

Cleveland Police and Crime Panel

Rules of Procedure

Introduction

1. These are the rules of procedure for the Cleveland Police and Crime Panel (“the Panel”).
2. Stockton-on-Tees Borough (“the Council”) is the lead authority for the purposes of these rules of procedure.

Chair and Vice-Chair

3. The Chair and Vice-Chair of the Panel will be appointed by the Panel from amongst its members.
4. The terms of office of the Chair and Vice-Chair shall be for the period up to the first meeting of the Panel after the Annual Meetings for the four Cleveland Local Authorities (“the Local Authorities”), subject however to the prior resignation or removal of the Chair and/or Vice-Chair.
5. There are no restrictions on how many times a Panel member may be appointed as Chair or Vice-Chair of the Panel.
6. The Chair and/or Vice-Chair of the Panel may be removed as Chair or Vice-Chair at any time at a Panel meeting, but will remain Panel members.
7. If the Chair and/or the Vice-Chair of the Panel resign as Chair or Vice-Chair or cease to be elected members of the Local Authorities, the Panel will appoint other Panel members to be the Chair and/or Vice-Chair.
8. If the Chair and Vice-Chair of the Panel are not present at a meeting of the Panel, the remaining Panel members, if they constitute a quorum, shall elect a Chair for the duration of the meeting.

Meetings

9. The Panel will agree a diary for their meetings during each municipal year as soon as practicable after the Annual Meetings of the Local Authorities.
10. The Chair in consultation with any Vice-Chair may call a meeting of the Panel at any time.
11. Meetings shall be held at such place, and at such times as the Panel may determine from time to time.
12. The Local Authorities may not appoint a substitute to attend in the place of their named Panel members.

Agenda Items

13. The agenda for any Panel meeting shall be determined in consultation with the Chair or with the Vice-Chair in the Chair’s absence or when the Chair is otherwise unable to act.

14. Except with the approval of the Chair (to be given only in a case of clear urgency) five clear working days at least before a Panel meeting, a summons to attend the meeting specifying the business proposed to be transacted thereat will be sent to every member of the Panel and a copy thereof shall be sent to the Chief Executive or other authorised representative of each of the Local Authorities.
15. The Panel will consider the following business at its meetings:-
 - (i) Minutes of their last meeting.
 - (ii) Declarations of Interest
 - (iii) Any urgent item of business which is not included on the agenda but which the Chair agrees should be considered
 - (iv) The business otherwise set out on the agenda for the meeting.

Voting

16. Save where specified otherwise in the Police Reform and Social Responsibility Act 2011 ("the Act") or any related regulations or orders ("related legislation") issued by the Secretary of State, every matter arising at a meeting shall be determined by a majority of the votes of the members present in the room and voting at the time on the question or when the motion is put. Voting will be by shows of hands, or if no dissent by the affirmation of the meeting. All members, whether appointed by the Local Authorities, or co-opted by the Panel will each have one vote.
17. The Chair shall however be entitled to exercise a casting vote in the case of an equality of votes.

Quorum

18. One third of the membership of the Panel shall form a quorum provided that not less than two of the four Local Authorities are represented at the meeting.

Minutes

19. A minute book shall be provided and a record of the proceedings duly recorded therein. The minutes of any meeting shall be submitted to the next meeting of the Panel for approval.
20. Copies of the minutes of each meeting shall be sent to each member of the Panel and to the Chief Executive or other authorised representative of each of the Local Authorities within 7 days after the date of the meeting.

Appointment of Sub-Committees

21. The Panel may appoint such sub-committees of their members as they may from time to time determine.
22. The composition and quorum of any such sub-committees shall be consistent, on a pro-rata basis, with the composition and quorum of the Panel.
23. A Sub-Committee of the Panel may not discharge any of the following functions of the Panel:-

- (i) Co-opt members
- (ii) Section 28(3) of the Act (Scrutiny of Police and Crime Plan)
- (iii) Section 28(4) of the Act (Scrutiny of the Annual Report)
- (iv) Paragraphs 10 and 11 of Schedule 1 of the Act (Scrutiny of Senior Appointments)
- (v) Schedule 5 of the Act (issuing precepts); and
- (vi) Part 1 of Schedule 8 of the Act (Scrutiny of the appointment of chief constables)

Exclusion of the Public

24. Meetings of the Panel and its Sub-Committees will be public meetings for the purposes of the Access to Information provisions of the Local Government 1972 Act (“the 1972 Act”), save where specified otherwise in the Act or related legislation.

Members Interests

25. The interests provisions of the Code of Conduct for Local Authority Members, approved by the Council in accordance with the Localism Act 2011, including any statutory extension, modification, or amendment or replacement of the same, will be deemed to apply to all members of the Panel when conducting the Panel’s business.

Members Conduct

26. The conduct of meetings of the Panel and its Sub-Committees will be regulated by the Chair (or other person chairing the meeting) in accordance with the general principles and conventions which apply to the conduct of local authority meetings.

Delegated Powers

27. In the event of the need arising because there is no meeting of the Panel convened in time to provide the necessary authorisation, officers of the lead authority are authorised, in consultation with the Chair and/or Vice-Chair to take such action as they consider appropriate or necessary to facilitate the role and function of the Panel, having regard to the Panel’s terms of reference, the Panel’s arrangements approved under the Act and any provision of the Act or related legislation and subject to any such action being reported to the next available meeting of the Panel for ratification.

Validity of Proceedings

28. The validity of the proceedings of the Panel and its Sub-Committees is not affected by a vacancy in the membership of the Panel or a defect in appointment.

Reports from the Panel

29. Where the Panel makes a report to the Police and Crime Commissioner (“the Commissioner”), it may publish the report or recommendations.

30. The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which the Commissioner receives the report or recommendations to:-
- (a) consider the report or recommendations;
 - (b) respond to the Panel indicating what (if any) action the Commissioner proposes to take;
 - (c) where the Panel has published the report or recommendations, publish the response, and
 - (d) where the Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
31. 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 1972 Act.

The Commissioner and Officers giving account

32. The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of the 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.
33. Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel, the Chair will inform them in writing giving, where practical, 10 working 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.
34. Where, in exceptional circumstances, the Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chair of the Panel.
35. If the Panel requires the 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 appear to the Panel to be necessary in order for it to carry out its functions.

Attendance by others

36. The Panel may invite such observers to attend its meetings as it may determine from time to time. It may also invite other people to attend to address the Panel and to 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.

Carrying out "Special Functions"

37. The Panel's "Special Functions" are specified at paragraph 23.

Police and Crime Plan

38. The Panel is a statutory consultee on the development of the Commissioner'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 Commissioner.
39. 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 Commissioner must take into account

Annual Report

40. The Commissioner 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.
41. The Panel must comment on the annual report of the Commissioner 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 Commissioner 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 Commissioner.

Senior Appointments

42. The Panel has powers to review the 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.
43. The Panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Commissioner. This will be held at the next available meeting of the Panel unless the appointment timescales require an earlier hearing, in which case an extraordinary meeting will be arranged.
44. With regard 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 Commissioner.
45. Confirmatory hearings will be held in public, at which the candidate will be 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.

46. For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirements to review and report, the Panel is required to make a recommendation on the appointment and has the power to veto the appointment.
47. Having considered the appointment, the Panel will be asked either to:-
 - (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).
48. 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 the reasons for the same.

Appointment of an Acting Police and Crime Commissioner

49. The Panel must appoint a person to act as the Commissioner if:
 - (a) no person holds the office of Commissioner;
 - (b) the Commissioner is incapacitated; or
 - (c) the Commissioner is suspended
50. The Panel may appoint a person as acting commissioner only if the person is a member of the Commissioner's staff at the time of the appointment.
51. In appointing a person as acting commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.
52. 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 the Commissioner;
 - (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 Commissioner is incapacitated, the Commissioner ceasing to be incapacitated; or
 - (d) in a case where the acting commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended

Proposed precept

53. The Commissioner will notify the Panel of the precept which the Commissioner is proposing to issue for the financial year. The Panel must review the proposed precept and make a report including recommendations.
54. Having considered the precept the 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).
55. 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 the reasons for the same. The Panel will require a response to the report and any such recommendations.

Complaints

56. The Panel has agreed separate procedures regarding the handling of complaints and other matters concerning the conduct of the Commissioner and of any deputy police and crime commissioner appointed by the Commissioner.

Suspension of the Commissioner

57. The Panel may suspend the 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.
58. The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:-
- (a) the charge being dropped;
 - (b) the Commissioner being acquitted of the offence;
 - (c) the Commissioner being convicted of the offence but not being disqualified under Section 66 of the Act by virtue of the conviction or
 - (d) the termination of the suspension by the Panel.
59. 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

Suspension and removal of the Chief Constable

60. The Panel will receive notification if the Commissioner suspends the Chief Constable.
61. The Commissioner must also notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign, and provide a copy of the reasons given to the Chief Constable in relation to that proposal.
62. The Commissioner 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.

63. If the Commissioner is still proposing to call upon the Chief Constable to resign, the Commissioner must notify the Panel accordingly (the 'further notification').
64. Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not the Commissioner 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 hearing.
65. The scrutiny hearing which must be held by the Panel is a panel meeting in private to which the Commissioner 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.
66. The Panel must publish the recommendation it makes on its website and by sending copies to each of the Local Authorities, and by any other means the Panel considers appropriate.
67. The Commissioner 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 Commissioner a recommendation as to whether or not the Commissioner should call for the retirement or resignation, or when
 - (b) the Commissioner notifies the Panel of a decision about whether the Commissioner accepts the Panel's recommendations in relation to the proposed call for the resignation or retirement of the Chief Constable.
68. The Commissioner must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
69. In calculating the six week period, the post-election period is ignored.

Rules of Debate

70. The following rules in the Council's Council Procedure Rules will apply to meetings of the Panel:-
 - (a) rules 12, 13 and 15 (motions);
 - (b) rule 14 (rules of debate);
 - (c) rules 16.3 (show of hands); 16.4 (recorded vote); 16.5 (right to require individual vote to be recorded) and 16.6 (voting on appointments);
 - (d) rule 17 (minutes)
 - (e) rule 18 (record of attendance)
 - (f) rule 21 (disturbance by the public)

See attached Appendix for detail.

Public Participation

71. Members of the public will be able to speak and ask questions at meetings of the Panel under the direction of the Chair, save where exempt or confidential

information is to be discussed and the public are excluded from the meeting either for the whole or part of the business in accordance with the 1972 Act, or any provisions of the Act or related legislation.