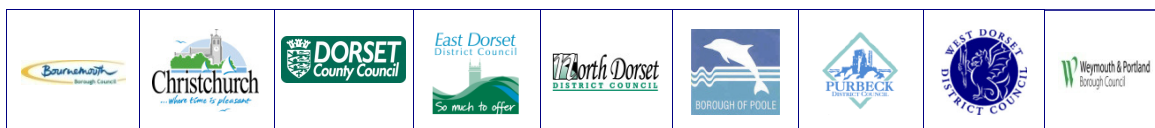


Agenda item:

Dorset Police and Crime Panel

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Date of Meeting	10 September 2015
Officer	Chief Executive, Dorset County Council
Subject of Report	Panel Governance – Appointment of substitute Members to the Complaints Sub Committee and Lead Members for designated themes.
Executive Summary	This report proposes changes to the Rules of Procedure to make provision for the appointment of named substitutes for members of the Dorset Police and Crime Panel (PCP) Complaints Sub-Committee. A further proposal was made by members at a recent PCP Training session that consideration be given to the Chairman of the PCP also serving on the Complaints Sub Committee to ensure a robust connection back to the main panel. It also seeks authority to change the rules to allow for the appointment of Lead Members to take specialist responsibility within designated themes.
Impact Assessment:	Equalities Impact Assessment: N/A
	Use of Evidence: Outcomes from the Panel Training Session on 3 August 2015
	Budget: No budget, VAT or other cost implications have been identified arising directly from this report.
	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 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 11.4 & 11.5) to allow for; <ul style="list-style-type: none"> i) Substitutes to be appointed to ensure adequate cover for the Complaints Sub Committee. ii) Consideration to be given that the Chairman of the PCP also be appointed to serve on the Complaints Sub Committee. iii) Lead Members to be identified and appointed to take specialist responsibility within designated themes and the
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 Appendix B – Proposed Lead Members 2015/16
Background Papers	Notes of the PCP Training session on 3 August 2015
Report Originator and Contact	Mark Taylor, Head of Assurance, Risk and Audit Tel: 01305 224982 Email: m.taylor@dorsetcc.gov.uk

1. Introduction

1.1 A PCP training session was recently held on 3 August 2015. The content covered the role of the panel, governance, approaches to scrutiny and good practice/guidance and finance/budget issues.

1.2 During the discussions a clear desire was expressed for some changes to be made to the panel's current arrangements. Two specific proposals were suggested for formal consideration by the PCP to allow for;

- i) Substitutes to be appointed to deputise for the Complaints Sub Committee.
- ii) The appointment of Lead Members with allocated responsibility within designated themes.

2. Substitute Members for the Complaints Sub Committee

2.1 Substantive membership of the Complaints Sub Committee was agreed at the last meeting of the Dorset PCP on 9 June 2015.

2.2 The formal terms of reference contain a provision that the Sub Committee will consist of five members and, as far as possible, reflect the political and geographical balance of the PCP itself.

2.3 However, during discussion at the August training session, members also felt it was necessary to appoint substitute members to ensure adequate coverage is in place. They were of a view that it would be more beneficial to have a pool of substitutes, rather than named ones for each substantive member.

- 2.4 In addition members also expressed a view that the Chairman of the PCP should serve on the Complaints Sub Committee, to ensure a robust connection back to the main Panel, with the Vice Chairman acting as a designated substitute.
- 2.5 The Head of Legal and Democratic Services of the host authority has advised that there is no statutory barrier to such an approach if the Panel decides that this is an appropriate way forward.
- 2.6 If the PCP does agree this approach, to facilitate the change, one of the members who was appointed to serve on the Sub Committee has offered to stand down to allow the Chairman of the PCP to join.

3. Lead Members within Designated Themes

- 3.1 It was also proposed that a change be made to allow Lead Members to be appointed and allocated responsibility within designated themes.
- 3.2 Members were eager that these 'themes' were organised around the priorities in the PCC's Police and Crime Plan and also to maintain finance, community engagement, strategic collaboration and mental health as additional themes.
- 3.3 Members have put themselves forward for these Lead Member roles and these are set out in the attached list at Appendix B.

4. Proposed draft changes to the existing 'Rules of Procedure'

- 4.1 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.
- 4.2 The panel is requested to consider the proposed changes and decide whether they wish the revised Procedures to be adopted.
- 4.3 They are also asked to formally consider the proposal that the Chairman of the PCP joins the Complaints Sub Committee, with the Vice Chairman acting as their designated substitute.

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.

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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.

APPENDIX B

Dorset Police and Crime Panel – Proposed Lead Members within designated themes for 2015/16

Reduce the number of people seriously harmed in Dorset (Police and Crime Plan - Priority 1)	Andrew Kerby
Reduce the number of victims of crime and anti-social behaviour (Police and Crime Plan - Priority 2)	Mike Short
Help protect the public from serious threats (local, regional and national) to their safety including organised crime and terrorism (Police and Crime Plan - Priority 3)	Iain McVie
Reduce re-offending (Police and Crime Plan - Priority 4)	Mike Short
Increase people's satisfaction with policing and the criminal justice system in Dorset (Police and Crime Plan - Priority 5)	John Adams
Support neighbourhood policing that is appropriate for both rural and urban communities in Dorset (Police and Crime Plan - Priority 6)	Barbara Manuel
Finance	Mike Short
Community Engagement	Andrew Kerby Karen Rampton
Strategic Collaboration	Fred Drane Bernie Davis Ian Gardner
Mental Health	Bill Pipe