are to be read in conjunction with those of the Host Authority. Where the Police and Crime Panel Procedure Rules differ from those of the Host Authority then the Police and Crime Panel's Procedure Rules shall apply in place of those of the host.

**2. Chairman of the Police and Crime Panel**

- 2.1. The chairman and the vice chairman of the Police and Crime Panel will be appointed in June of each year from amongst all members of the Panel, including independent non local authority co-optees.
- 2.2. In the event of the resignation of the chairman or removal of chairman, a new chairman will be appointed at the next meeting.

~~2.1. The chairman of the Police and Crime Panel will be appointed in June of each year and will be drawn from amongst the councillors sitting on the panel.~~

~~2.2. The vice chairman will be appointed in June of each year and will be drawn from amongst the councillors sitting on the panel.~~

~~2.3. 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.~~

**3. Meetings of the Police and Crime Panel**

- 3.1. 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.
- 3.2. An extraordinary meeting may be called by the chairman, by four members of the panel or by the Monitoring Officer of the Police and Crime Commissioner.

**4. Quorum**

- 4.1. A meeting of the full Police and Crime Panel cannot take place unless at least nine members drawn from at least five of the nominating local authorities are present.
- 4.2. A meeting of a sub-committee or a task group cannot take place unless at least three members are present.

**5. Officers**

- 5.1. The Chief Executive of the Host Authority is the Clerk to the Police and Crime Panel. Financial advice will be provided by the Borough of Poole's Chief Financial Officer. Administration and other support services will be provided by the Host Authority.

**6. Work Programme**

- 6.1. 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.

- 6.2 The work programme must include the functions described in the terms of reference for the panel.

## **7. Agenda Items**

- 7.1 Any member of the Police and Crime Panel shall be entitled to give notice to the Chief Executive 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.

## **8. Reports from Police and Crime Panel**

- 8.1 Where the Police and Crime Panel make a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- 8.2 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.
- 8.3 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).
- 8.4 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.

## **9. Police and Crime Commissioner and Officers Giving Account**

- 9.1 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.
- 9.2 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.

- 9.3 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.
- 9.4 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.

## **10 Attendance by Others**

- 10.1 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.

## **11. Sub-Committees, Task Groups and Lead Member Roles**

- 11.1 Time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- 11.2 The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.
- 11.3 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).

- 11.4 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.

- 11.5 Named substitutes may take the places of substantive members of the Complaints Sub Committee and act in their places as if they had been appointed to the sub committee.

- 11.6 The Police and Crime Panel may appoint lead members to take specialist responsibility within designated themes.

## **12. 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 (7).

## **12.1 Senior appointments**

12.1.1 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.

12.1.2 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.

12.1.3 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.

12.1.4 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.

12.1.5 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 power to veto the appointment.

12.1.6 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).

12.1.7 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.

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

12.2.1 The 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

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

12.3.1 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.

12.3.2 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.

12.3.3 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.

12.3.4 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.

#### **12.4 Proposed precept**

12.4.1 The Police and Crime Commissioner will notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the coming financial year. The panel must review the proposed precept and make a report including recommendations.

12.4.2 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).

12.4.3 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.

#### **12.5 Complaints**

12.5.1 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 (9).

12.5.2 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.

12.5.3 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.

12.5.4 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.

## **12.6 Suspension and removal of the Chief Constable**

12.6.1 The panel will receive notification if the PCC suspends the Chief Constable.

12.6.2 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.

12.6.3 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.

12.6.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the panel accordingly (the 'further notification').

12.6.5 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 she/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 meeting.

12.6.6 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 participating by telephone or video link.



12.6.7 The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.

12.6.8 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 six weeks from the panel having received notification if the panel has not by then given the PCC as to whether or not she/he should call for the retirement or resignation, or
- (b) the PCC notifies the panel of a decision about whether she/he accepts the panel's recommendations in relation to resignation or retirement.

12.6.9 The PCC must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.

12.6.10 In calculating the six week period, the post-election period is ignored.