

## **WEST MERCIA POLICE AND CRIME PANEL**

### **RULES OF PROCEDURE**

#### **1.0 General**

- 1.1 These Rules of Procedure (the Rules) are made by the West Mercia Police and Crime Panel ('the Panel') pursuant to Schedule 6 paragraph 25 of the Police Reform and Social Responsibility Act 2011 (the 'Act').
- 1.2 The Panel will be conducted in accordance with the Rules. The Rules should be read having regard to the Panel Arrangements and Terms of Reference.
- 1.3 These Rules may be amended from time to time.
- 1.4 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.

#### **2.0 Chairman of the Police and Crime Panel**

- 2.1 The Chairman of the Panel will be elected from amongst the Members on the Panel by the Panel by majority vote to hold office for a period of three years. The Panel Chairman will be drawn from amongst the councillors sitting on the Panel and will alternate between Worcestershire and Non-Worcestershire Members.
- 2.2 The Vice-Chairman will be appointed from the elected Members sitting on the Panel for a period of three years (immediately following the election of the Chairman). If the Chairman is from a Worcestershire authority, the Vice-Chairman will not be, and vice versa. The Vice-Chairman will preside in the absence of the Chairman.
- 2.3 The Panel will select a person from amongst the elected Members sitting on the Panel to preside at a meeting if the Chairman and Vice-Chairman are not present.
- 2.4 In the event of the resignation or removal of the Chairman, a new Chairman will be appointed by the Panel at its next meeting from amongst the elected Members sitting on the Panel for the remainder of the term of office.
- 2.5 The Chairman may be removed by a majority vote of the members of the Panel present and in that event the Panel will appoint a replacement Chairman from the elected Members.

### **3.0 Meetings of the Police and Crime Panel**

- 3.1 The Panel will meet in public at least four times per year to carry out its functions. The Panel will be called by the Head of Legal and Democratic Services (Worcestershire County Council) sending out an agenda to Panel Members in accordance with the access to information provisions of the Local Government Act 1972.
- 3.2 Extraordinary meetings may be also called from time to time by
- a) the Chairman, or
  - b) any four Members of the Panel giving notice in writing to the Head of Legal and Democratic Services of the Lead Authority.
- 3.3 Ordinary meetings of the Panel will take place in accordance with a programme decided by the Panel and will take place at a location and time decided by the Panel or Chairman.
- 3.4 Ordinary Meetings of the Panel will:
- a) receive any declarations of interest
  - b) approve the minutes of the last meeting
  - c) deal with agenda items and consider any report from officers and Panel members.
- 3.5 Public Participation  
Members of the Public shall be able to ask questions or make a statement to the Panel at each meeting, provided that the total time allowed for public questions shall not exceed 30 minutes, and no question or statement shall be allowed more than three minutes. Notification of the question or statement must be given to the Head of Legal and Democratic Services of the Lead Authority no later than 9.00a.m of the working day before the meeting of the Panel. Responses will normally be provided in writing after the meeting.
- 3.6 Substitutions  
An elected member of the Panel may, by written notification to the Head of Legal and Democratic Services of the Lead Authority, nominate a substitute elected member to attend in his or her stead at any particular Panel meeting. The substitute member would need to be from the same authority and be a representative of the same political group.
- 3.7 Recording of Meetings  
Unless the Chairman directs otherwise, a public meeting of the Panel will normally be filmed for the purposes of an officially recordable webcast (if available at the meeting venue). Other than the filming of a webcast, the filming, videoing, photographing or audio recording of a meeting shall not be permitted without the prior agreement of the Chairman obtained no later than an hour before the meeting.

## **4.0 Quorum**

- 4.1 A meeting of the Panel cannot take place unless at least one third of the whole number of its Members is present (i.e 6 out of 17) (including at least 3 members from the Worcestershire authorities and 3 from the non-Worcestershire authorities).

## **5.0 Voting**

- 5.1 Voting will be by general assent or show of hands and by simple majority unless the Act, Regulations or these Rules require otherwise.
- 5.2 All Panel Members may vote in proceedings of the Panel if those Members are present in the room at the time the question is put.
- 5.3 If there is an equality of votes, the Chairman may use a second or casting vote.
- 5.4 If requested by not less than four members of the Panel (by rising in their places prior to the vote being taken), the voting on any question shall be recorded so as to show how each Member present and voting gave his/her vote or who abstained from voting.

## **6.0 Work Programme**

- 6.1 The Panel will be responsible for setting a programme for its work and will take into account of:
- a) the requirement to properly undertake the functions and responsibilities of the Panel as set out in the Act (and terms of reference of the Panel);
  - b) the priorities defined by the Police and Crime Commissioner ('PCC'); and
  - c) the views of Panel Members and advisers as to appropriate work to be undertaken.
- 6.2 The work programme must relate to the functions described in the terms of reference for the Panel.

## **7.0 Panel Agenda**

- 7.1 The Panel agenda will be issued to Panel Members at least 5 clear working days before the meeting unless the Chairman agrees it can be called at shorter notice for urgent business. It will also be published on the Panel's web site and sent electronically to each of the Authorities, and by any other means the Panel considers appropriate. Reports will also be made available

at the time the agenda is issued, unless a report is not ready in which case it will be circulated when it is.

- 7.2 Any Member of the Panel shall be entitled to give notice to the Head of Legal and Democratic Services of the Lead Authority 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.

## **8.0 Sub-Committees and Task Groups**

- 8.1 The Panel may set up Sub-Committees from its membership to undertake and exercise specified functions of the Panel.
- 8.2 Sub-Committees and Task Groups may not undertake the Special Functions referred to in paragraph 11 below.
- 8.3 Time-limited Task Groups may also be established from time to time by the Panel undertake specific task-based work but not take formal decisions.
- 8.4 The work to be undertaken by a Sub-Committee or Task Group will generally be defined beforehand, together with the timeframe within which the work is to be completed and the outcome reported to the Panel.
- 8.5 A Sub-Committee of the Panel may not co-opt Members.

## **9.0 Reports from the Police and Crime Panel - General**

- 9.1 Reports and recommendations made by the Panel in relation to its functions will be carried out in accordance with the procedure outlined in this paragraph.
- 9.2 Where the Panel makes a report to the PCC it will generally publish the report or recommendations on its web site and by sending electronic copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 9.3 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) where the Panel has published the report or recommendations, publish the response from the PCC in the same manner;
  - d) where the Panel has provided a copy of the report or recommendations to a Panel Member, provide a copy of the response to the Panel Member.

- 9.4 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).

#### **10.0 Holding the Police and Crime Commissioner and Officers to Account**

- 10.1 The Panel must scrutinise and review decisions made or actions taken by the PCC in the discharge of his/her duties, and make reports or recommendations to the PCC with respect to the discharge of those duties.
- 10.2 The Panel will publish all reports or recommendations made in relation to the discharge of the PCC's duties on its web site and by sending electronic copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 10.3 The Panel may in discharging this function review documentation, and require the PCC, and members of the PCC's staff, to attend before the panel (at reasonable notice) to answer questions which appear to the Panel to be necessary in order to carry out its functions.
- 10.4 Where the PCC, or a member of the PCC's staff, is required to attend the Panel under this provision, the PCC will be given (where practicable and unless urgent) at least 15 working days written notice of the requirement to attend, and the notice shall state:
- a) the nature of the item in respect of which s/he is required to attend to give account;
  - b) whether any papers are required to be produced to the Panel; and
  - c) that where it is necessary to produce a report, sufficient time will be given to allow for its preparation of that report.
- 10.5 Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance shall be arranged following consultation with the Chairman of the Panel.
- 10.6 A member of the PCC's staff attending a meeting of the Panel shall not be required to disclose any advice given to the PCC by that person.
- 10.7 The Panel may require the PCC to respond in writing to any report or recommendation of the Panel.
- 10.8 If the Panel requires the PCC to attend before the Panel, the Panel may also (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.

- 10.9 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, elected Members who are not members of the Panel, officers, and other parts of the public sector.

## **11.0 Special Functions**

- 11.1 The Special Functions of the Panel are those functions referred to in paragraphs 12-16, 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; and
  - e) the review and potential veto of appointment of the Chief Constable Part 1 the Act.
- 11.2 The Special Functions shall be undertaken having regard to the requirements of the Act and Regulations in each case.
- 11.3 The issuing of reports and recommendations by the Panel in relation to the Special Functions outlined above will be carried out in accordance with paragraph 9 above.

## **12.0 Police and Crime Plan**

- 12.1 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.
- 12.2 The Panel must
- a) hold a public meeting to review the draft Police and Crime Plan (or a variation to it) given to it by the PCC; and
  - b) report or make recommendations on the draft Plan which the PCC must take into account.
- 12.3 The PCC must have regard to any report or recommendations made by the Panel in relation to the draft plan or variation.
- 12.4 The PCC must give the Panel a response to any such report or recommendations and publish any such response.

### **13.0 Annual Report**

- 13.1 The PCC must produce 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.
- 13.2 The Panel must review the Annual Report of the PCC, and for that purpose must:
- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the Annual Report from the PCC;
  - b) require the PCC to attend the meeting to present the Annual Report and answer the such questions about the Annual Report as the Members of the Panel think appropriate; and
  - c) make a report or recommendations on the Annual Report to the PCC.
- 13.3 The PCC must give the Panel a response to any report or recommendations on the annual report and publish any such response.

### **14.0 Proposed precept**

- 14.1 The Panel will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year by 1 February (or such other date required by Regulations). The Panel must arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the proposed precept (no later than 8 February or such other date required by Regulations) to review it. The Panel's report may include recommendations, including reasons as to the precept that should be issued for the financial year which may include recommendations.
- 14.2 Having considered the proposed precept, the Panel must:
- a) support the proposed precept with or without qualification, comment or recommendation;
  - b) not support the proposed precept and may comment or make recommendations, including as to the level of the precept; 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) and indicate whether the veto is because the proposed precept is too high or too low, together with any recommendations.
- 14.3 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 PCC must have regard to that report and any recommendation and must respond.

- 14.4 Where the Panel exercises the power of veto, the PCC shall, by 15 February of the relevant financial year, notify the Police and Crime Panel of the precept he/she now proposes to issue subject to the following:
- (a) Where the Panel report indicates that the Panel vetoed the proposed precept because it is too high, the revised precept shall be lower than the proposed precept;
  - (b) Where the Panel report indicated that the Panel vetoed the proposed precept because it is too low, the revised precept shall be higher than the proposed precept.
- 14.5 On receiving a response containing notification of a revised precept under the Regulations the Panel shall, by 22 February of the relevant financial year:
- (a) Review the revised precept; and
  - (b) Make a report (second report) to the PCC on the revised precept, which may indicate whether the Panel accepts or rejects the revised precept and may make recommendations to the PCC.
- 14.6 The PCC shall, by 1 March of the relevant financial year, have regard to the 'second report', give the Panel a response and publish the response.
- 14.7 The PCC may then issue the revised precept for the financial year or issue a different precept still subject to the requirements at 14.4 (a) and (b) above unless it would be in accordance with a recommendation in the second report to do so.

## **15.0 Appointment of the Chief Constable**

- 15.1 The Panel must review the proposed appointment by the PCC of the Chief Constable.
- 15.2 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.
- 15.3 Within three weeks of the receipt of notification the Panel must consider and review the proposed appointment and must convene a public meeting ('confirmation hearing') of the Panel which the candidate must attend, either



in person or by telephone or video link (as determined by the Chairman) and answer questions relating to the appointment.

- 15.4 Having considered the appointment, the panel will:
- a) support the appointment with or without qualification, comment or recommendation;
  - b) not 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).
- 15.5 The Panel will report to the PCC with a recommendation as to whether or not the candidate should be appointed. The Panel will publish its report on the website and by sending copies to each of the Authorities, and by any other means the panel considers appropriate. The three week period shall not include the 'post election period', being any period between the date of poll at the ordinary election of the PCC, and the date of declaration of acceptance of office of the PCC.
- 15.6 If the Panel vetoes the appointment the report must include a statement to that effect.
- 15.7 If the Panel does not veto the appointment, the PCC may accept or reject the Panel's recommendation, and must notify the Panel accordingly.

## **16.0 Other Senior Appointments**

- 16.1 The Panel must review the proposed senior appointments by the PCC of the PCC's Chief Executive, Chief Finance Officer and Deputy PCC.
- 16.2 The Panel shall receive notification of the proposed senior appointments from the PCC including:
- 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.
- 16.3 Within three weeks of the receipt of notification the Panel must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether or not the candidate should be appointed. The three week period will not include the post-election period (of the PCC).
- 16.4 Before reporting and recommending under 16.3 above, the Panel must convene a public confirmation hearing of the Panel which the candidate must attend, either in person or by telephone or video link (as determined by the Chairman) and answer questions relating to the appointment.

16.5 The Panel must publish the report on its website and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.

16.6 The PCC may accept or reject the Panel's recommendation, and must notify the Panel accordingly.

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

17.1 The Panel must appoint a person to be Acting PCC 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.

17.2 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.

17.3 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.

17.4 In appointing a person as Acting Commissioner 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.

17.5 The appointment of an Acting Commissioner 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 Commissioner, of the appointment of the Acting Commissioner;
- c) in a case where the Acting Commissioner is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
- d) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

17.6 Where the Acting Commissioner is appointed because the PCC is incapacitated or suspended, the Acting Commissioner's appointment does not terminate because a vacancy occurs in the office of PCC.

## **18.0 Complaints**

- 18.1 Serious 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').
- 18.2 The Panel may 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.
- 18.3 On receipt of a complaint which falls within its remit the Panel will consider the complaint and comply with its complaints protocol which seeks the informal resolution of a complaint by encouraging, facilitating, or otherwise assisting in the resolution of the complaint otherwise than by legal proceedings.

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

- 19.1 The Panel may suspend the PCC if it appears to the Panel that the PCC is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.
- 19.2 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 by virtue of the conviction; or
  - d) the termination of the suspension by the Panel.
- 19.3 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.

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

- 20.1 The Panel will receive notification from the PCC if the PCC suspends the Chief Constable.

- 20.2 The PCC must 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.
- 20.3 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.
- 20.4 If the PCC is still proposing to call upon the Chief Constable to resign, the PCC must notify the Panel accordingly (the 'further notification').
- 20.5 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 the PCC should call for such retirement or resignation. Before making any recommendation the Panel may consult the chief inspector of constabulary, and must hold a scrutiny hearing.
- 20.6 The scrutiny hearing 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 as determined by the Chairman.
- 20.7 The Panel must publish the recommendation in such a manner as it considers appropriate.
- 20.8 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 a recommendation 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.
- 20.9 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 20.10 In calculating the six week period, the post-election period for the PCC is ignored.

**Final version incl Panel amendments**