

Wiltshire Council

Full Council

17 October 2023

Proposed Changes to the Constitution - Protocol 12: Police and Crime Panel Arrangements and Procedure Rules

Summary

This report asks Full Council to consider recommendations of the Standards Committee on proposed changes to the Constitution.

Proposals

That Council approve the following updated section of the Constitution:

- **Protocol 12 – Wiltshire Police and Crime Panel Protocol**

Reason for Proposals

To ensure that the constitution remains up to date and effective.

Perry Holmes - Director, Legal & Governance (and Monitoring Officer)

Wiltshire Council

Full Council

17 October 2023

Proposed Changes to the Constitution

Purpose of Report

1. This report asks the Council to consider proposed changes to the following section of the Constitution:
 - Protocol 12 – Wiltshire Police and Crime Panel Protocol
2. The changes have been recommended by the Standards Committee and the Wiltshire Police and Crime Panel.

Background

3. The Standards Committee has responsibility for oversight of the Council's constitution and making recommendations to Council.
4. The Standards Committee has established the Constitution Focus Group to review sections of the Constitution and present it with proposals to consider.
5. The Focus Group met on 3 May, 19 May, and 7 June 2023 to consider the above sections of the Constitution, among others.
6. Standards Committee met on 20 June 2023 to consider the proposed changes. Wiltshire Police and Crime Panel met on 13 June 2023 to consider Protocol 12.

Main Considerations

7. Protocol 12 sets out the panel arrangements and procedure for the Wiltshire Police and Crime Panel, which is a joint committee with Swindon Borough Council.
8. The protocol has not been updated since 2014. The Chairman of the Panel undertook a review of the arrangements with officers and other Panel members, and then attended a meeting of the Focus Group to discuss the changes.
9. The Focus Group noted that the Panel was required to agree to any changes to its arrangements, and that Wiltshire Council and Swindon Borough Council would also then need to agree any changes.
10. The Focus Group was satisfied with the revisions proposed by the Chairman of the Panel, and content that Standards and Council should approve the changes subject to any changes the Panel might make at its meeting on 13 June 2023 or subsequently.
11. It was therefore recommended that the Committee support recommending approval of Protocol 12 to Council, in whatever form the Panel, as a distinct body of both authorities, considered appropriate.

12. Changes within the Protocol included:

General Changes

- The order has been changed to place the panel arrangements before the rules of procedure as it is the more strategic document.
- General 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 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 Chair. Under the existing Protocol the Chair 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 of 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 Standards Committee was informed that at its meeting on 13 June 2023 the Wiltshire Police and Crime Panel resolved to adopt the proposed changes, subject to minor amendments further clarifying details of membership of the Panel. The Committee was content to recommend adoption of the protocol as approved by the Panel.
14. Swindon Borough Council approved the arrangements at its own Full Council meeting on 13 July 2023. Were Council to seek amendment to the proposed new Protocol this would need to be agreed by Swindon and the Panel.
15. Proposed and current versions of the Protocol are included at **Appendix A**. Due to the level of changes and moving of existing text, the documents are separate not tracked changes.

Overview and Scrutiny Engagement

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

Safeguarding Implications

17. There are no safeguarding implications.

Public Health Implications

18. There are no public health implications.

Procurement Implications

19. There are no procurement implications at present.

Equalities Impact of the Proposal

20. There are no equalities implications.

Environmental and Climate Change Considerations

21. There are no environmental or climate change implications.

Risks that may arise if the proposed decision is not taken

22. The Constitution would remain out of date or not as effective as it could be.

Risks that may arise if the proposed decision is taken

23. No risks have been identified.

Finance Implications

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

Legal Implications

25. There are no legal implications.

Workforce Implications

26. There are no workforce implications.

Conclusions

27. The Standards Committee considers the proposals to improve the effectiveness of the Constitution.

Proposal

28. To recommend Full Council approve changes to the following section of the Constitution:

- Protocol 12 – Wiltshire Police and Crime Panel Protocol

Perry Holmes - Director, Legal and Governance (and Monitoring Officer)

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5 October 2023

Appendices

Appendix A1 – Proposed Protocol 12 of the Constitution

Appendix A2 – Current Protocol 12 of the Constitution

Background Papers

[Minutes of the meeting of Swindon Borough Council 13 July 2023](#)