

Wiltshire Police and Crime Panel

13 June 2023

Police and Crime Panel Procedure Rules and Panel Arrangements

Purpose of Report

1. This report asks the Wiltshire Police and Crime Panel to consider proposals arising from a review of the Police and Crime Panel Procedure Rules and Panel Arrangements.
2. The procedures and panel arrangements are set out within Protocol 12 of the Wiltshire Council Constitution, as the lead authority under the arrangements.

Background

3. Wiltshire Council is established as the lead authority for the Panel under Paragraph 2.1 of the arrangements, to provide administrative and other support as necessary to enable the Panel to undertake its functions.
4. The Police Reform and Social Responsibility Act 2011, among other details, established the structural arrangements which led to the establishment of Police and Crime Panels in their current forms.
5. The Panel arrangements included at Protocol 12 included that agreement was made between Wiltshire Council and Swindon Borough Council (“The Authorities”) dated 5 December 2012. The overall Protocol 12 was last amended in July 2014.
6. To be amended, each authority must approve the changes, following approval by the Panel itself.
7. For Wiltshire Council the Standards Committee has responsibility for oversight of the Council’s constitution and making recommendations to Council. The Standards Committee has established the cross-party Constitution Focus Group to review sections of the Constitution and present it with proposals to consider.
8. The Chair of the Panel met with the Constitution Focus Group to seek any comments on the proposed revisions to Protocol 12 on 19 May 2023.

Main Considerations

9. On 9 March 2023 the Chair contacted all Panel members seeking volunteers to assist with a review of the Panel arrangements, to be supported by officers.
10. Following preparation of a draft, the Constitution Focus Group was consulted as detailed above. It was satisfied with the general nature of the review, and that each Council would individually consider a final draft once decided upon by the Panel.
11. The draft protocol was circulated to all Panel members, including newly appointed Panel Members following the annual meetings of the authorities, on 16 and 19 May 2023.

12. The updated Protocol 12 has been updated to include, among other details:

General Changes

- The order has been changed to place the panel arrangements before the rules of procedure as it is the more strategic document.
- Generally updated for clarification; fewer sections to aid readability.

Panel Arrangements

- An overview of the powers of the Panel has been included.
- It is stated explicitly that the Panel is not responsible for scrutinising operational police matters.
- The documents have been updated to reflect the fact that Swindon Borough Council has a fourth Panel member.
- The restriction in appointing members for a maximum of two four-year terms has been removed.
- Detail on the process for the appointment of members has been updated to reflect the Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012.
- The measures to promote the Panel have been streamlined to remove the specific requirement to provide briefing notes and host a dedicated website – however, there is continued intention to provide greater briefing information and updated website material on hosted sites such as on the lead authority.
- There is a commitment to publish minutes and agendas on the host authority's (Wiltshire Council's) website.

Rules of Procedure

- There has been a greater focus on the procedures specific to the Police and Crime Panel. The procedure rules which apply to all of Wiltshire Council's committees have been referenced from Part 4 of Wiltshire Council's constitution allowing much of the existing text to be removed.
- Co-opted Panel members are now eligible to be Chairman. Under the existing Protocol the Chairman must be drawn from the councillors on the Panel.
- Public participation deadlines have been brought in line with those of Wiltshire Council's other committees, i.e., four working days to be guaranteed a written response and two for a verbal response.
- The requirement to provide statements in writing has also been removed, as per Wiltshire Council's other committees.
- The document has been updated to reflect the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012, including timelines and confirmation that the Panel is only able to veto the Commissioner's first precept proposal and nomination for Chief Constable.
- Guidance is included about the process for further scrutiny should the Panel exercise its vetoes.
- Clarification is provided that the Panel must make a recommendation about the appointment of the Deputy PCC, Chief Executive of the OPCC and Chief Financial Officer of the OPCC, as well as of the Chief Constable. The Panel only has a veto over the appointment of the Chief Constable.

13. The draft protocol is set out at Appendix A. The existing protocol is set out at Appendix B.

Overview and Scrutiny Engagement

14. A representative from the Wiltshire Council Overview and Scrutiny Management Committee is appointed to the Constitution Focus Group.

Safeguarding Implications

15. There are no safeguarding implications.

Public Health Implications

16. There are no public health implications.

Procurement Implications

17. There are no procurement implications at present.

Equalities Impact of the Proposal

18. There are no equalities implications.

Environmental and Climate Change Considerations

19. There are no environmental or climate change implications.

Risks that may arise if the proposed decision is not taken

20. The arrangements would remain out of date or not as effective as it could be.

Risks that may arise if the proposed decision is taken

21. The Panel should consider the implications of any proposed changes.

Finance Implications

22. There are no financial implications arising from this report.

Legal Implications

23. There are no legal implications.

Workforce Implications

24. There are no workforce implications.

Conclusions

25. The Panel is able to approve the proposed changes, amend them further, defer for further consideration, or reject any changes.

Proposal

26. That the Panel

Approve the proposed Protocol 12, subject to ratification by Wiltshire Council and Swindon Borough Council, and any additional changes it considers appropriate

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Appendices

Appendix A – Proposed Protocol 12 of the Constitution

Appendix B – Current Protocol 12 of the Constitution

Background Papers

None