



HERTFORDSHIRE POLICE AND CRIME PANEL

RULES OF PROCEDURE AND TERMS OF REFERENCE

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Broxbourne Borough Council

Item 5

25 October 2012

RECOMMENDATIONS

1. That the Panel approves Draft Terms of Reference and Rules of Procedure for the Panel, and undertakes a review in twelve months' time.
2. That the Panel delegates its functions with regard to complaints and conduct matters apart from those under paragraph 20.7 of the rules of procedure to the Chief Executive of the PCC unless they consider they are unable to deal with them because of a conflict of interest.
3. That the Chief Executive of the PCC be requested to provide a report to the Panel at least annually on complaints and conduct matters.

Purpose of Report

For the Panel to approve terms of reference and rules of procedure as standing orders for the conduct of its business. The proposal will allow appointed members to comment and approve these documents.

Background

The PCP is a scrutiny body. The Act creating it, the Police Reform and Social Responsibility Act, requires the Panel to make Rules of Procedure. As it is usual for committees of local authorities to have terms of reference as the basis for its working it is appropriate to adopt these as well. The Panel can amend its terms of reference or Rules of Procedure if it

becomes desirable or necessary to do so in the future. Amendments have been made and are shown as tracked changes since the July working paper to reflect members' comments and changes necessitated by new legislation.

Statutory Requirements

The Act requires the Rules of Procedure to cover the following issues:

- Appointment, resignation and removal of a person to chair the panel.
- They may make provision about the making of decisions and the formation of sub-committees.
- A sub-committee may not co-opt members.
- The special functions (scrutiny of the police and crime plan, scrutiny of PCC's annual report, a proposed senior appointment review and hearing), may not be discharged by a committee or sub-committee of the Panel.

The Act also requires the Panel to determine how certain of its functions are carried out and these may be determined on each occasion or may be included in the rules of procedure.

Draft Terms of Reference and Rules of Procedure

The Local Government Association has provided guidance on rules of procedure for Police and Crime Panels. A draft set of rules of procedure based on the guidance is at Appendix 'A'. A draft set of terms of reference based on the statutory functions of the Panel is at Appendix B.

Particular issues the Panel may wish to consider

Public Participation There is likely to be a requirement for the agendas and reports of the Panel to be published as with other local government meetings. The Home Office will make Regulations about this, but has not yet done so. In addition meetings are likely to have to be in public unless the usual exempt information rules apply to the business to be transacted. Some authorities permit public participation at some meetings in some form, for example asking written or oral questions or presenting petitions. A proposal is now included for public questions. The Panel may wish to consider if this is appropriate for the Panel.

Chairmanship of the Panel This issue must be covered in the rules of procedure but there is no specification or guidance as to how the Panel ought to decide the issue. The Chairman could be appointed for a set period, at each meeting or otherwise as the Panel wishes.

Complaints about the PCC There are a number of duties with regard to complaints about the PCC that are set out in the Act and in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012/62. Apart from the requirement on the panel to informally resolve complaints, the functions of the panel can be delegated. It is recommended that the Panel delegates its functions with regard to complaints to the Chief Executive of the PCC. This delegation will mainly consist of recording and determining where complaints need to be directed. It is likely that complaints are likely to be about policing or other matters which the PCC's office can direct more efficiently than the Panel. It is also likely that some complaints can be dealt with more expeditiously than by reference to the Panel. It is suggested the Panel receive a report annually from the PCC's office about

complaints received so that the Panel can consider them, make recommendations and reconsider the delegation of functions if appropriate.

Quorum There is currently a quorum suggested of one half of the members. Clearly a quorum is designed to ensure that a meeting attended by very few members does not make decisions that do not represent the views of the panel as a whole. However, it may be necessary to call meetings at very short notice for some of the special functions and members may not be able to attend. Should the panel be unable to make recommendations in that case?