

4: Leicester, Leicestershire and Rutland Police and Crime Panel Rules of Procedure – Working Arrangements (Agreed by the Panel)

Additional co-opted members

1. The Panel is entitled, in order to achieve the balanced appointment objective, to recommend to the Secretary of State that additional members be co-opted to the Panel. Such co-opted members will be elected members of the local authorities, nominated in accordance with Schedule 1. Any local authority providing additional co-opted members will nominate the individual members to act in that capacity and the Panel will accept the nomination. Schedule 1 may be amended from time to time to reflect changes in membership required to achieve the balanced appointment objective.

Work Programme

2. 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.
3. The work programme must include the functions described in the terms of reference for the Panel.
4. Any member of the Police and Crime Panel shall be entitled to give notice to the Clerk of the Panel 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, including notice of any motion which he or she wishes to put to the meeting.

Reports from the Police and Crime Panel

5. Where the Police and Crime Panel make a report to the Police and Crime Commissioner, it will publish the report or recommendations (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) and send copies to all the relevant local authorities.
6. The Police and Crime Panel must, by writing, require the Police and Crime Commissioner, as appropriate, within one month of the date on which he or she receives the report or recommendations to:
 - (a) consider the report or recommendations;
 - (b) respond in writing to the Panel indicating what (if any) action the Police and Crime Commissioner proposes to take;
 - (c) where the Panel has published the report or recommendations, publish the response;
 - (d) where the Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.

7. 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. The Commissioner would be expected to issue a response to any such minority report alongside his/her response to the majority report.
8. The basis of any minority report prepared under the paragraph above must have been discussed and been the subject of a proposal at the meeting of the Panel and must have the support of more than one member.

Police and Crime Commissioner and officers giving account

9. The Police and Crime Panel will scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. To this end, the Panel may require any papers in the Commissioner's possession (except those that are operationally sensitive) which appear to the Panel to be necessary in order to carry out its functions. In addition, 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.
10. The Panel may not require any member of the Police and Crime Commissioner's staff to give any evidence, or produce any document, which discloses advice given to the Commissioner by that person.
11. 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 practicable, fifteen 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.
12. If the Police and Crime Panel requires the Police and Crime Commissioner to attend before the Panel, the Panel may (at reasonable notice) request of the Commissioner that the Chief Constable also attend on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

Attendance by others

13. 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.

Subcommittees and task groups

14. Time limited task and finish groups (subcommittees) may be established from time to time by the Panel to undertake specific task based work.
15. Subcommittees and task groups shall not have the power to coopt additional members.
16. The special functions of the Panel may not be discharged by a subcommittee of the Panel or a task group. Special functions are those functions conferred on a Panel by:-
 - (a) Section 28(3) of the Police Reform and Social Responsibility Act 2011 (scrutiny of Police and Crime Plan);
 - (b) Section 28(4) of the Police Reform and Social Responsibility Act 2011 (scrutiny of annual report);
 - (c) Paragraphs 10 and 11 of Schedule 1 of the Police Reform and Social Responsibility Act 2011 (review of senior appointments);
 - (d) Schedule 5 of the Police Reform and Social Responsibility Act 2011 (issuing precepts); and
 - (e) Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act 2011 (scrutiny of appointment, suspension or removal of the Chief Constable).
17. The work undertaken by a subcommittee 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.

Carrying out 'Special Functions'

18. Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at paragraphs 61 to 64.

Police and Crime Plan

19. The Police and Crime Commissioner must issue a Police and Crime Plan within the year in which he or she is elected. The Plan is to be for a period of five years. The Commissioner may vary the Plan or issue a new one during that time.
20. The Police and Crime Commissioner must send the draft Police and Crime Plan or variation to the Police and Crime Panel in good time to enable the Panel to consider the plan.
21. The Police and Crime Panel, having considered the draft Police and Crime Plan or variation will make a written report or recommendation to the Police and Crime Commissioner in relation to the draft Plan or variation. The Panel will require a written response to the report or recommendation.

Annual Report

22. The Police and Crime Commissioner will produce an Annual Report on the exercise of his functions in the financial year and on the progress made on meeting the objectives in the Police and Crime Plan and send a copy to the Police and Crime Panel.
23. The Police and Crime Panel will hold a public meeting, which the Police and Crime Commissioner must attend to present the Annual Report and respond to questions from the Panel.
24. The Police and Crime Panel will make a written report or recommendations on the Annual Report to the Police and Crime Commissioner. The Panel will require a written response to the report or recommendations.

Senior Appointments

25. The Panel has powers to review the Police and Crime Commissioner's proposed appointments of the Chief Constable, a Chief Executive, a Chief Finance Officer and a Deputy Police and Crime Commissioner. The Panel is required to hold public confirmation hearings for these posts.
26. 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.

Appointment of Chief Constable

27. Where a Chief Constable is to be appointed, the Panel is required to hold a confirmatory hearing within the period of three weeks from the day on which the Panel received notification from the Police and Crime Commissioner.
28. Confirmatory hearings will be held in public and the candidate will be requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.
29. 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).

30. If the Panel vetoes the appointment of the Chief Constable, the report to the Commissioner must include a statement that the Panel vetoed the appointment with reasons.
31. Where the Panel exercises its power of veto of the proposed appointment, the Commissioner shall then propose a 'reserve candidate' for appointment as Chief Constable.
32. When a reserve candidate has been proposed, the Panel is required to hold a confirmatory hearing within the period of three weeks from the day on which the Panel received notification from the Police and Crime Commissioner.
33. The process as outlined in paragraph 84 will apply.
34. Having considered the appointment the Panel will be asked to make a report to the Commissioner, which will include a recommendation to the Commissioner as to whether or not the reserve candidate should be appointed.
35. The Commissioner must have regard to the report and will notify the Panel of his decision as to whether or not he accepts or rejects the recommendation.

Appointment of an Acting Police and Crime Commissioner

36. The Panel must appoint a person as Acting 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.
37. The Police and Crime Panel may appoint a person as Acting Police and Crime Commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
38. In appointing a person as Acting Police and Crime Commissioner in a case where the Police and Crime Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.
39. The appointment of an Acting Police and Crime 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 Police and Crime Commissioner, of the appointment of the Acting Commissioner;
 - (c) in a case where the Acting Police and Crime 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 Police and Crime Commissioner is appointed because the Police and Crime Commissioner is suspended, the Commissioner ceasing to be suspended.

Suspension and Removal of the Chief Constable

40. Where the Police and Crime Commissioner suspends a Chief Constable from duty, he will inform the Police and Crime Panel as soon as practicable.
41. Where the Police and Crime Commissioner intends to seek the resignation or retirement of the Chief Constable, the Commissioner must provide the Chief Constable with a written explanation of the reasons why he proposing to call for their resignation or retirement. The Commissioner will also notify the Police and Crime Panel in writing and provide the Panel with a copy of the explanation provided to the Chief Constable.
42. The Police and Crime Commissioner may not call upon the Chief Constable to resign or retire until the scrutiny process involving the Police and Crime Panel has been completed.
43. The Chief Constable will make representations to the Police and Crime Commissioner, which the Commissioner must have regard to and must provide a copy of to the Police and Crime Panel as soon as reasonably practicable. If, following consideration of the written representations, the Commissioner still intends to seek the resignation or retirement of the Chief Constable, he or she must notify the Panel.
44. The Police and Crime Panel will hold a meeting, at which the Police and Crime Commissioner and the Chief Constable may make representations to consider whether or not the Commissioner should call for the resignation or retirement of the Chief Constable.
45. Within six weeks of the notification in paragraph 92 the Panel will make a written recommendation to the Police and Crime Commissioner as to whether he or she should call for the resignation of the Chief Constable. The Panel will require a response to the recommendation.

Proposed precept

46. The Police and Crime Commissioner will notify the Panel of the precept which the Commissioner is proposing to issue for the financial year by 1 February of the relevant financial year. The Panel must review the proposed precept and make a report including recommendations by 8 February of the relevant financial year.
47. Having considered the precept, the Panel will either:
 - (a) support the precept without qualification or comment;
 - (b) support the precept and make recommendations; or

- (c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).
48. If the Panel vetoes the proposed precept, the report to the Police and Crime Commissioner must include a statement that the Panel has vetoed the proposed precept with reasons, including an indication as to whether it considers the proposed precept is too high or too low. The Panel will require a response to the report and any such recommendations.
49. Where the Panel exercises its power of veto, the Commissioner must issue a response, notifying the Panel of the revised precept he intends to issue. (If the Panel had vetoed the proposed precept because it was too high, the revised precept must be lower; and if the Panel had vetoed the proposed precept because it was too low, the revised precept must be higher.)
50. When notified of a revised precept, the Panel shall, by 22 February of the relevant financial year, review the revised precept and make a report to the Commissioner, which may indicate with the Panel accepts or rejects the revised precept (a rejection does not prevent the Commissioner from issuing the revised precept as the precept for the financial year) and make recommendations.
51. The Commissioner shall have regard to the second report (and any recommendations) and will issue a response (to be published) to that report, by 1 March of the relevant financial year.

Complaints

52. Complaints against the Police and Crime Commissioner will be brought to the attention of and recorded by the Panel subject to procedures to be agreed by the Panel. Complaints involving suspicion that a criminal offence has been committed must be referred to the Independent Police Complaints Commission.
53. Non-criminal complaints in relation to the Police and Crime Commissioner or any Deputy Police and Crime Commissioner can be considered by the Panel through a hearing. The Panel can examine this through a subcommittee.
54. The Panel may delegate the initial handling of complaints and conduct matters but not its functions relating to the final resolution of a complaint.
55. 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 of two years or more.

56. The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of the following 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.

Working with Local Authority Scrutiny Bodies

57. The Panel will act in accordance with such Protocols as may be developed between the Police and Crime Panel and Local Authorities.

Review of Constitution

58. This constitution may be amended at any time by the Police and Crime Panel. The Host Authority will conduct an annual review of the provisions of the Constitution and report to the Panel on the outcome of that review should it be considered appropriate to make any amendments. The Host Authority will carry out a review of the provisions of Schedule 1 at any time upon the occurrence of a change in political balance in the authorities represented on the Panel and report to the Panel on any proposed changes.

**Scheme for the co-option of additional local authority members to the
Leicestershire Police and Crime Panel**

The Police Reform and Social Responsibility Act 2011 suggests that the Panel should, as far as is reasonably practicable, reflect the political make-up of the relevant local authorities (when taken together) across the force area and should also represent all parts of the relevant police area.

The population distribution across the City, County and Rutland (taken from the 2011 Census figures) is as follows:

	Population	%
Leicester City	329 000	32
County	650 000	64
Rutland	37 000	4

The political balance on all authorities across Leicester, Leicestershire and Rutland is as follows:

	Seats	%
Conservatives	199	51
Labour	102	26
Liberal Democrat	75	19
Other	13	3

This is based on the current political balance on all Councils so may change after every election. The next elections (County) are due to take place in May 2013 and District and City Elections in May 2015.

To achieve a Panel that better reflects the populations served by the Leicestershire and Rutland Police Force, 3 additional local authority members shall be nominated by the City Council in accordance with the following table:

Conservatives	7 members	Drawn from ruling groups in authorities
Labour	4 members	One from Leicester City Council by law, three co-opted from the City Council
Liberal Democrat	2 members	Drawn from ruling groups in authorities

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