

**RULES OF PROCEDURE**

**Purpose of the Report**

1. To inform Members of the Nottinghamshire Police and Crime Panel's ("**Panel**") Rules of Procedure.

**Information and Advice**

2. The Rules of Procedure, as set out in the appendix to this Report, were agreed by the Panel at its first meeting on 19 October 2012.

**Other Options Considered**

3. None.

**Reason/s for Recommendation/s**

4. To ensure new Members are aware of the Panel's Rules of Procedure.

**RECOMMENDATION/S**

- 1) To note the Panel's Rules of Procedure as set out in the appendix to this report.

**Background Papers and Published Documents**

- 1) Police Reform and Social Responsibility Act 2011 (published)
- 2) Report to the Police and Crime Panel – 19 October 2012 and minutes of that meeting.

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## **APPENDIX**

### **RULES OF PROCEDURE**

#### **PART A – RULES OF THE PANEL MEETING**

##### **1. Chairman of the Police and Crime Panel**

- 1.1. The Chairman and Vice Chairman of the Police and Crime Panel (“Panel”) will be appointed in June or at the first meeting of the Panel following the appointment of members by constituent councils. The Chairman and Vice-Chairman will be drawn from amongst the Panel members.
- 1.2. In the event of the resignation of the Chairman or Vice-Chairman, a new appointment will be made from amongst the Panel members.
- 1.3. The Chairman or Vice-Chairman may be removed by a resolution of the Panel and in that event a new appointment will be made from amongst the Panel members.
- 1.4. The Panel will elect a person to chair a meeting if the Chairman and Vice-Chairman are not present.

##### **2. Meetings of the Police and Crime Panel**

- 2.1. There will be a minimum of four ordinary meetings of the Panel held in public in each 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 Proper Officer of the host authority.
- 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.

##### **3. Notice of meetings**

- 3.1. At least five clear working days’ notice of all Panel meetings will be given.

##### **4. Minimum attendance (Quorum)**

- 4.1. A meeting of the Panel cannot take place unless three Members are present.

- 4.2. Substitute councillor members from the same authority may attend a meeting in place of the relevant councillor members of the Panel that are unable to attend that meeting. Details of any substitutions must be notified to Democratic Services at the host authority no later than 3.30pm on the working day before the relevant meeting.
- 4.3. Details of any changes in authority representation must be notified to Democratic Services at the host authority no later than 3.30pm on the working day before the relevant meeting.

## **5. Work programme**

- 5.1. The Panel will be responsible for setting its own work programme.
- 5.2. The work programme must reflect the responsibilities set out in the terms of reference for the Panel as appropriate.

## **6. Agenda items**

- 6.1. Any member of the Panel will be entitled to give notice to the Proper Officer of the host authority that they wish an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.
- 6.2. The Panel's agenda will be issued to Panel Members at least five clear working days before the meeting. It will also be published on the host authority's website and by sending copies to each of the member authorities.

## **7. Order of Business**

- 7.1. The order of business can be varied at the discretion of the Chairman.

## **8. Declarations of Interest**

- 8.1. Where any Panel Member has an interest in any matter to be discussed or decided, they will, in accordance with their authority's code of conduct (in the case of co-opted independent members, the host authority's Councillor Code of Conduct), declare the existence and nature of that interest and whether the interest is Disclosable Pecuniary Interest. Any declaration of interest will be recorded in the minutes of the meeting.
- 8.2. Where any Panel Member has declared a Disclosable Pecuniary Interest in any matter, they will leave the room in which the meeting is being held while the matter is under consideration unless:
  - a) they have been granted a dispensation in accordance with the host authority's procedures; or

- b) the matter is only under consideration by the meeting as part of a report of the Minutes of a committee or sub-committee and is not itself the subject of debate.
- 8.3. If the Panel Member has chosen to remain within easy reach, that Panel Member will be recalled by an appropriate member of staff before any further business is started.
- 8.4. Any person or member of staff who is appointed to do anything in connection with the Panel which enables them to speak at meetings, will make the same disclosures of interests and will withdraw from the room in which the meeting is being held on the same occasions as they would have to do if they were a Panel Member.

## **9. The Rules of Debate**

- 9.1. If a Panel Member wishes to speak they should indicate their intention by raising their hand.
- 9.2. The Chairman will decide the order in which speakers will be heard. Any Panel Member who wishes to speak will be given the opportunity to do so unless any of the exceptions contained in these rules of debate apply.
- 9.3. Panel Members must speak strictly to the subject under discussion.
- 9.4. Any Panel Member may at anytime during a meeting request that the meeting be adjourned for up to one hour. The Chairman of the meeting has discretion to decide whether to agree the request and, if agreed, to determine the length of any such adjournment.
- 9.5. At any time during the meeting the Chairman can adjourn the meeting.

## **10. Amendments to Recommendations and Motions**

- 10.1. Amendments to a motion can be moved or seconded by any Panel Member to leave out words, to add words or both provided that such changes must not have the effect of reversing a proposal (for example to recommend approval instead of refusal) and must be relevant to the original motion.

## **11. Commissioner and officers giving account**

- 11.1. The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of that Commissioner's staff, to attend before the Panel to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

- 11.2. Where the Commissioner, or a member of his staff, is required to attend the Panel under this provision the Chairman will inform them in writing. 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 for the Commissioner to submit a report, sufficient time will be given to allow preparation.
- 11.3. Where, in exceptional circumstances, the Commissioner or their Deputy 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.
- 11.4. On occasions where the Commissioner is required to attend, the Panel may also request the Chief Constable or their representative to attend the same meeting to answer any questions.

## **12. Sub-committees and task groups**

- 12.1. Time limited task groups may be established from time to time by the Panel to undertake specific task based work.
- 12.2. Any special functions of the Panel under the Police Reform and Social Responsibility Act 2011 may not be discharged by a sub-committee or a task group. These include the following:
  - a) Scrutiny of Police and Crime Plan;
  - b) Scrutiny of annual report;
  - c) Review of senior appointments;
  - d) Issuing precepts;
  - e) Scrutiny of appointment of the Chief Constable.
- 12.3. A full project brief will be provided by the Panel for any such sub-committee or task group together with timescales for completion and reporting.

## **13. Voting**

- 13.1. All Panel Members may vote in proceedings of the Panel. Voting will be by show of hands and by simple majority unless otherwise required.
- 13.2. Where there is an equal number of votes for and against a motion the Chairman can exercise a second or casting vote. In the event that the vote relates to the removal of the Chairman, the Vice-Chairman will have the casting vote.

- 13.3. Any Panel Member can require that the minutes of the meeting record how they voted on any decision taken.

#### **14. Reports from the Police and Crime Panel**

- 14.1. Where the Panel submits a report to the Commissioner, it will publish the report or recommendations.
- 14.2. The Commissioner must provide a response and the Panel may set a deadline for this. In providing a response the Commissioner must:
- a) consider the report or recommendations;
  - b) respond to the Panel indicating what (if any) action they propose to take;
  - c) publish the response.
- 14.3. The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the law on access to information.
- 14.4. If the Panel cannot unanimously agree on a final report to the Commissioner then members may request the submission of a separate report for consideration along with the majority report.
- 14.5. In its report the Panel will specify a deadline for a response from the Commissioner taking into account the circumstances.

#### **15. Attendance by others**

The Panel may invite anyone to address it, discuss issues of local concern and/or answer questions as it sees fit.

#### **16. Disorderly conduct**

- 16.1. In the event of a general disturbance which in the opinion of the Chairman makes business impossible, the Chairman, may adjourn the meeting for any period considered necessary and/or order that the public leave.

## **PART B – FUNCTIONS OF THE PANEL**

### **17. Carrying out ‘special functions’**

Further to the procedures outlined in paragraph 14 above there are additional requirements in relation to the special functions as set out below.

#### Police and Crime Plan

- 17.1. On receipt of the Commissioner’s draft Police and Crime Plan (or draft of any variation to it) the Panel must meet to review it and report or make recommendations to the Commissioner.

#### Annual report

- 17.2. As soon as possible after receipt of the Commissioner’s Annual Report the Panel must meet and the Commissioner will be required to attend to present the report and answer questions. The Panel will submit a report or recommendations on the annual report to the Commissioner.

#### Senior appointments

- 17.3. Where an appointment of the Chief Executive, Chief Finance Officer or Deputy Commissioner is being made by the Commissioner, the Panel will need to hold a confirmatory hearing. 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.
- 17.4. 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 submit a report to the Commissioner on the appointment including a recommendation as to whether or not the candidate should be appointed.

#### Chief Constable’s appointment

- 17.5. Where an appointment of the Chief Constable is being made by the Commissioner, the Panel will need to hold a confirmatory hearing. The Panel is required to hold a confirmation hearing within three weeks from the day on which it receives notification.
- 17.6. 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 submit a report to the Commissioner on the appointment including:

- a) a recommendation as to whether or not the candidate should be appointed; or
  - b) a statement that the Panel vetoes the appointment (this option must be supported by the required majority of at least two-thirds of the existing membership) with reasons.
- 17.7. If an appointment is vetoed the Commissioner may name a reserve candidate for appointment. Within three weeks of receiving any such notification the Panel will call another confirmatory hearing to review the proposed appointment. The Panel will submit a report to the Commissioner with a recommendation as to whether or not the candidate should be appointed. The Panel cannot veto the reserve candidate's appointment.

#### Appointment of an Acting Police and Crime Commissioner

- 17.8. The Panel must appoint a person to act as Commissioner if:
- a) no person holds the office of Commissioner;
  - b) the Commissioner is incapacitated, or
  - c) the Commissioner is suspended.
- 17.9. The Panel may appoint a person as Acting Commissioner only if the person is a member of the Commissioner's staff at the time of the appointment.
- 17.10. In appointing a person as Acting Commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.
- 17.11. The appointment of an Acting Commissioner ceases to have effect when any of the following occurs:
- a) the election of a person as Commissioner;
  - b) the termination by the Panel of the appointment, or resignation of the Acting Commissioner;
  - c) where the Commissioner ceases to be incapacitated, or
  - d) where the Commissioner ceases to be suspended.

#### Proposed precept

- 17.12. By 1 February of each year the Commissioner will notify the Panel of their proposed precept for the forthcoming financial year (the proportion of



council tax levied for the Police Force). The Panel must review the proposed precept by 8 February and submit a report which may include recommendations as to the proposed precept.

- 17.13. In the event the Panel does not agree to the proposed precept, it may veto the proposed precept (by the required majority of at least two-thirds of the existing membership) and the report must include a statement to that effect
- 17.14. The Panel will require a response to the report and any recommendations.
- 17.15. If the proposed budget has been vetoed by the Panel the Commissioner will notify the Panel of the proposed revised precept by 15 February. By 22 February, the Panel will review the proposed revised precept and submit a further report to the Commissioner. The report may either support or reject the proposal and may make recommendations. The Panel cannot veto the revised precept.

## **18. Suspension of the Commissioner**

- 18.1. The Panel may suspend the Commissioner if they have been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years. The suspension of the Commissioner ceases to have effect when any of the following occurs:
  - a) the charge being dropped;
  - b) the Commissioner being acquitted of the offence;
  - c) the Commissioner being convicted of the offence but not being disqualified by virtue of the conviction, or
  - d) the termination of the suspension by the Panel.

## **19. Suspension of the Chief Constable**

- 19.1. The Commissioner must notify the Panel if they suspend the Chief Constable.

## **20. Removal of the Chief Constable**

- 20.1. The Commissioner must notify the Panel of their proposal to call upon the Chief Constable to retire or resign together with reasons.
- 20.2. The Chief Constable has the opportunity to provide representations to the Commissioner. The Commissioner must consider any representations received and provide the Panel with a copy of these. Following this opportunity the Commissioner must notify the Panel accordingly (the

'further notification') if they still propose to call for retirement or resignation.

- 20.3. Within six weeks of receiving the further notification the Panel must make a recommendation to the Commissioner in respect of the proposal. Before making any recommendation the Panel may consult the Chief Inspector of Constabulary, and must hold a meeting ('the scrutiny hearing').
- 20.4. The scrutiny hearing is a private Panel meeting to which the Commissioner and Chief Constable are entitled to attend to make representations. Representation can be made in person, or via telephone or video link.
- 20.5. The Panel must make and publish a recommendation which the Commissioner must consider. The Commissioner must notify the Panel of their final decision.
- 20.6. The Commissioner may not call upon the Chief Constable to retire or resign until the end of this scrutiny process or six weeks from notification if the Panel has not made a recommendation by that time.
- 20.7. In calculating the six week period, the Commissioner's post-election period is ignored.

## **21. Complaints**

- 21.1. Criminal and non-criminal complaints in relation to the Commissioner or other office holders should be dealt with and/or delegated in accordance with the relevant legislation and any procedure adopted by the Panel.