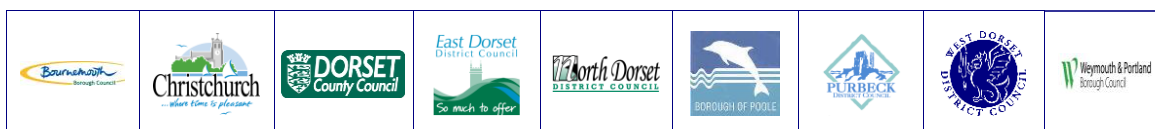


Dorset Police and Crime Panel



Date of Meeting	26 June 2018
Officer	Clerk to the Panel
Subject of Report	Local Government Reorganisation (LGR): Implications and considerations for the Police and Crime Panel
Executive Summary	<p>As a direct result of the announcement by the Secretary of State in February 2018, regarding a change to the future structure of Local Government in Dorset, the Police and Crime Panel needs to review and seek agreement to amend its composition and arrangements to meet its statutory requirements from April 2019.</p> <p>This duty is contained in Schedule 6 of the Police Reform and Social Responsibility Act 2011 ('the Act') which provides that a Police and Crime Panel must make 'Arrangements and Rules of Procedure for the Panel'.</p> <p>Ultimately these formal procedures will need to be discussed and adopted by the Police and Crime Panel at its first meeting after the May 2019 elections. However, prior to this, the Shadow Councils and their respective Executives will need to consider and approve the arrangements to ensure they are set up on a safe and legal basis and agree a 'host authority' to deliver future support and advice to the Panel.</p> <p>Whilst not totally prescriptive, the legislation provides a clear framework for governance, which includes expectations around Panel membership being applied in relation to the number and type of local authorities in the police force area. The fundamental duties, roles and responsibilities of a Panel are also clearly laid out, which then need to be delivered via representation with the necessary attributes, skills and knowledge to aid its effectiveness.</p>

	<p>The Panel should also seek to meet the required political balance, although best practice is clear that the Panel should operate and conduct its business on a non-political basis.</p> <p>In considering this report the Panel must also be mindful of the announcement by Dorset and Devon & Cornwall Police and Crime Commissioners and Chief Constables to consider a merger of the Forces and OPCCs. The recent submission by the above of an outline business case to the Home Office provides clear evidence of intent. However, reorganisation of the PCP due to LGR will take precedence. The new PCP will take forward the Police Merger work stream.</p> <p>The information provided in this report has therefore been prepared at an early stage to assist the current Panel in arriving at recommendations to the LGR Shadow Councils to assist them in their decision-making process.</p>
<p>Impact Assessment:</p>	<p><i>Equalities Impact Assessment:</i> Schedule 6 of the Police and Reform and Social Responsibility Act 2011 ('the Act') provides that a Police and Crime Panel must make Panel Arrangements and Rules of Procedure for the Panel. The need is one that is prescribed by law and has not been the subject of an equality impact assessment.</p> <p><i>Use of Evidence:</i> This report draws upon the requirements of Schedule 6 of the Police and Reform and Social Responsibility Act 2011 ('the Act') and supporting documentation produced by the Local Government Association.</p> <p><i>Budget / Risk Assessment:</i> There are not considered to be any budget implications because of these changes as the budget for the Police and Panel is received as a Home Office grant, with no indication (at this stage) of any proposed reductions in this funding. The risk assessment associated with these changes is also considered to be low.</p>
<p>Recommendation</p>	<p>That the Panel consider the issues outlined in this report and make recommendations to the new Dorset Shadow Councils to satisfy the requirements of the Police Reform and Social Responsibility Act 2011 on:</p> <ol style="list-style-type: none"> 1. the future 'membership and status' of the Police and Crime Panel. 2. meeting the 'duty to produce a balanced panel' through an appropriate allocation of seats. 3. A draft set of 'Rules of Procedure' for consideration by the Panel at its first meeting after April 2019. 4. the appointment of a 'Host Authority' to deliver support and advice to the Panel.

Reason for Recommendation	To ensure that, following local government reorganisation, the Dorset Police and Crime Panel continues to comply with the statutory requirements, operating on a safe and legal basis and is fit for purpose.
Appendices	Appendix 1: A summary – <i>What is required by Law?</i> Appendix 2: Draft ‘Rules of Procedure’
Background Papers	Dorset PCP – Statement of Purpose Police Reform and Social Responsibility Act 2011 Local Government Association - Police and Crime Panel arrangements and the balanced appointment objective
Report Originator and Contact	Mark Taylor, Lead Officer (Dorset County Council - Group Manager, Governance & Assurance) Tel: 01305 224982 Email: m.taylor@dorsetcc.gov.uk

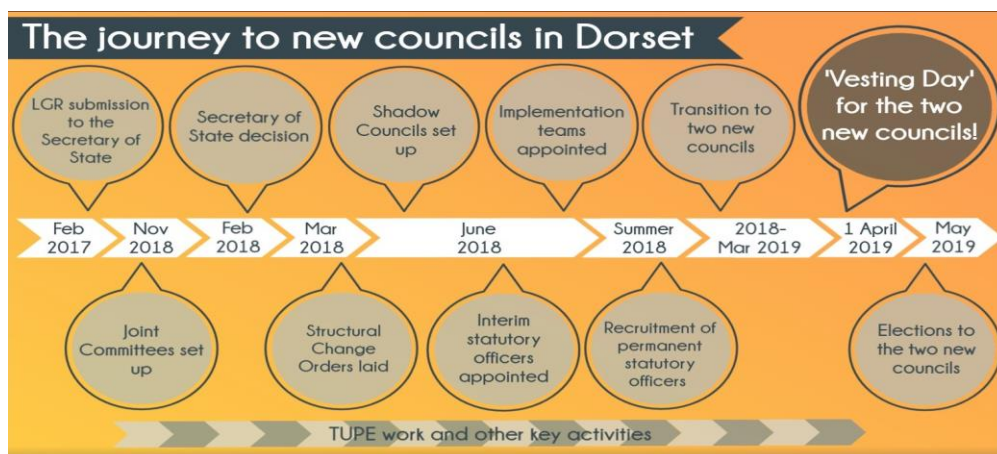
1. Introduction

- 1.1 In February 2018 the Secretary of State agreed that the current nine councils across Dorset will be dissolved at the end of March 2019 and two new organisations, known as Dorset Council and Bournemouth, Christchurch and Poole Council will come into effect from 1 April 2019.

How we're moving to two brand-new councils



- 1.2 On 26 May 2018 the Bournemouth, Dorset and Poole ‘Structural Changes Order 2018 (SCO) became law. The SCO provides the high-level requirements and approach to putting the new councils in place. The second stage is to agree additional specific orders known as ‘Consequential Orders’, these will also be laid before Parliament.



2. Local Government Reorganisation – Implications for the Police and Crime Panel

2.1 With the journey to new councils in Dorset underway, the Panel needs to consider its future composition and representation. Schedule 6 of the Police Reform and Social Responsibility Act 2011 ('the Act') sets out the legislative framework and provides that a Police and Crime Panel must make '*Arrangements and Rules of Procedure*' for the Panel.

2.2 Future Panel *Arrangements and Rules of Procedure* will need to be endorsed and adopted by the new Police and Crime Panel at its first meeting. Beforehand, the new Shadow Councils must approve the method of approach to ensure a safe and legal basis from April 2019.

2.3 Therefore members of the existing Police and Crime Panel, who have the prerequisite knowledge and expertise of its operation, will consider the relevant legislation, debate options and make recommendations to help inform the Shadow Councils in arriving at the best solution.

2.4 In summary 'the Act' (*paragraph 3 'Establishment and maintenance of panels'*) requires the local authority or local authorities which such a police area covers must:

- i) establish and maintain a police and crime panel for the police area and,
- ii) make the panel arrangements for the police and crime panel.

2.5 Paragraph 4 of 'the Act' '*Membership & status*' sets out the respective make-up of the panel; with the allocation of seats applied to the number and type of local authorities in the police force area. It states:

- Where a force area consists of 10 or fewer authorities, the minimum number of members of the PCP will be 10 (with each authority having at least one member). This does not include the two-required independent co-opted members (or any additional co-optees)
- Where a force area consists of more than 10 authorities, there will be as many members as there are local authorities in the force area, plus the two-required independent co-opted members (and any additional co-optees)

- 2.6 Therefore, in the case of Dorset, a minimum of 10 members plus (*at least*) 2 independent co-opted members will be necessary if we are to comply with legislative requirements.
- 2.7 This can be achieved through an allocation of 5 seats to each of the two new council areas. The existing two co-opted members will retain their membership, as their current terms of office do not formally expire until 2020. This would help to ensure some knowledge, experience and continuity on the new panel.
- 2.8 This approach will provide an opportunity to preserve geographical representation from the previous 'district/borough regions' in the new Council areas.

BCP Council **5 seats**
Bournemouth (2), Christchurch (1) and Poole (2)

Dorset Council **5 seats**
North Dorset (1), West Dorset (1), Weymouth and Portland (1), East Dorset (1), Purbeck (1)

Co-opted Independent **2 seats**

Revised PCP Membership **12 seats**

- 2.9 This would deliver a reduction in Panel membership from the current 17 to 12, directly contribute to a key principle of the LGR submission, to deliver more efficient public-sector governance arrangements.
- 2.7 However, the Panel may wish to pursue a more radical approach. This could perhaps allow for a greater parity between seats allocated to elected members and co-opted members. This could take the form of a 3 (or 4) from each new Council, plus 3 (or 4) co-opted independent members. Equally Panel members may have other options that they wish to put forward and debate? However, if support for an alternative model does exist, the Panel needs to be aware that any departure from 'the Act' (i.e. fewer than 10 members) must seek and gain approval from the Secretary of State.

Other Factors / Considerations relevant to the decisions:

- 2.8 The Panel should also be mindful of the announcement by Dorset and Devon & Cornwall Police and Crime Commissioners and Chief Constables to consider a merger of the Forces and Office of the Police and Crime Commissioners (OPCC).
- 2.9 The recent submission of an outline business case to the Home Office provides clear evidence of intent. These are separate issues, and restructuring of the panel due to LGR will take precedence. The proposed Police merger does have consequences on the future make-up of the Panel, but not until early 2020.
- 2.10 Initial discussions have been held with Devon & Cornwall Police and Crime Panel. It has been agreed that a joint working group will be established to

monitor progress and steer policy for any necessary change. Terms of reference have been drafted and shared.

3. Political Balance (*‘the Act’ Paragraph 31 – Duty to produce balanced panel*)

3.1 The legislation seeks to enshrine the principle of ‘balanced appointment objective’. This includes:

- i) represent all parts of the relevant police area
- ii) the political make-up of the local authority or local authorities (*when taken together*)
- iii) have the skills, knowledge and experience necessary to discharge its functions effectively.

3.2 When considering the relatively small size of the Panel, it is easy to see how the criteria outlined above can be difficult to fully meet. It is also important to recognise that the requirement to meet the required ‘political balance’ also needs to be balanced against best practice; the Panel should operate and conduct its business on a non-political basis in order to be fully effective in providing support to, and scrutiny of, the OPCC.

3.3 Therefore, whilst the upper limit on the size of the panel is 20 and under Section 31 (para 4) of Schedule 6 can look to co-opting additional members to the panel if it would help to meet the balanced appointment objective, unduly increasing the size of a panel needs to be treated with caution to ensure it remains proportionate and effective.

3.4 In simple terms, when determining political balance on the panel, representation is determined through a calculation of the numbers of seats held by each political party on each council within a force area. Seats are then allocated accordingly; Either in proportion to the total number of seats held by each political party on each of the constituent local authorities in a police area, or the Panel can decide to apply this proportion across the entire police force area.

4. Rules of Procedure (*‘the Act’ paragraph 25*)

4.1 The Panel are required to establish and adopt ‘Rules of procedure’ in order to structure and guide its operational governance arrangements.

4.2 These cover various areas of activity, including the appointment, resignation and removal of a member to chair the panel; the method of making decisions; the formation of sub-committees etc.

4.3 The Panels current established Rules of Procedure are considered to be both relevant and fit for purpose, not least as they have been the subject of regular review and update since the Panels inception in 2012.

4.4 For ease of reference a copy of the Panels current Rules of Procedure are included as Appendix 1 and are recommended for adoption by the new Panel.

5. Host Authority – Panel Support Arrangements, Budget and Cost
(‘the Act’ paragraph 11 ‘Costs of the panel’; paragraph 20 ‘Provision of financial and other resources’; paragraph 28 ‘Promotion of, and support, for Panels’)

- 5.1 Since the governments’ formal implementation of Police and Crime Commissioners, back in May 2012, and the associated duty to establish Police and Crime Panels to support and scrutinise their activity, Dorset County Council has acted as ‘host authority’ for the Panel. The County Council has provided the majority of officer and democratic support; facilities for formal panel meetings; organised training; ad-hoc workshops; provided budget and grant management; the payment of allowances and expenses etc.
- 5.2 The only exception to this is the panel's current financial advisor who works for Poole & Bournemouth Councils. This alternative arrangement was specifically put in place to ensure a healthy independence, as the County Councils financial advisor also acted as Treasurer to the PCC. This is no longer an issue as the PCC has subsequently appointed a separate post within the OPCC.
- 5.3 The Home Office provide an annual grant (*approximately £70K*) to contribute to the running costs of the Panels activity.
- 5.4 The Shadow Councils will therefore need to formally determine which of the new councils is best placed to support the Police and Crime Panel and act as ‘host authority’ going forwards.

6. Conclusion

- 6.1 The preparations to support the successful implementation of local government reorganisation in Dorset is underway.
- 6.2 The following table, setting out a timeline of a key actions, has been included to provide a structured overview of an approach to completing the necessary tasks. The time between the meeting of the Panel and the final deadline for commenting on draft orders is short, only three days.

Ref	Activity	Lead	Engagement	Timeline
1	PCP receive and consider a LGR Panel implications report	Chair / Clerk / Lead Officer	PCP	26-06-2018
2	PCP makes recommendations on its future arrangements to the Shadow Authorities	Chair / Clerk / Lead Officer	PCP Membership	26-06-2018
3	Shadow Council Governance Task and Finish Group	Clerk to the PCP	Shadow Council(s) (Executive(s))	29-06-2018

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	input to draft consequential orders.			
4	New Councils established			01-04-2019
5	Council elections		Councils	02-05-2019
6	Council nominations formally made and notified to the PCP	Clerk to the PCP	Councils	May 2019
7	First meeting of the new PCP	Clerk to the PCP	PCP	May / June 2019

- 6.3 The members of the existing Police and Crime Panel, who have the prerequisite knowledge and expertise of its operation, are asked to consider the relevant legislation and debate options in order to make recommendations to help inform the Shadow Councils in arriving at the best solution for the people of Dorset.

**Clerk to the Police and Crime Panel
June 2018**

Appendix 1

A summary - What is required by Law?

- 6.1 The Panel Arrangements and Rules of Procedure make provision for carrying out the functions (including special functions) of the Panel, including the scrutiny of the police and crime plan, the scrutiny of the annual report, the scrutiny of senior appointments and the issuing of precepts. They also detail the procedures relating to the handling of complaints and conduct matters.
- 6.2 **Police Reform and Social Responsibility Act 2011**
- Special Function – to review and make a report or recommendation on the draft Police and Crime Plan, or any draft variation, given to the Panel by the PCC – s28(3)(a)
 - To review, put questions to the PCC at a public meeting, and make a report and/ or recommendation/s (as necessary) on the Annual Report – s28(4)
 - Special Function – to hold a confirmation hearing and review, make a report, and/ or recommendation/s (as necessary) in respect of proposed senior appointments made by the PCC – s28(5), Schedule 1, para 9 – 11
 - Special Function – to review and make a report on (and if necessary veto) the proposed appointment of the Chief Constable – s28(5) and Schedule 8
 - Review and report on the PCC’s proposals to remove a Chief Constable – Schedule 8, para 15
 - Special Function – to review and make a report and/or recommendation/s (as necessary) (and if necessary veto) on the proposed level of precept – s28(5) and Schedule 5
 - To review and scrutinise decisions made, or other action taken, by the PCC about the discharge of the PCC’s functions – s28(6)
 - To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011 – Schedule 7, para 3
 - Suspend the PCC on their being charged – s30
 - To appoint an Acting PCC if necessary – s62
 - Publish any reports and recommendations made – s28(7) to (9)
- 6.3 Supporting Powers
- Require reasonable information – s13
 - Require the relevant PCC and their staff to attend to answer questions – s29(1)
 - Require a response in writing to a report or recommendation – s29(3)
 - Request the relevant Chief Constable to attend on the same occasion as the PCC to answer any question – s29(6)

Further information can be obtained via the following link (add link) to the legislation. Specific support and guidance can be from Mark Norris, LGA Policy
Mark.Norris@local.gov.uk

**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 **on an annual basis**.
- 2.2. **To allow for a suitable transition and familiarisation period, the Panel will appoint to the roles of chairman and vice chairman 'designate' at its first formal meeting of the calendar year, with those appointed formally taking up their roles at the next meeting. ~~in June of each year~~**
- 2.3. **Appointment to these positions will be considered** from amongst all members of the Panel, including **the** independent non-local authority co-opted **panel members**.
- 2.4. In the event of the resignation of the chairman or removal of chairman, a new chairman will be **selected and** appointed at the next meeting.

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. **Substitutes (only for elected member representatives) are permitted to attend and vote on behalf of a substantive panel member, with a duty being placed on the substantive panel member to suitably brief their substitute.**

- 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 **will either act as (or formally appoint) is the Clerk to the Police and Crime Panel and will ensure the necessary advice and administrative support is in place. This will include, but is not limited to, the Panels financial advisor.** ~~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 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.

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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:

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- (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.