

## Hertfordshire Police and Crime Panel

### Rules of Procedure

#### 1.0 General

- 1.1 These Rules of Procedure are made by the 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.
- 1.3 The Rules shall not be amended unless notification of a proposed amendment is received by the Chairman and the Host Authority not less than fifteen working days prior to a Panel meeting, a report on the implications of the amendment shall be considered by the Panel and the amendment shall require agreement of three quarters of those present. No amendment may be considered by the Panel which does not comply with the Act, relevant Regulations or statutory guidance.
- 1.3 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 Appointment of the Chairman of the Panel

- 2.1 The Chairman of the Panel will be appointed at the first ordinary meeting of each year after the local elections by the Panel from the Members of the panel. The Panel shall determine the means by which the Chairman shall be appointed.
- 2.2 The Vice Chairman will be appointed at the same meeting in each year from the Members of the Panel and the Panel shall determine the means by which the Vice Chairman shall be appointed. The Vice Chairman will preside in the absence of the Chairman and if neither is present the Panel will appoint a Chairman from among the remaining Members for the purposes of that meeting.
- 2.3 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 the Members.
- 2.4 The Chairman may be removed by agreement of a majority of the whole Membership of the Panel and in that event the Panel will appoint a replacement Chairman from the Appointed Members.

#### 3.0 Appointment of Co-opted Members

- 3.1 The Panel shall at least each year consider the membership of the Panel and consider if it should appoint further Co-opted Members to more effectively meet the balanced appointment objective.
- 3.2 Before the appointment of any Co-opted Member (other than one to achieve the political balance objective) there shall be a public advertisement of the requirements of the post.

- 3.3 The appointment shall be made by a group of no less than 3 members of the Panel unless the Panel decides to make the appointment itself.
- 3.4 The appointment will be made on merit from candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel in accordance with the balanced appointment objective.
- 3.5 The selection process shall be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria.
- 3.6 The selection process shall be carried out in a transparent manner with a view to attracting a strong and diverse field of candidates.

#### **4.0 Panel Meetings**

- 4.1 The Panel will meet in public at least three times per year to carry out its functions.
- 4.2 Extraordinary meetings may be also called from time to time as the Panel considers necessary.
- 4.3 An extraordinary meeting may be called by:
  - a) the Chairman, or
  - b) any four Members of the panel giving notice in writing to the Chairman and the Head of Support Services at Broxbourne Borough Council.
- 4.4 The Panel shall have power to determine the location of its meetings.

#### **5 Public Participation in Meetings of the Panel**

- 5.1 Members of the Public resident in Hertfordshire or any business ratepayer of Hertfordshire may, provided at least 14 days notice is given to the Head of Support Services at Broxbourne Borough Council present a petition containing ten or more signatures of residents or business ratepayers of Hertfordshire to a public meeting of the panel. The presenter of the petition may address the panel for no more than 3 minutes on the subject of the petition but thereafter shall not have the right to speak further. If the subject matter of the petition is not on the agenda of the meeting it shall be referred to the next meeting of the panel. The presenter of the petition shall be able to make a statement to the panel at the meeting for no more than 3 minutes.
- 5.2 Members of the Public resident in Hertfordshire or any business ratepayer of Hertfordshire may ask a question relating to any function of the panel (but excluding matters confidential to the panel or any person). An answer will be given orally (and in writing if requested or if the question cannot be answered at the meeting). The total time allowed for public questions shall not exceed 20 minutes at any panel meeting.
- 5.3 Members of the Public resident in Hertfordshire or any business ratepayer of Hertfordshire may ask a question relating to any function of the Police and Crime Commissioner if they are intending or have been requested to be present at a meeting of the panel (but excluding matters confidential to the panel or any person). An answer will be given orally (and in writing if requested or if the question cannot be

answered at the meeting or if the Police and Crime Commissioner is not present at the meeting). The total time allowed for public questions to the Commissioner shall not exceed 20 minutes at any panel meeting.

5.4 Members of the Public resident in Hertfordshire or any business ratepayer of Hertfordshire may ask a question relating to the panel's consideration of an item on its agenda relating to the Police and Crime Commissioner's proposed precept, draft police and crime plan or annual report. Such questions shall be taken immediately before member consideration of the items and shall not exceed 15 minutes on each item.

5.5 The Chairman may exceptionally permit public participation in addition to the provisions above if it is considered to be in the public interest to do so.

## **6.0 Quorum**

6.1 A meeting of the Panel cannot take place unless one half of the whole number of its Members is present. For the purpose of the quorum a named substitute shall count as a Member present if the Member from the authority they represent is not present.

## **7.0 Voting**

7.1 Voting will be by show of hands and by simple majority unless the Act, Regulations made thereunder or these Rules require otherwise.

7.2 The Chairman will have a casting vote.

7.2 All Panel Members (including named substitute members if the Appointed Member is not present) may vote in proceedings of the Panel.

7.3 One-third of the voting Members present may require that the way all Members cast their votes or abstain from voting shall be recorded in the Minutes; such a request must be made before the vote is taken.

## **8.0 Code of Conduct**

8.1 The Appointed members of the Panel shall be subject to their appointing authority's code of conduct adopted pursuant to Section 27 of the Localism Act 2011 whilst acting as members of the Panel.

8.2 The Co-opted members of the Panel shall be subject to the host authority's code of conduct adopted pursuant to Section 27 of the Localism Act 2011 whilst acting as members of the Panel.

## **9.0 Work Programme**

9.1 The Panel will be responsible for setting a programme for its work and in doing so shall have regard to:

- a) the requirement to properly undertake the functions and responsibilities of the Panel as set out in the Act;
- 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.

## **10.0 Panel Agenda**

- 10.1 The Panel agenda will be issued to Panel Members at least 5 clear days before the meeting. It will also be published on the Panel's web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 10.2 Any Member of the Panel shall be entitled to give notice to the Head of Support Services, Broxbourne Borough Council 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.

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

- 11.1 The Panel may set up Sub-Committees from its membership to undertake specified functions of the Panel.
- 11.2 Sub-Committees and Task Groups may not undertake the Special Functions referred to at paragraph 13 below
- 11.3 Task Groups may also be established from time to time by the Panel to undertake specific task based work.
- 11.4 The work to be undertaken by a Sub-Committee or Task Group will be defined beforehand, together with the timeframe within which the work is to be completed and the outcome reported to the Panel.
- 11.5 A Sub-Committee of the Panel may not co-opt Members.

## **12.0 Panel Reports - General**

- 12.1 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.
- 12.2 Where the Panel makes a report to the PCC it will publish the report or recommendations on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 12.3 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.

12.4 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.

### **13.0 Scrutiny and Review**

13.1 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.

13.2 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 copies to each of the Authorities, and by any other means the Panel considers appropriate.

13.3 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.

13.4 Where the PCC, or a member of the PCC's staff, is required to attend the Panel in accordance with this provision, the PCC will be given at least 15 working days written notice of the requirement to attend, and the notice shall:

- a) state the nature of the item in respect of which s/he is required to attend;
- b) whether any papers are required to be produced to the Panel; and
- c) where it is necessary to produce a report, sufficient time will be given to allow for its preparation of that report.

13.5 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.

13.6 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.

13.7 The Panel may require the PCC to respond in writing to any report or recommendation of the Panel as set out in paragraph 9.2 above.

13.8 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.

13.9 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, representatives from business or voluntary organisations, councillors who are not members of the Panel and officers from other parts of the public sector.

### **14.0 Special Functions**

- 14.1 The Special Functions of the Panel, are those functions referred to at paragraphs 15-19, below, and which are 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 in accordance with Part 1 the Act.
- 14.2 The Special Functions shall be undertaken having regard to the requirements of the Act and Regulations in each case.
- 14.3 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 12 above.

### **15.0 Police and Crime Plan**

- 15.1 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.
- 15.2 The Panel must:
- a) hold a public meeting to review the draft Police and Crime Plan (or a variation to it), and
  - b) report or make recommendations on the draft Plan which the PCC must take into account.

### **16.0 Annual Report**

- 16.1 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
- 16.2 The Panel must comment upon 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;
  - b) require the PCC to attend the meeting to present the Annual Report and answer 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.

### **17.0 Proposed precept**

- 17.1 The Panel will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year. 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 and make a report including recommendations.

17.2 Having considered the precept, the Panel must:

- a) support the precept without qualification or comment; or
- 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) and determine if the precept should be increased or decreased.

17.3 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 report must also state whether the precept should be increased or decreased. The Panel will require a response to the report and any such recommendations.

## **18.0 Appointment of the Chief Constable**

18.1 The panel must review the proposed appointment by the PCC of the Chief Constable.

18.2 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

18.3 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 the candidate should be appointed. 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.

18.4 Before reporting and recommending under paragraph 18.3 above, the Panel must convene a public meeting ('confirmation hearing') of the Panel where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.

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

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

18.7 In relation to the appointment of a candidate for the position of Chief Constable, the Panel also has the power to veto the appointment 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.

- 18.8 A confirmation hearing as in paragraph 18.4 must be held before an appointment is vetoed.
- 18.9 If the Panel vetoes the appointment under paragraph 18.7, the report referred to at paragraph 18.3 above must include a statement to that effect.
- 18.10 If the Panel vetoes an appointment the PCC must not appoint that candidate as Chief Constable.
- 18.11 If the Panel has vetoed the appointment the PCC must notify the Panel of their reserve candidate (as defined in the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012/2271) in accordance with paragraph 18.2.
- 18.12 The Panel shall consider the reserve proposal in accordance with paragraphs 18.3 to 18.5.
- 18.13 The Panel will be notified of the PCC's decision whether to accept or reject the recommendation.

## **19.0 Senior Appointments**

- 19.1 The panel must review the proposed appointments by the PCC of the PCC's Chief Executive, Chief Finance Officer and (if one is to be appointed) Deputy PCC.
- 19.2 The Panel shall receive notification of the proposed 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
- 19.3 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 the candidate should be appointed. The three week period will not include the post-election period.
- 19.4 Before reporting and recommending under 19.3 above, the Panel must convene a public confirmation hearing of the Panel where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.
- 19.5 The Panel must publish the report on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 19.6 The PCC may accept or reject the Panel's recommendation, and must notify the Panel accordingly.

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

- 20.1 The Panel must appoint a person to be acting Commissioner 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.

20.2 In the event that the Panel has to appoint an acting Commissioner it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.

20.3 The Panel may appoint a person as acting Commissioner only if the person is a member of the PCC's staff at the time of the appointment.

20.4 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.

20.5 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.

20.6 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.

## **21.0 Complaints**

21.1 The Panel must consider when it deems it appropriate complaints about the PCC in order to keep itself informed about complaints generally.

21.2 Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are referred to as 'conduct matters' and are to be dealt with by the Independent Police Complaints Commission (the 'IPCC').

21.3 The Panel may however 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.

21.4 The Panel will assist the IPCC with its functions with regard to complaints.

21.5 The Panel will record any complaint or conduct matter.

21.6 The Panel will preserve any evidence with regard to a complaint or conduct matter.

21.7 On receipt of a complaint which falls within its remit the Panel will meet to consider the complaint and will seek informal resolution of a complaint by encouraging,

facilitating, or otherwise assisting in the resolution of the complaint otherwise than by legal proceedings.

21.8 The Panel may delegate its functions for dealing with complaints apart from that arising under paragraph 21.7.

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

22.1 The Panel may suspend the PCC if it appears to the Panel that:

- a) the commissioner is 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.

22.2 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.

22.3 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.

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

23.1 The Panel will receive notification if the PCC suspends the Chief Constable. The Panel will convene a meeting to consider the suspension and request a report from the PCC on the matter as soon as practicable after receiving the notification.

23.2 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.

23.3 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.

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

23.5 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 s/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.

- 23.6 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.
- 23.7 The Panel must publish the recommendation it makes on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 23.8 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.
- 23.9 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 23.10 In calculating the six week period, the post election period is ignored.