

AGENDA

Meeting: WILTSHIRE POLICE AND CRIME PANEL
Place: Assembly Room - Devizes Town Hall, Devizes, SN10 1BN
Date: Wednesday 5 December 2012
Time: 10.00 am

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713948 or email kirsty.butcher@wiltshire.gov.uk

Membership:

Cllr Junab Ali, Swindon Borough Council
Cllr Andrew Bennett, Swindon Borough Council
Cllr Richard Britton, Wiltshire Council (**Chairman**)
Cllr Chris Caswill, Wiltshire Council
Cllr Brian Dalton, Wiltshire Council
Cllr Brian Ford, Swindon Borough Council (**Vice-Chairman**)
Malcolm Grubb, Co-Opted Independent Member
Cllr Mike Hewitt, Wiltshire Council
Cllr Keith Humphries, Wiltshire Council
Cllr Peter Hutton, Wiltshire Council
Amanda Newbery, Co-Opted Independent Member
Cllr Pip Ridout, Wiltshire Council
Cllr Bob Wright, Swindon Borough Council

Substitutes:

Cllr Peter Doyle, Wiltshire Council
Cllr Howard Greenman, Wiltshire Council
Cllr Charles Howard, Wiltshire Council
Cllr Stephen Petty, Wiltshire Council
Cllr Paul Sample, Wiltshire Council

AGENDA

1 **Apologies for Absence**

2 **Public Participation**

The Panel welcomes contributions from members of the public.

Statements

If you wish to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Speakers are permitted to speak for up to 3 minutes on any agenda item. Please contact the officer named on the first page of the agenda for any further clarification.

Questions

Members of the public are able to ask questions in relation to the responsibilities and functions of the Panel at each meeting. Those wishing to ask questions are required to give notice of any such questions in writing to the Head of Democratic Services at Wiltshire Council no later than **5.00 pm on Tuesday 27 November 2012**. Please contact the officer named on the first page of the agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

3 **Minutes and matters arising** (*Pages 3 - 6*)

To confirm the minutes of the meeting held on 30 July 2012.

4 **Declarations of interest**

Councillors are requested to declare any disclosable interests or dispensations granted by the Standards Committee.

5 **Chairman's Announcements**

6 **To welcome the new Police and Crime Commissioner** (*Pages 7 - 18*)

To welcome Angus McPherson as the new Police and Crime Commissioner.

- i. Introductions
- ii. Opening comments by the Commissioner

- iii. Draft PCC / PCP protocol for consideration
- iv. Discussion of draft proposal regarding information-sharing agreements as seen within protocol
- v. Co-ordinating our respective workplans
- vi. Any other business with the Commissioner

7 **Panel Arrangements and Rules of Procedure** (Pages 19 - 36)

To review the Panel Arrangements and Rules of Procedures.

8 **Complaints Process** (Pages 37 - 40)

To agree a process for handling complaints against the Police and Crime Commissioner.

9 **Forward Work Plan** (Pages 41 - 42)

To note the forward work plan.

10 **Future meeting dates**

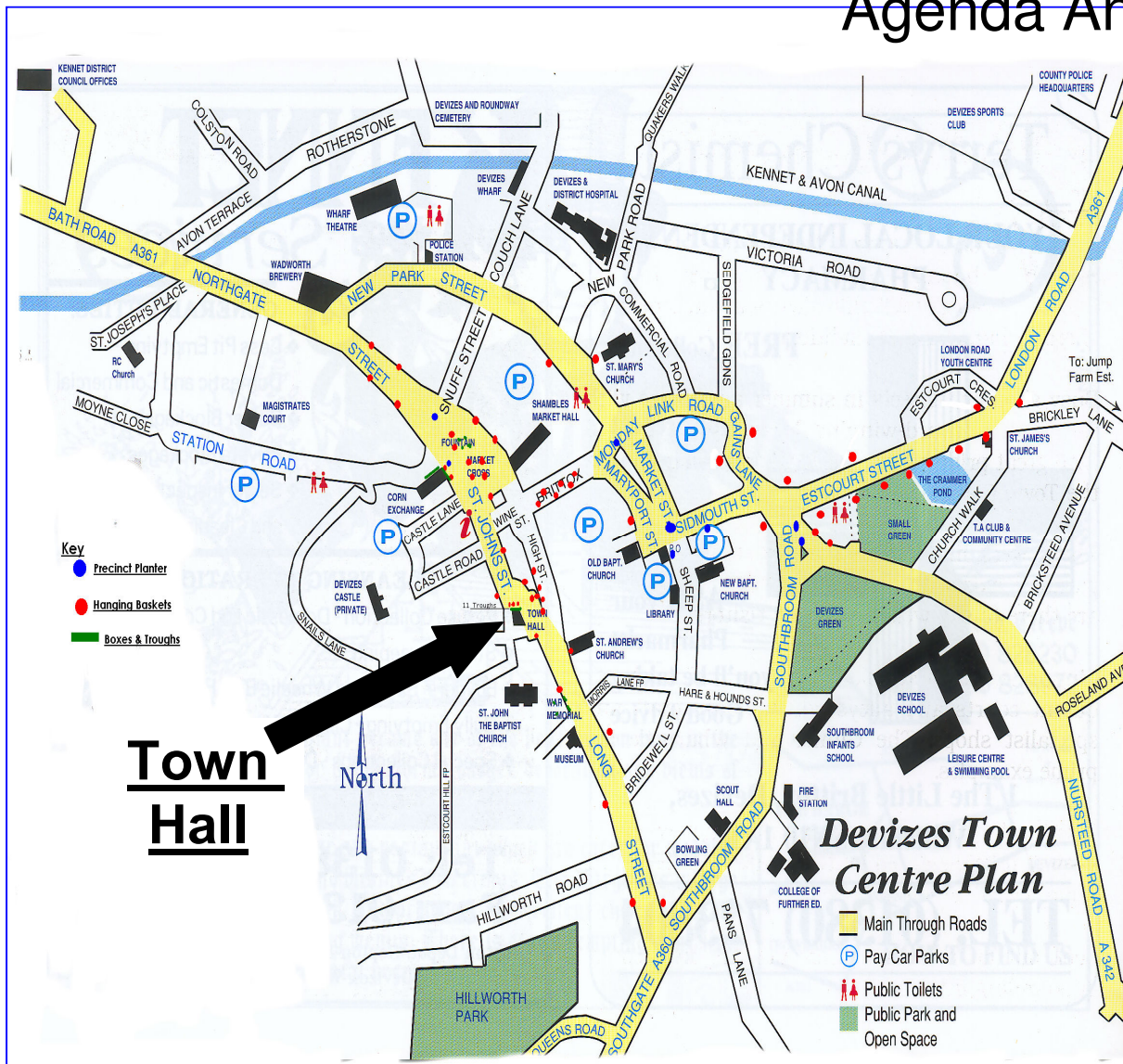
To agree the future meeting dates below:

Date	Venue
4 January 2013	Wessex Room, Market Place, The Corn Exchange, Devizes SN10 1HS
6 February 2013	Council Chamber, Council Offices, Monkton Park, Chippenham SN15 1ER
26 March 2013	Council Chamber, Council Offices, Monkton Park, Chippenham SN15 1ER
12 June 2013	Council Chamber, Council Offices, Monkton Park, Chippenham SN15 1ER
16 September 2013	Council Chamber, Council Offices, Monkton Park, Chippenham SN15 1ER
26 November 2013	TBC

All meetings are scheduled to start at 10.00 am and finish by or before 1.00 pm.

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WILTSHIRE POLICE AND CRIME PANEL

**DRAFT MINUTES OF THE WILTSHIRE POLICE AND CRIME PANEL MEETING
HELD ON 30 JULY 2012 AT COMMITTEE ROOM III - COUNTY HALL,
TROWBRIDGE BA14 8JN.**

Present:

Cllr Junab Ali, Cllr Richard Britton (Chairman), Kirsty Butcher, Cllr Chris Caswill,
Cllr Brian Ford (Vice Chairman), Cllr Keith Humphries, Cllr Peter Hutton, Cllr Stephen Petty
(Substitute), Quinton and Cllr Pip Ridout – Wiltshire Council

Also Present:

John Quinton – Head of Democratic Services, Wiltshire Council
Kirsty Butcher – Democratic Services Officer

7 **Apologies for Absence**

Apologies were received from:

Cllr Roderick Bluh – Swindon Borough Council
Cllr Brian Dalton – Wiltshire Council (Cllr Stephen Petty attending as substitute)
Cllr Peter Doyle – Wiltshire Council
Cllr Mike Hewitt – Wiltshire Council
Cllr Charles Howard – Wiltshire Council
Cllr Paul Sample – Wiltshire Council

8 **Minutes**

John Quinton, Head of Democratic Services at Wiltshire Council, provided an update on the request to increase panel membership, confirming receipt of a letter from the Home Office which noted the request of one additional co-opted councillor and explained that the Home Secretary would consider the request in early autumn. It was agreed that the prospective member, Cllr Wright from Swindon Borough Council be invited to all induction and training events.

The concern over access to restricted information had been raised with Kieran Kilgallen, Chief Executive of the Wiltshire Police Authority, and it was confirmed access would be given to all information whether restricted or not.

It was noted that the current Police Authority budget had not been circulated and this would be followed up by John Quinton.

Decision:

The minutes of the meeting held on 21 June 2012 were agreed as a correct record.

9 Declarations of interest

There were no declarations of interest.

10 Chairman's Announcements

There were no Chairmans announcements.

11 Co-Opted Independent Members

The Chairman introduced the report circulated at the meeting which confirmed that a total of 16 applications had been received. He corrected point 5 of the report, and explained that 6 people had been selected for interview after completion of a short-listing exercise however one had been unable to attend as they were on holiday.

He confirmed that Councillors Dalton and Caswell (Substitute) had not been able to attend on the day the interviews were being held, and that they taken place in the presence of Kirsty Butcher, Democratic Services Officer.

It was noted that after scoring independently of each other Councillors Britton and Ford had the same outcome and Mr Grubb and Ms Newbery were recommended for appointment.

Councillor Britton brought to the Panel's attention that he knew Ms Newbery as she was chair of a parish council in his area.

Councillor Ford brought to the Panel's attention that Mr Grubb had been known to him in the past as a previous parish council chairman.

Decision:

The Panel agreed to the appointment of Mr Malcolm Grubb and Ms Amanda Newbery as the co-opted independent members of the Panel.

12 Induction and Training Plan

The Chairman introduced the item and confirmed that given the breadth of the programme the trainers would be given a briefing note asking them to provide an overview rather than in-depth focus of each topic.

The subsequent discussion highlighted the need for detailed agenda to be provided for each session which included timings.

It was noted that not all members would be able to attend every session and that a pack would be compiled of all the briefing notes for members. The right was reserved to go back for further training on topics if required.

A suggestion on using the existing Chairman of the Police Authority in a future session to explore engagement with the Police and Crime Commissioner was agreed.

It was confirmed that all induction sessions would take place at Police Headquarters in Devizes.

Decision:

The Panel agreed the induction and training plan.

13 Support and Resourcing

John Quinton, Head of Democratic Services at Wiltshire Council, introduced the report and confirmed that existing support would continue to be provided by the Democratic Services team at Wiltshire Council up till November 2012. No additional appointments to specific posts will be made at present until such time as the focus of the Panel's work is clearer.

The subsequent discussion confirmed the importance of the induction in providing the Panel with a clear idea on what it will expect from the Police and Crime Commissioner in terms of information sharing.

The need to look at remuneration for councillors was highlighted given the in-depth nature of the work of the Panel and the need to have committed members. It was noted that, whilst Wiltshire Council had confirmed allowances for the Chair and the co-opted independent members only, Swindon Borough Council had not yet made a decision on the remuneration of its members. It was agreed these decisions should be in alignment and that the Remuneration Panel should be asked to reconsider their decision. Panel member's views would be sought on the work of the Panel, with the responses aiding the creation of a job description that would be taken to the next meeting of each Remuneration Panel.

A query over the discretion over the £920 allowance would be looked at.

Decision:

The Panel noted the report.

14 Forward Work Plan

The Chairman introduced the plan seen at page 9 of the agenda. It was agreed that appointments and confirmatory hearings should be added to the Plan.

15 Future meeting dates

The Panel noted the future meeting dates as:

Wednesday 5 December 2012 – 10.00 am

Friday 4 January 2013 – 10.00 am

Wednesday 6 February 2013 – 10.00 am

(Duration of meeting: 10.30 - 11.05 am)

The Officer who has produced these minutes is Kirsty Butcher , of Democratic Services, direct line 01225 713948, e-mail kirsty.butcher@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

Agenda Item 6

WILTSHIRE POLICE AND CRIME PANEL

DRAFT PROTOCOL FOR JOINT WORKING WITH THE PCC

1. Introduction

The Police Reform and Social Responsibility Act 2011 brings in new structural arrangements for strategic police decision making, neighbourhood policing and policing accountability. Principal among these changes is the election of the Police and Crime Commissioner (PCC) and the appointment of the Wiltshire Police and Crime Panel (PCP). The Police and Crime Panel will hold the Police and Crime Commissioner to account. In turn the Police and Crime Commissioner will hold the Chief Constable to account.

In addition the Act makes it clear that the PCP is also there to support the PCC in the effective discharge of his/her functions. This is being delivered in a changing and challenging environment which requiring flexibility and pragmatism in our approach, high levels of cooperation and joint working, as well as a commitment to support each other in the delivery of shared and individual responsibilities.

This Protocol is a statement of our commitment to build and nurture an effective partnership.

2. Purpose

The protocol sets out the broad principles and processes which will guide our work together. It sets out our expectations to support a positive and constructive relationship. It also provides a framework for the development and agreement of additional protocols/procedures to deal with specific issues.

We will use the Agreement as a means of:

- promoting and encouraging appropriate values and behaviours in partnership working
- holding each other to account and
- reviewing progress

3. Our key statutory roles and responsibilities

The PCC is responsible for setting priorities for the Wiltshire police force, having regard to needs and demands of communities and ensuring that local and national priorities are suitably funded by setting a budget and for the local performance of the force. He or she will do this by, inter alia:

- Securing an efficient and effective police force for Wiltshire
- In conjunction with the Chief Constable producing, and consulting on, a five year police and crime plan which sets the police and crime objectives for the area.
- Holding to account the chief constable including the power to appoint and dismiss
- Publishing information/datasets including an annual report
- Setting the annual force budget and police precept
- Requiring the chief constable to prepare reports on police matters

The PCP is responsible for:

- Scrutinising the PCC, to promote openness in the transaction of police business and also to support the PCC in the effective exercise of their functions
- Contributing to the development of the PCC's police and crime plan

- Reviewing the PCC's proposed precept
- Reviewing the proposed appointments of chief constable, chief executive, chief finance officer and deputy police and crime commissioner and holding public confirmation hearings for these posts
- Making reports and recommendations to the PCC
- Investigating complaints about the non criminal behaviour of the PCC

4. Our principles for successful partnership working

Given the common aims of both the Commissioner and the Panel to ensure the effectiveness of measures aimed at reducing crime and disorder and enhancing public safety in Wiltshire, it is vital that they:

- (i) work in a climate of mutual respect and courtesy;
- (ii) have a shared understanding of their respective roles, responsibilities and priorities;
- (iii) promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way;
- (iv) share work programmes, information or data they have obtained to avoid the unnecessary duplication of effort.
- (v) Recognise the desire of the panel that their work will be a balance between proactively assisting the PCC with the development of policy and reactively holding the PCC to account.

Whilst recognising the common aims and the need for closer working, it is important to remember that the Office of the PCC and the PCP are independent bodies and have autonomy over their work programmes, methods of working and any views or conclusions they may reach. This protocol will not preclude either body from working with any other local, regional or national organisation to deliver their aims.

5. Shared objectives

Our shared objective is to tackle local crime and disorder, creating safer communities throughout all of Wiltshire and increasing public confidence.

Community safety is the protection of everyone's right to live without fear for their own or other peoples safety. It is about impacting on crime, fear of crime and victimisation. It means the empowerment and involvement of all in the community to – tackle inequalities, address the underlying causes of crime and create environments in which all people feel safe. It is about quality of life.

We will co-operate with each other, and the other responsible authorities, to reduce crime and anti social behaviour and support an efficient and effective criminal justice system.

6. Shared values and behaviours

At the heart of successful partnership working is **trust**, building trust takes time, but it only takes an instance to damage it. Agreeing shared values and behaviours, which are interrelated and impact on each other, is critical to successful partnership working and developing trust. We have set out below our shared values and how we will behave to demonstrate them. We will hold each other to account and measure ourselves against these principles.

7. Taking an evidence led approach

Priorities are evidence based and decision making transparent. Effective action is reality based and solution focussed.

We will:

- Ensure that decision making is informed, consistent and transparent
- Be committed to continuous improvement
- Ensure that claims about performance are evidence based
- Actively encourage ideas and innovation
- Manage risk
- Monitor, evaluate and review our work to ensure we respond to changing needs and can demonstrate we are making a difference

8. Valuing and respecting each other

We will:

- Respect each other's mandates, obligations and independence
- Recognize each other's constraints and commitments
- Build effective working relationships with each other
- Recognize the value of everyone's contribution
- Make accountability real in a constructive way

9. Public interest

We will:

- Take a balanced and multi-faceted approach to issues
- Focus on long term as well as short term problems, responses and solutions
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Carry out our work responsibly, with integrity and in a relevant and appropriate way

10. Building capacity in our partnership

We will:

- Develop skills, knowledge and experience in order to carry out our roles and responsibilities effectively
- Ensure meaningful dialogue through early consultation and early information sharing of data and analysis
- Tackle difficult and controversial issues

11. Acting ethically

We will:

- Ensure that our dialogue is open and transparent
- Agree how we will achieve democratic accountability
- Declare conflicts of interest and address them
- Use appropriate and simple language
- Be honest and objective
- Encourage questions and constructive challenges
- Agree a mechanism for whistleblowing

12. Aligning objectives

We will:

- Allow sufficient time and capacity to be given to understand an issue and to reflect on its impact
- Establish accountability and give each other constructive feedback
- Make sure that actions are clear, time limited and task oriented
- Ensure that agreed actions are carried out
- Build on our comparative advantages and complement each other's contributions
- Share a collective understanding of our partnership and promote the values of our partnership

12. Specific protocols and procedures

It may be necessary, over time, to develop and agree additional protocols and procedures to deal with specific issues. Such protocols and procedures might include:-

Complaints Procedure

Information Sharing Protocol

Confirmation Hearings Procedure

Whistleblowing Procedure

Monitoring Officer and Section 151 Officer Protocol

Good Governance Protocol

Media Protocol

Principles for Engagement with Other Stakeholders Protocol

13. Work Programming/Information Sharing

The Secretariat of the Panel will work with the PCC (and his staff) to co-ordinate and align the draft work programme of the Panel with that of the PCC. This will include regular reports on finance and performance as well as items relating to the statutory functions that the Panel has to discharge.

The PCC will be at liberty to request that a particular item is considered by the Panel and subject to the agreement of the Chairman of the PCP, the item will be included on the agenda for an appropriate meeting of the PCP.

The Panel will notify the PCC of the Panel's final work programme and associated meeting dates. In setting the work programme, the Panel should identify what information is required and if any support staff from the PCC's staff need to attend.

In accordance with Section 13(1) of the Act the Panel has a statutory right to any information that it reasonably requires to carry out its functions. However there are safeguards attached to this right whereby this will not apply in cases of national security, where it would jeopardise safety or prevent detection of crime or apprehension or prosecution of offenders.

Where the PCC is required to provide information to the Panel, the Panel should aim to give 15 working days' notice of the date of the meeting and set out the nature of the agenda item and the information required. In exceptional circumstances and when there is agreement between the PCC and Chairman of the Panel, shorter notice may be given for either attendance or information.

Care will need to be taken that any information provided to the Panel by the PCC will be caught by the Access to Information provisions and therefore unless falling within the exempt or confidential categories contained therein, will be public documents.

Where the Panel requires the PCC to attend it may also request the attendance of the Chief Constable to answer questions which appear to the Panel may be necessary to enable it to carry out its functions.

In discharging its functions the Panel may invite persons other than those referred to above, to assist it in its deliberations.

Where, as a result of its deliberations, the Panel makes a report to the PCC, it will publish such report on its website and send copies to the constituent local authorities, except where the information is exempt or confidential as defined in the Local Government Act 1972 (as amended).

The Panel may require the PCC to consider the report and upon the Panel at its next meeting (or a particular specified meeting) to advise what action, if any, the PCC proposes to take in response. The response of the PCC shall also be published on the website.

The Panel may chose to discharge some of its workload, other than the special functions referred to earlier, through sub committees or task groups. The PCC will be informed of these and will only be expected to attend under mutually agreed terms.

14. Holding the Police and Crime Commissioner to Account

The Panel is responsible for reviewing and scrutinising decisions or actions taken by the PCC in discharging his/her responsibilities. Whilst an element of this will be undertaken through scrutiny of the Police and Crime Plan and the PCC's Annual Report, there may be other matters that the Panel may consider merit scrutiny.

Whilst the PCP will not want access to all decisions made by the PCC they will want to be aware of in year decisions that are likely to be publicly sensitive, or involve a departure from the policy objectives contained in the Police and Crime Plan. A process of capturing such decisions will be agreed with the PCC.

The presumption shall be that the PCC will be required to attend all meetings of the Panel (the expectation is that there will be 6-8 Panel meetings per year) unless advised to the contrary. If this is impractical then the PCC may send a deputy to attend the meeting.

15. Working Arrangements

The detailed working arrangements outlined in the next part of this protocol relate to the 'Special Functions' of the Panel, the general role of the Panel to scrutinise the activities of the PCC and its role to investigate complaints against him/her.

The 'Special Functions' of the Panel, which may not be delegated are:-

- A. Review the Police and Crime Plan (Section 28(3) of the Act);
- B. Review the Annual Report (Section 28(4) of the Act);
- C. Review the Precept (Schedule 5 of the Act)
- D. Review Senior Appointments (Paragraphs 10 and 11 Schedule 1 of the Act);
- E. Review the Appointment of the Chief Constable (Part 1 of Schedule 8 of the Act);

The proposed timescales for responding to proposals put forward are aimed at ensuring that matters are dealt with promptly. With the agreement of the PCC and Chairman of the PCP these timescales may be amended having regard to particular circumstances. The expectation shall be that the Chief Executive Officer of the PCC should inform the Panel Secretariat, at the earliest opportunity, of indicative timescales of matters likely to be referred to the Panel to enable meetings to be scheduled accordingly.

The format and style of the set piece events to discharge the “special functions” referred to above and below, will be agreed with the PCC to ensure that the outcomes of these sessions add value and achieve their dual objective of holding the PCC to account but also supporting them in the effective discharge of their functions.

A. Police and Crime Plan

The PCC is required to produce a Police and Crime Plan, following consultation.

The PCP is a statutory consultee in relation to the Police and Crime Plan.

[Note: There is an expectation that there will be informal discussions involving the PCC, the PCP, Crime and Disorder Partnerships and other relevant bodies in the formulation of the key priorities to be reflected in the Plan.]

Process

In relation to the consideration of the Police and Crime Plan this shall be a two stage process. Initially the PCC shall ensure that the Panel is provided with a draft copy of the Police and Crime Plan or variation thereto at the earliest opportunity to enable early consideration.

The second stage is where the PCP formally considers the final draft of the plan (by 31 March) and makes comments or recommendations to the PCC. The process will be as follows:-

- the PCC shall provide the Panel with details of any public consultation on the Plan or consultation with other partners that has informed the priorities within the Plan.
- For the formal stage of the process the Panel shall convene a meeting within 15 working days to consider and comment on the Plan.
- The PCC shall attend the meeting of the Panel to present the Plan and answer questions.
- The Panel, having considered the matter at a meeting, may make a report or recommendation to the PCC. Such report should normally be prepared and submitted to the PCC no later than five days following the meeting.
- Where such report suggests amendments to the Plan, the PCC shall be required to consider such recommendation and advise the Panel of his/her decision. Where

the PCC decides not to accept the recommendation of the Panel he/she shall provide reasons to the Panel.

Monitoring and Reviewing the Plan

Recognising the Police and Crime Plan will need to be a 'living document' and responsive to changing demands and the environment, there is an expectation that there shall be regular reviews of the Plan. Where this results in variations to the Plan the consultation process outlined above shall be followed.

[Note: The review of the Plan may be triggered as a consequence of the PCC's Annual Report, which will need to outline the exercise of his/her functions during the financial year and progress in meeting the objectives in the Plan.]

Monitoring the Commissioner's Performance

As the Police and Crime Plan will be the key document by which the performance of the PCC is to be measured there is an expectation that the Panel will be provided with regular reports on the performance against the objectives of the Plan. Such reports would normally be quarterly in line with best practice.

Where Performance Monitoring reports identify areas of underperformance, the PCC shall provide an explanation together with any proposals he/she intends to take to rectify the position.

B. Annual Report

The PCC is required to publish an Annual Report on the exercise of his/her functions during the financial year and progress in meeting the objectives set out in the Police and Crime Plan.

The Panel is required by statute to review the Annual Report.

Process

The PCC shall provide the Panel with a copy of his annual report.

The Panel will be required to convene a public meeting as soon as practicable thereafter and, in any event, no later than 15 working days of receipt of the report.

The PCC shall attend the Panel meeting to present the report and answer questions.

The Panel may accept the Annual Report and/or make a report or make recommendations. Reports/recommendations from the Panel should normally be prepared and submitted to the PCC no later than five days following the meeting.

The PCC shall consider any report or recommendation and advise the Panel of his decision. Where the report or recommendations are not accepted by the PCC, he/she shall provide reasons.

C. Precept

[Note: There is an expectation that there will be informal discussions involving the PCC, the PCP and other relevant bodies in the development of the budget and any proposed precept.]

The PCC shall notify the Panel of the precept he/she is proposing to levy for the coming financial year. *[Note the latest this must be received by the PCP is 1 February of the relevant financial year.]*

The proposed precept level shall be accompanied by relevant budget papers (the Medium Term Financial Plan, Budget Requirement and Precept Analysis) setting out how the precept was arrived at, the level of revenue to be generated and how such revenue is to be applied.

The Panel shall convene a meeting as soon as practicable and no later than 15 working days following receipt of the notification of the proposed precept, bearing in mind, that the Panel must have considered it before 8 February of the relevant financial year.

Having considered the proposed precept, together with any supporting documentation, the Panel may:

- a) agree the precept without qualification or comment;
- b) support the precept and make comments or recommendations concerning the application of the revenues generated;
- c) veto the proposed precept - (this will require a majority of at least two-thirds of the total membership of the Panel – ie not simply a two thirds majority of the members of the Panel present at the time of the decision):

and will make a report to the PCC (to include, if the veto is exercised, a statement to that effect).

Where the Panel supports the precept but makes comments/recommendations, these should normally be prepared and submitted to the PCC by no later than five days following the meeting. The PCC shall consider such recommendations/ comments and advise the Panel of his/her decision. Where the comments/recommendations are not accepted, the PCC shall provide reasons.

Where the Panel exercises its veto it will provide a report to the PCC which will include a statement that the Panel has vetoed the proposed precept and giving reasons and indication as to whether it considered the proposed precept to be too high or too low. The PCC will consider the report and must issue a response, which will include a revised precept (which, if the Panel considered the proposed precept to be too high, will be lower and, if the Panel considered the proposed precept to be too low, will be higher). The Panel will review the revised precept (at the latest by 22 February of the relevant financial year) and make a report to the Commissioner, which may indicate whether or not the Panel accepts or rejects the revised precept (there is no further veto). The PCC will have regard to this second report and will issue a response by 1 March of the relevant financial year. The Panel accepts that a rejection of the revised precept on its part does not prevent the Commissioner from issuing that revised precept as the precept for the financial year.

D. Senior Officer Appointments (other than the Chief Constable)

The Panel is required to review proposed new appointments by the PCC of:

- The Chief Constable
- Chief Executive
- Chief Finance Officer
- Any Deputy Police and Crime Commissioner

The PCC shall advise the Panel of any proposed appointment, providing the following information:

- (a) The name of the candidate;
- (b) The criteria used to assess the suitability of the candidate;
- (c) How the candidate satisfies the criteria in (b) above;
- (d) The terms and conditions of the proposed appointment.

The Panel shall then hold a public confirmation hearing within 15 working days of the notification.

Candidates shall be required to attend the confirmation hearing (or make arrangements to enable the candidate to participate in the hearing) and may be questioned by the Panel in relation to their appointment.

Following the hearing, the Panel will make a report/recommendation on the proposed appointment. The PCC shall consider the recommendation and report back on whether the recommendation has been accepted or not. Where the recommendation is not accepted, reasons should be provided.

E. Chief Constable – Appointment and Removal

Appointment of Chief Constable

In relation to the Chief Constable, following the confirmation hearing, the Panel will make a report to the Commissioner, indicating whether it:

- a) supports the proposed appointment without any comment or recommendation;
- b) Supports the appointment with some comment or recommendation;
- c) Vetoes the proposed candidate for the post of Chief Constable - (this will require a majority of at least two-thirds of the members of the Panel at the time).

Where the Panel exercises its veto, the report will include a statement that it has done so and give reasons. The PCC will then propose a 'reserve candidate' for appointment as Chief Constable and the Panel will conduct a confirmation hearing for this candidate, within three weeks from the day it receives notification from the PCC. Following the confirmation hearing, the Panel will make a report to the PCC, which will include a recommendation as to whether or not the reserve candidate should be appointed (there is no second veto). The PCC will have regard to the report and will notify the Panel as to whether or not he/she accepts or rejects the recommendation.

Suspension/Removal of Chief Constable

The process will commence with a notification from the PCC that he/she has suspended the Chief Constable.

The PCC shall notify the Panel if he/she intends to ask the Chief Constable to resign or retire, together with the reasons and a copy of the written explanation provided to the Chief Constable. The PCC shall provide the Panel with a copy of any representations he/she may have received from the Chief Constable in response.

Within 30 working days of receiving the notification from the PCC, the Panel must make a recommendation in writing to the PCC. Before making any recommendation the Panel may consult with the Chief Inspector of Constabulary.

Before making any recommendation, the Panel shall hold a meeting, in private, at which the PCC and Chief Constable shall be entitled to attend and make representations.

The PCC cannot call upon the Chief Constable to resign or retire until he/she has had and considered the report of the Panel. The PCC may accept or reject the report of the Panel.

[Note: A longer timescale is proposed as the Panel will need to consult the Chief Inspector of Constabulary.]

16. Suspension of the Police And Crime Commissioner and Appointment of an Acting Police and Crime Commissioner.

The Panel is responsible for dealing with complaints against the PCC (see later section of this Protocol).

A. Suspension of the PCC

The Panel may suspend the PCC if he/she is charged with an offence which carries a maximum term of imprisonment exceeding two years.

The PCC will inform the PCP immediately on being charged with any such offence. The Panel will be required to convene a meeting as soon as practicable thereafter, as the decision to suspend must be taken at a meeting of the Panel and voted upon. The PCC will be entitled to attend for the purpose of making representations.

Any suspension of the PCC shall cease if:

- The charge is dropped
- The PCC is acquitted of the offence
- The PCC is convicted but is not disqualified because of the conviction
- The Panel agrees to terminate the suspension.

The Panel shall therefore keep the suspension under review and will, should circumstances change, convene a further meeting to consider whether the suspension should continue.

B. Appointment of an Acting PCC

The Panel must meet to appoint an Acting PCC if:

- the PCC is incapacitated and cannot carry out the functions of the office; or
- the PCC is suspended.

The Office of the PCC shall inform the Panel immediately on learning that the PCC is incapacitated. The Panel will be required to convene a meeting as soon as practicable thereafter to appoint an Acting PCC, to be drawn from the PCC's staff at the time. The Panel will have regard to any views submitted by the PCC.

The appointment of an Acting PCC shall cease:

- When a new PCC is elected as a result of a vacancy arising
- If the PCC is no longer incapacitated
- If the suspension of the PCC has been lifted.

The Acting PCC will inform the Panel as soon as he/she learns that his/her tenure will be ending.

17. Complaints

The Commissioner will ensure that anyone who wishes to make a complaint against him/her, or any Deputy Police and Crime Commissioner, is aware that the complaint should be notified to the Panel in the first instance. The PCP will establish a complaints process for the initial consideration of all complaints.

The Panel will record all such complaints and refer those involving suspicion of the commission of a criminal offence to the Independent Police Complaints Commission within 24 hours of receiving them.

The Panel will notify the Commissioner (or Deputy Commissioner) at the earliest suitable opportunity of the receipt of any complaint against him or her.

The Panel shall make appropriate arrangements for the initial investigation of any complaint and, having regard to any representations from the PCC.

The Panel shall come to a conclusion on the matter. The Panel may decide to establish a subcommittee to consider the findings of the initial investigation and consider whether to undertake a more detailed investigation. The Commissioner (or Deputy Commissioner) will be given a further opportunity to present written and/or oral evidence in relation to the complaint. The subcommittee will give appropriate notice of any meeting to consider such complaints.

The Commissioner (or Deputy Commissioner) will, if required, make him or herself available to attend a hearing into a complaint.

The outcome of any hearing will be communicated to the Commissioner (or Deputy Commissioner) in writing within 5 working days of the hearing. The Commissioner (or Deputy Commissioner) will respond to any such communication within 10 working days.

18. Resolving Differences

In any new arrangements there will inevitably be differences of opinion on issues. We will take a positive and constructive approach to resolving any issues in accordance with the arrangements set out in the relevant Protocol or Procedure. In general officers will attempt to resolve an issue in consultation with the Chair of the PCP and the PCC before referring the matter to the full PCP.

19. Summary

This protocol reflects work in progress. We recognise that these are new and different arrangements and there will be issues to work through and resolve. The quality of our relationship will be more important than any written agreements. If we invest time and energy in maintaining a good partnership working relationship, together we can make a huge difference. We are committed to doing that in a constructive and positive way, remembering always that our shared priority and the reason why we exist is to serve the people of Wiltshire by creating safer communities.

November 2012

Wiltshire Police and Crime Panel

Panel Arrangements

This Agreement is dated the day of 2012.

The Agreement is made between Wiltshire Council and Swindon Borough Council (“the Authorities”)

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 (‘the Act’) introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner (‘the PCC’) for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel (‘the Panel’) for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel (‘Panel Arrangements’).
- 1.4 The Authorities, as the relevant local authorities within the area must agree to the making and modification of the Panel Arrangements. Where an authority has refused to nominate a member to a panel, then the remaining councils in an area can agree the panel arrangements without the need to get the agreement of the council that is refusing to participate.
- 1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.
- 1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
1. 9 The Panel is a joint committee of the Authorities.

2.0 Lead Authority

2. 1 Wiltshire Council shall be lead authority for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions.

3.0 Membership

3.1 General

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective of the Act is met so far as is reasonably practicable.

All members of the Authorities are eligible to be members of the Panel.

The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:

- a) represent all parts of the police force area;
- b) represent the political make-up of the Authorities; and,
- c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

Where an Authority fails to nominate, or having nominated then fails to appoint, a member to a panel the Lead authority shall notify the Home Office.

3. 3 In appointing co-opted Members who are not elected members of any of the Authorities, the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
3. 4 The Panel shall consist of eleven Members appointed by the Authorities in accordance with the requirements of the balanced appointment objective contained within the Act, as follows:

Wiltshire Council = 7 members

Swindon Borough Council = 4 members

3. 5 The Panel shall also include two independent Members co-opted by the Panel.
3. 6 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 10. A panel cannot co-opt a councillor unless all the panel members agree, and any councillor co-options have to be notified to the Home Office as do any resolutions to co-opt additional members.
3. 7 The current arrangements that exist within the Authorities for the appointment of substitute members/deputies will apply to the Panel.
- 3. 8 Appointed Members**
3. 9 The Authorities shall each nominate elected members to be Members of the Panel. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.
3. 10 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the panel from the defaulting authority in accordance with the provisions in the Act.
3. 11 With a view to ensuring continuity of membership as far as possible, an appointed Member shall be a Member of the Panel for four years unless s/he ceases to be an elected Member, or is removed by their Authority.
3. 12 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to the Head of Democratic Services at Wiltshire Council.
- 3.13 Where a Panel member fails to attend meetings of the Panel over a six month period then the Lead authority shall recommend to the relevant authority that due consideration is given to removing the member from the Panel and to the appointment of a replacement member.
3. 14 An appointed Member may resign from the Panel by giving written notice to the Head of Democratic Services at Wiltshire Council and to their Authority.
3. 15 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.
3. 16 Members appointed to the Panel may be re-appointed to the Panel for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3. 17 Co-opted Members

3. 18 The following may not be co-opted Members of the Panel:

- a) the PCC for the Police Area.
- b) a member of staff of the PCC for the area.
- c) a member of the civilian staff of the Police Force for the area.
- d) a Member of Parliament.
- e) a Member of the National Assembly for Wales.
- f) a Member of the Scottish Parliament.
- g) a Member of the European Parliament.
- h) a serving police officer

3. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.

3. 20 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.

3. 21 A co-opted Member shall be a Member of the Panel for four years.

3. 22 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:

- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

3. 23 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Head of Democratic Services at Wiltshire Council.

3. 24 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.

3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons, present and voting, who are Members of the Panel at the time when the decision is made, vote in favour of

making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:

- a) if the co-opted Member has been absent from the Panel for more than six months without the consent of the Panel;
- b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;
- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel; or,
- d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3. 26 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.

3. 27 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

3.28 Behaviour

3.29 All Panel members, including co-opted members, shall observe the Code of Conduct in force for their respective authorities and for the co-opted members the Lead authority's code of conduct, and any related protocols agreed by the Panel.

4. 0 Budget and Costs of the Panel

4. 1 The annual costs of the Panel shall be contained within the Home Office grant.

5. 0 Rules of Procedure

5.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment and removal of the Chairman;
- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and,
- e) the circulation of information.

6. 0 Allowances

6. 1 The payment of a responsibility allowance to Panel Members shall be considered and a recommendation sought from the Independent

Remuneration Panel of each council as to whether the payment of such an allowance is appropriate.

- 6.2 Reasonable expenses will be reimbursed by each authority with the lead authority reimbursing the expenses of the co-opted independent members.

7.0 Promotion of the Panel

- 7.1 The role and work of the Panel shall be promoted by:

- a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
- b) the issuing of regular press releases about the Panel and its work; and,
- c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.

- 7.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:

- a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,
- b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

8.0 Validity of Proceedings

- 8.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

- 8.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

INSERT SIGNATURE/EXECUTION CLAUSE

**WILTSHIRE POLICE AND CRIME PANEL
TERMS OF REFERENCE**

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 4) To review and make a report on the proposed appointment of the Chief Constable.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint an Acting Police and Crime Commissioner if necessary.
- 11) To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

WILTSHIRE POLICE AND CRIME PANEL PROCEDURE RULES

1 CHAIRMAN OF THE POLICE AND CRIME PANEL

- 1.1 The chairman of the Police and Crime Panel will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils. The chairman will be drawn from amongst the councillors sitting on the panel.
- 1.2 The vice-chairman will be appointed in June of each year or at the first meeting of the panel following the annual appointment of members to the panel by constituent councils and will be drawn from amongst the councillors sitting on the panel.
- 1.3 In the event of the resignation of the chairman or removal of the chairman, a new chairman will be appointed and will be drawn from amongst the councillors sitting on the panel.
- 1.4 The chairman may be removed by the agreement of a majority of the whole membership of the panel and in that event the panel will appoint a replacement chairman from amongst the councillors sitting on the panel.
- 1.5 The panel will elect a person to preside at a meeting if the Chair and Vice Chair are not present.

2 MEETINGS OF THE POLICE AND CRIME PANEL

- 2.1 There shall be a minimum of four ordinary meetings of the Police and Crime Panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- 2.2 An extraordinary meeting may be called by the chairman or by four members of the panel.
- 2.3 An extraordinary meeting may also be called by the Monitoring Officer to the panel.
- 2.4 Ordinary meetings will take place in accordance with a programme decided by the panel, and will start at the time decided by the panel.
- 2.5 Ordinary meetings of the panel will:
 - (a) receive any declarations of interest from members
 - (b) approve the minutes of the last meeting
 - (c) consider reports from officers and panel members
- 2.6 Panel members will be notified of the time and place at least 5 clear working days before an ordinary meeting, and as soon as known in the event of an extraordinary meeting. Public notice of Panel meetings will be given in

accordance with the normal arrangements for local authority meetings including the provisions of the Access to Information regulations.

3 QUORUM

- 3.1 A meeting of the Police and Crime Panel cannot take place unless one third of the whole number of its members is present.

4 VOTING

- 4.1 Voting will normally be by a show of hands.
- 4.2 All panel members may vote in the proceedings of the panel.
- 4.3 All matters to be considered by the PCP shall be decided by a majority of the members of the PCP present and voting at the meeting. This will be done following the moving of a motion by any member of the PCP. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the PCC's proposed precept or the PCC's proposed appointment of a Chief Constable or as otherwise specified in these Rules of Procedure.
- 4.4 Any member may request a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.
- 4.5 In the event of a tie in voting, the Chairman of the meeting shall have a second or casting vote

5. WORK PROGRAMME

- 5.1 The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the Police and Crime Panel will also take into account the wishes of its members.
- 5.2 The work programme must include the functions described in the terms of reference for the panel.

6 AGENDA ITEMS

- 6.1 The Panel agenda will be issued to Panel members at least 5 clear working days before the meeting. It will also be published on the panel's website and by sending copies to each of the authorities and by any other means the panel considers appropriate.
- 6.2 Any member of the Panel shall be entitled to give notice to the Head of Democratic Services at Wiltshire 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.

- 6.3 Items will be rejected where they do not relate to a matter for which the panel has a responsibility for, require confidential information to be disclosed or are deemed improper or inappropriate for the meeting. The Chairman will take this decision, and their decision is final

7 REPORTS FROM POLICE AND CRIME PANEL

- 7.1 Where the Police and Crime Panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- 7.2 The Police and Crime Panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:
- a) Consider the report or recommendations.
 - b) Respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take.
 - c) Where the Police and Crime Panel has published the report or recommendations, publish the response.
 - d) Where the Police and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- 7.3 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).
- 7.4 If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

8 POLICE AND CRIME COMMISSIONER AND OFFICERS GIVING ACCOUNT

- 8.1 The Police and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that 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.
- 8.2 Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 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.

- 8.3 Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.
- 8.4 If the Police and Crime Panel require the Police and Crime 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 appears to the panel to be necessary in order for it to carry out its functions.

9 ATTENDANCE BY OTHERS

- 9.1 The Police and Crime Panel may invite people other than those referred to above to address it, 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 and may invite such people to attend.

10 SUB-COMMITTEES AND TASK GROUPS

- 10.1 Sub Committees or time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- 10.2 The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.
- 10.3 In this paragraph 'special functions' means the functions conferred on a Police and Crime Panel by:
- a) Section 28(3) of Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan).
 - b) Section 28 (4) of Police Reform and Social Responsibility Act (scrutiny of annual report)
 - c) Paragraphs 10 and 11 of Schedule 1 of Police Reform and Social Responsibility Act (review of senior appointments).
 - d) Schedule 5 of Police Reform and Social Responsibility Act (issuing precepts)
 - e) Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).
- 10.4 The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

11 CARRYING OUT 'SPECIAL FUNCTIONS'

Reports and recommendations made in relation to the special functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at Section 7.

11.1 Police and crime plan

11.1.1 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.

11.1.2 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.

11.2 Annual report

11.2.1 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.

11.2.2 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 questions about the annual report as the members of the panel think appropriate
- c) make a report or recommendations on the annual report to the PCC.

11.3 Senior appointments

11.3.1 In accordance with Schedule 1 of the Police Reform and Social Responsibility Act 2011 the panel has powers to review the Police and Crime 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.

11.3.2 The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

11.3.3 In accordance with The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 the panel is required to hold a hearing with regard to the appointment of the Chief Constable, within the

period of three weeks from the day on which the panel receives notification from the Police and Crime Commissioner.

- 11.3.4 Confirmatory hearings will be held in public, where the candidate is 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.
- 11.3.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- 11.3.6 Having considered the appointment, the panel will be asked to either:
 - 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).
- 11.3.7 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 reasons.

11.4 Appointment of an Acting Police and Crime Commissioner

- 11.4.1 The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:
 - a) no person holds the office of Police and Crime Commissioner
 - b) the Police and Crime Commissioner is incapacitated, or
 - c) the Police and Crime Commissioner is suspended.
- 11.4.2 The Police and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
- 11.4.3 In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the commissioner in relation to the appointment.
- 11.4.4 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 Police and Crime Commissioner;
 - b) the termination by the Police and Crime 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 Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or

- d) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.

11.5 Proposed precept

- 11.5.1 The Police and Crime Commissioner will notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the financial year. In accordance with The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 the panel must review the proposed precept and make a report including recommendations.
- 11.5.2 Having considered the precept, the Police and Crime 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).
- 11.5.3 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 reasons. The panel will require a response to the report and any such recommendations.

11.6 Complaints

- 11.6.1 Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#)

11.7 Suspension of the Police and Crime Commissioner

- 11.7.1 A Police and Crime Panel may suspend the Police and Crime 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.
- 11.7.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
 - a) the charge being dropped
 - b) the Police and Crime Commissioner being acquitted of the offence
 - c) the Police and Crime Commissioner 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 Police and Crime Panel.

- 11.7.3 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.

11.8 Suspension and removal of the Chief Constable

- 11.8.1 The panel will receive notification if the PCC suspends the Chief Constable.
- 11.8.2 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.
- 11.8.3 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.
- 11.8.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the panel accordingly (the 'further notification').
- 11.8.5 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 she/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.
- 11.8.6 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.
- 11.8.7 The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.
- 11.8.8 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.
- 11.8.9 The PCC must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.

11.8.10 In calculating the six week period, the period between the day of the poll at an ordinary election of a PCC and the day on which the PCC delivers a declaration of acceptance of office shall be ignored.

12 PUBLIC PARTICIPATION

12.1 Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting. A maximum of 30 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.

12.2 Questions must be put in writing to the Head of Democratic Services at Wiltshire Council no later than 5 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.

12.3 The questioner is able to ask one supplementary question after receiving a response. There is usually no debate on questions; however this is at the Chairman's discretion.

12.4 Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.

13. DECISION-MAKING AND RULES OF DEBATE

13.1 Principles of Decision-making

These principles will underpin the way the Police and Crime Panel makes its decisions:-

- a) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- b) The presumption that whenever possible, all decisions made by the PCP should be made in public and ensure open, fair and honest administration
- c) Decisions will be clear about what they aim to achieve and the results that can be expected
- d) Due respect for human rights will be shown and provision given to equality of opportunity
- e) Decisions will be efficient, effective and economic, and obtain best value
- f) Determination of decisions will be at the lowest level commensurate with their importance
- g) Decisions will produce action that is proportionate to the desired outcome, and state the reasons for the action
- h) All options considered and discarded when making a decision will be recorded

13.2 Rules of Debate

The rules of debate of the Police and Crime Panel shall be governed by the rules relating to meetings of Council committees (section 102 to 106 of part 4 of the Council Constitution).

14. MINUTES

The Chairman will sign the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

15. MEMBERS' CONDUCT

15.1 Speaking

When a member speaks at PCP meetings, he/she must address the meeting through the Chairman.

15.2 Chairman Requiring Silence

When the Chairman so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.

15.3 Member not to be heard further

15.3.1 If a member persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

15.3.2 If the member continues to behave improperly after such a motion has been carried, the Chairman may adjourn the meeting for a specified period or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

16. DISTURBANCE

16.1 If there is a disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary, or if occurring in a part of the meeting room open to the public may call for that part to be cleared

16.2 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If he/she continues to interrupt, the Chairman will order his/her removal from the meeting room.

17 SUSPENSION AND AMENDMENT OF PROCEDURE RULES

17.1 Suspension

These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP is present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the PCP without debate. No suspension may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2011, relevant Regulations, statutory guidance or the Panel Arrangements.

17.2 Amendment

The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the Head of Democratic Services at Wiltshire Council at least 10 working days prior to a PCP meeting. A report on the implications of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two thirds of the persons who are members of the PCP at the time when the decision is made vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant Regulations or statutory guidance or Panel Arrangements.

18. ADJOURNMENT OF PANEL MEETINGS

When the PCP adjourns, whether by resolution or by decision of the Chairman, the adjournment will by decision taken at that time be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the PCP will be notified of the new date, time and place when these have been determined.

19. INTERPRETATION

19.1 The ruling of the Chairman as to the construction or application of these rules or as to the proceedings of the PCP will be final for the purposes of the meeting at which it is given.

19.2 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.

POLICE AND CRIME PANEL – 5 DECEMBER 2012

COMPLAINTS PROCEDURE

INTRODUCTION

1. Police and Crime Panels (PCP) have statutory responsibilities under the Elected Policing Bodies (Complaints and Misconduct) Regulations 2012 relating to the handling and recording of complaints.
2. These responsibilities relate to the conduct or behaviour of the Police and Crime Commissioner or his deputy if one is appointed.

PROCEDURE

3. The PCP may choose to delegate this function but it must ensure that it is kept informed about complaints and the way that they are being handled.
4. The recent Police and Crime Panels (Application of Local Authority enactments) Regulations 2012 provide for this function to be delegated to a sub-committee of the Panel or to an officer of any local authority in the police area.
5. Practically speaking it would make sense to delegate this function to the Monitoring Officer of Wiltshire Council as host authority for the PCP. The Monitoring Officer can then use the expertise within that Council's complaints team to administer the complaints process.
6. A flow chart is attached as Appendix 1 to this report and this shows in outline the way the complaints process would work. In essence the Monitoring Officer would discuss all complaints that fall within the remit of the PCP (see para 8 below) with the Chairman and Vice Chairman of the PCP and on the basis of their advice would either try and resolve the matter informally or he would refer the issue to a Complaints Sub Committee of the PCP to resolve the matter.
7. A detailed complaints procedure will be brought to the next meeting of the PCP based on this flow chart and recent guidance issued by the LGA/Home Office and the IPCC.

COMPLAINTS

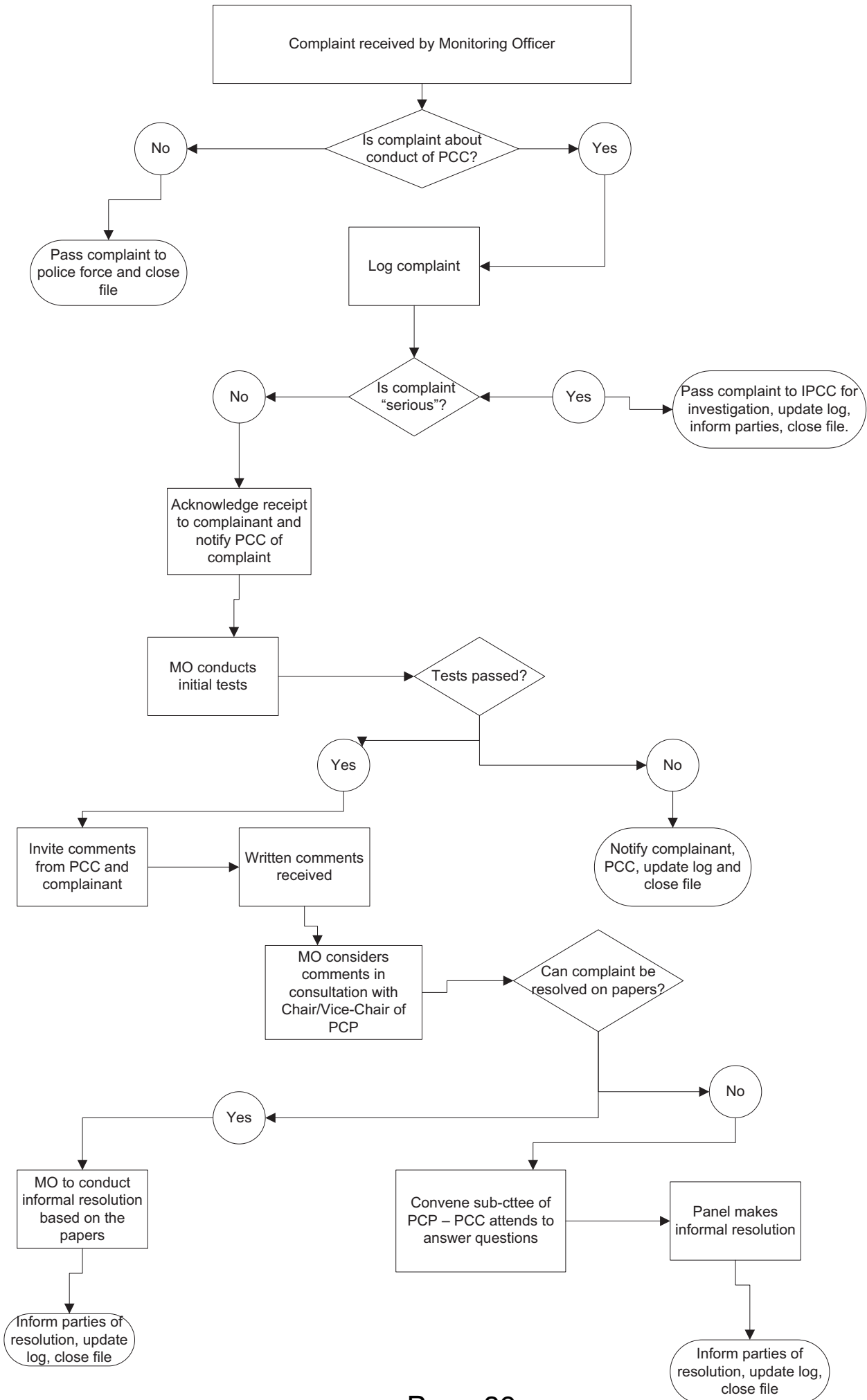
8. As mentioned in paragraph 2 above the complaints that fall within the remit of the PCP are those that relate to the conduct or behaviour of the PCC or his deputy.
9. Other complaints will be dealt with as follows:-
 - Operational policing matters or the conduct of individual policemen to be referred to the Chief Constable
 - Policing policy matters or complaints relating to the conduct of the Chief Constable to be referred to the PCC
 - Criminal matters to the IPCC
10. The PCP will retain the responsibility for the overall effectiveness of this procedure and will monitor on a regular basis its practical implementation. Regular reports will be received by the Panel on the numbers and types of complaints received and their handling.
11. Part of the administrative responsibilities of the Monitoring Officer will be to filter complaints to the appropriate person/body and to keep the PCP informed on a regular basis of the administration of the complaints process.

RECOMMENDATIONS

- A. To delegate to the Monitoring Officer the Panel's responsibilities for handling and recording complaints as laid out in this report.**
- B. To establish a Complaints Sub Committee to informally resolve those complaints referred to it by the Monitoring Officer after consultation with the chairman and vice chairman of the Panel.**
- C. To note that a detailed complaints process will be reported to the next meeting of the Panel for approval.**

Report Author: John Quinton, Head of Democratic Services at Wiltshire Council

1. Background Papers: Elected Policing Bodies (Complaints and Misconduct) Regulations 2012 and recent guidance issued by the LGA/Home Office and the IPCC.



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Police and Crime Panel Forward Work Plan

Please note: this is a working document which is subject to change

Date	Location	Provisional Agenda Items
Wednesday 5 December 2012 10.00 am	Devizes Town Hall	<ul style="list-style-type: none"> • First meeting with Police and Crime Commissioner (PCC) • Protocol - Working Practices PCC / PCP • Draft Complaints process for consideration • Panel Arrangements and Terms of Reference – agree / confirm • Work Programme
Friday 4 January 2013 10.00 am	Wessex Room Devizes Corn Exchange	<ul style="list-style-type: none"> • Preliminary Budget Proposals • Protocol for joint working with PCC – agree / confirm • Complaints process – agree / confirm • Community Safety Partnership (CSP) / Crime and Disorder (C+D) relationship • PCC Diary report (standing item)
Wednesday 6 February 2013 10.00 am	Council Chamber, Monkton Park	<ul style="list-style-type: none"> • Draft Police and Crime Plan for consideration • Formal consideration of precept • PCC Diary report
26 March 2013 10.00 am	Council Chamber, Monkton Park	<ul style="list-style-type: none"> • Formal consideration of the Police and Crime Plan • Potential Confirmatory Hearing – Chief Constable • Quarterly report – Finance/Performance/Risk Register • PCC Diary report

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