

LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND CRIME PANEL

CONSTITUTION INDEX

1. Terms of Reference.

2. Panel Arrangements.

3. Rules of Procedure.

~~4. Arrangements for handling complaints against the Police and Crime Commissioner. Making a Complaint about the Police and Crime Commissioner or Deputy Police and Crime Commissioner~~

~~4.5. _____~~

~~Protocols with other bodies:~~

~~The Police and Crime Commissioner.~~

~~(a) The Crime and Disorder Overview and Scrutiny at Leicestershire County Council ("The Scrutiny Commission").~~

1. TERMS OF REFERENCE

Introduction

The Leicester, Leicestershire and Rutland Police and Crime Panel will publicly scrutinise the actions and decisions of the Police and Crime Commissioner (PCC) in the context of relevant sections of the Police Reform and Social Responsibility Act 2011, with a view to supporting and challenging the PCC in the effective exercise of his or her functions, acting as a critical friend.

References in this document to the 'PCP' are references to the Police and Crime [PanelPCP](#).

Terms of Reference (as agreed by all relevant local authorities)

The Police and Crime Panel will be a joint Committee of Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Leicester City Council, Leicestershire County Council, Melton Borough Council, North West Leicestershire District Council, Rutland County Council and Oadby and Wigston Borough Council.

To enable it to effectively scrutinise and support the Police and Crime Commissioner in the exercise of his or her functions, the PCP will:

- Review and report/make recommendations to the PCC in respect of his/her draft Police and Crime Plan (this is a document setting out the PCC's objectives for policing and reducing crime and disorder in the area, how policing resources will be allocated and agreements for funding and reporting on the work) or any draft variation to their prevailing plan;
- Review and report/make recommendations to the PCC on his/her annual report;
- Review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of those functions;
- Review and report back to the PCC on appointments s/he proposes to make to the following posts:
 - The Commissioner's Chief Executive
 - The Commissioner's Director of Finance [\(Chief Finance Officer\)](#)
 - The Deputy Police and Crime Commissioner
 - The Chief Constable

(Note: for this purpose, the PCP is required to hold "confirmation hearings" in public at which the PCC's proposed appointee will be requested to appear for the purpose of answering questions relating to the appointment. The Panel's

subsequent report to the Commissioner must include a recommendation as to whether or not the candidate should be appointed, which the PCC may choose to accept or not. In respect of the appointment of a Chief Constable, the PCP may veto the proposed appointment, provided at least 2/3 of the total PCP membership at that time vote to do so)

- Review and report/make recommendations to the PCC on his/her proposed precept for the financial year;

(Note: the PCP has the power to veto the proposed precept provided at least 2/3 of the total PCP membership at the time vote to do so)

- Review and report/make recommendations to the PCC on any proposal by him/her to call on the Chief Constable (CC) to retire or resign;

(Note: in undertaking any such review, the PCP may consult the Chief Inspector of Constabulary for a professional view and must hold a scrutiny hearing in private which both the PCC and the CC are entitled to attend for the purposes of making representations. The PCC may either accept or reject the PCP's recommendation)

The PCP will also have the power:

- To suspend the PCC if s/he has been charged with an offence (in the UK, the Channel Islands or the Isle of Man) which carries a maximum term of imprisonment exceeding two years;
 - Appoint a Deputy PCC as the Acting PCC pending the outcome of a by-election in the event of a PCC vacancy occurring (through death or resignation) as per Part 5 of the Policing and Crime Act 2017.
- Appoint an acting PCC where the incumbent PCC is incapacitated, resigns or is disqualified and there is no Deputy PCC;
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- Require the relevant PCC and members of his/her staff to attend before the PCP (at reasonable notice) to answer any questions that the PCP considers necessary in order to carry out its functions;
- Require the PCC to respond in writing within a reasonable period determined by the PCP, to any report or recommendation the PCP has made to the PCC;

(Note: Where the PCP has required the PCC to attend before it, the PCP may also request the Chief Constable to attend before it on the same occasion in order to answer any questions the Panel consider necessary in order to carry out their functions)

2. Leicestershire Police and Crime Panel Arrangements

Operating arrangements

1. Leicestershire County Council shall act as the host authority in establishing and running the Police and Crime Panel, including providing the necessary administrative and financial support.
2. The Clerk to the Panel shall be appointed by the host authority.
3. The host authority will be responsible for reviewing the membership of the Panel in the light of the balanced appointment objective and making a recommendation to the Panel or relevant local authorities as appropriate as to the make-up and membership of the Panel.

Membership

4. The Panel shall be made up of a minimum of 10 councillors and two independent members.
5. The elected membership shall consist of the Mayor of Leicester (or his nominee), one Councillor each from Leicestershire County Council, Rutland County Council, Blaby District Council, Charnwood Borough Council, Harborough District Council, Hinckley and Bosworth Borough Council, Melton Borough Council, North West Leicestershire District Council, and Oadby and Wigston Borough Council.
6. All City Councillors, County Councillors and District or Borough Councillors are eligible to be members of the Panel.
7. Co-opted members shall be appointed in accordance with paragraphs 9-13 below and may be appointed in accordance with paragraph 17 below.
8. 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 of the Rules of Procedure for the Panel. 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.

[Note - The representation on the Panel above reflects statutory provisions.

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Appointment of Independent Members

9. The Panel shall co-opt two independent members on to the Panel for a term of 4 years commencing at the mid-way point in the Police and Crime Commissioner's term of office, with a view to ensuring the Panel has the necessary skills, knowledge and experience to carry out its functions.
10. The selection process for co-opting members should include a reasonable period of advertising for the positions. There should be at least two weeks between the date the advert is first placed and the closing date for receipt of applications.
11. Information packs shall be prepared and sent to those requesting application forms.
12. Applications shall be considered against an agreed eligibility criteria and then an Appointment Panel made up of three Police and Crime Panel Members will be invited to meet to consider the applications and interview candidates.
13. Following the interviews, the Appointment Panel will make recommendations to the Police and Crime Panel for appointment.
14. The following may not serve as independent co-opted members: the Police and Crime Commissioner, a member of the Police and Crime Commissioner's staff, a civilian member of Leicestershire Police Force, a MP, a MEP or a member of any of the local authorities covered by the Force area.

[NB: Serving police officers will not be eligible to serve in accordance with their conditions of service.]

Appointment of Elected Members

15. Members of the Panel will be appointed by each relevant local authority in accordance with its procedures.
16. Terms of office of elected members will be agreed by the local authorities at the time of appointment, having regard to the outcome of any review of membership by the host authority. Local authorities, in making the appointment must have regard to the balanced appointment requirement, as far as reasonably practicable, and seek to ensure appointees have the necessary skills, knowledge and experience.
17. The Panel, ~~once established~~, may agree to co-opt additional members drawn from the local authorities to ensure the balanced appointment requirement, as far as reasonably practicable.

Substitutes

18. Substitutes are permitted subject to the arrangements of the relevant local authority. The Clerk to the Panel must be notified of the attendance of any substitute at least 24 hours before the meeting.

Resignation/Removal of Members

19. Members may resign from the Panel at any time. Elected Members should inform the nominating Local Authority and the clerk to the Panel in writing. Co-opted members should inform the Chairman and the clerk to the Panel in writing.
20. Elected members may be removed by their nominating Local Authority. Reasons for the removal of a member should be presented in writing to the Chairman of the Panel.

Payments/Allowances

21. Payment of expenses and allowances, if applicable, for elected members will be a matter for the nominating authority. A scheme of expenses and allowances for the two independent co-opted members will be established by the Panel and administered by the host authority.

Communication and Engagement

22. A Communications and Engagement strategy for the work of the Panel, including how the work of the Board will be influenced by stakeholders and the public, including seldom heard groups, will be published following agreement by the Panel. The Strategy will make provision for:

- (a) The role of the Panel to be promoted;
- (b) Support and guidance to be given to:
 - (i) Members of the relevant local authorities;
 - (ii) Members of the executives (if any) of relevant local authorities; and
 - (iii) Officers of relevant local authorities,

in relation to the functions of the Panel.

23. The Panel will operate as a forum to represent the views of stakeholders and the public to the Police and Crime Commissioner.

Budget

24. Leicestershire County Council as the host authority will receive funding from the Home Office for the purposes of establishing and maintaining the Panel and for the payment of expenses to members. In the event that the costs so incurred exceed the funding made available by the Home Office, the host authority may ask that a contribution be made by authorities providing members to serve on the Panel. Any such requests shall be in proportion to

the extent of representation of authorities on the Panel for the period covered by the costs incurred.

2. RULES OF PROCEDURE

Chairman of Panel

1. The Chairman of the Panel will be elected in June of each year from amongst the elected members sitting on the Panel. All panel members including Independent members will be entitled to vote but Independent members will not be eligible to stand for Chairman.
2. A Vice-Chairman will be elected in June of each year from amongst the elected members sitting on the Panel. All panel members including Independent members will be entitled to vote but Independent members will not be eligible to stand for Vice Chairman.
3. In the event of the resignation or removal of the Chairman, a new Chairman will be elected at the next meeting, from amongst the elected members sitting on the Panel in accordance with the arrangements set out in rules 1 and 2 above. -
4. If both the Chairman and Vice-Chairman are absent from a meeting, the members present shall choose one of their number from amongst the elected members to preside over the meeting, subject to Rule 5 below.
5. If the Chairman arrives at a meeting of the Panel or Vice-Chairman arrives at such a meeting from which the Chairman is absent after the time for which the meeting has been summoned, he or she shall preside over the meeting after any question under discussion on his or her arrival has been disposed of but not before then.
6. Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

Quorum

7. The quorum of the Panel shall be at least one quarter of the whole number of the Panel. Members present as substitutes shall be included in calculating whether the meeting is quorate.
8. If during any meeting of the Panel the Chairman, after counting the number of members present declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time to be fixed by the Chairman, or, if he or she does not fix a time, to the next ordinary meeting of the Panel.

Access to Information

9. The Access to Information Procedure Rules laid down by the Host Authority will apply with any necessary modifications.

Order of Business

10. Except as otherwise provided by Rule 13. below, the order of business at ordinary meetings of the Panel shall be:
 - (a) to choose a person to preside if the Chairman and Vice-Chairman be absent
 - (b) to confirm the minutes of the last meeting of the Panel
 - (c) to dispose of business (if any) remaining from the last meeting
 - (d) to consider reports as specified on the agenda
 - (e) to consider motions in the order in which the notice has been received
 - (f) any other items which the Chairman decides are urgent
11. Business falling under items (a), (b) or (c) of Rule 10 shall not be displaced, but subject thereto the foregoing order of business may be varied:-
 - (a) by the Chairman at his or her discretion; or
 - (b) by a resolution passed at that meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion.

Minutes of the Panel

12. At a meeting of the ~~Panel~~Council at which minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be so approved.
13. No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
14. If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

Public Question Time

15. The Panel accepts questions from members of the public which can be put to the Police and Crime Commissioner at its meetings. The Procedure for how to put a question at these meetings is set out in Schedule 2.

Amendments to motions

16. An amendment shall be relevant to the motion and shall be either:-
 - (a) to refer a subject of debate to a subcommittee or the Police and Crime Commissioner for consideration or re-consideration
 - (b) to leave out words

- (c) to leave out words and insert or add others
- (d) to insert or add words

but such omission, insertion or addition of words shall not only have the effect of negating a motion before the Panel.

17. Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of; provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if he or she considers that this course would facilitate the proper conduct of the Panel's business.
18. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Alterations or withdrawal of motion or amendment

19. A proposer of a motion may, with the concurrence of the seconder and the consent of the Panel, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be reduced into writing and handed to him or her before the consent of the Panel to the alteration is sought.
20. A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Panel, withdraw the motion or amendment which he or she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
21. The giving or refusal of the consent of the Panel to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

Motions and amendments generally

22. A member may not propose or second a motion or amendment on which he or she is disqualified from voting.

Conduct of Members

23. If any member in the opinion of the Chairman signified to the Panel, misconduct himself or herself by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Panel, or by tedious repetition or unbecoming language in his or her speech, the Chairman or any other member may move

“That the member named by not further heard”, and such a motion if seconded shall be put and determined without discussion.

24. If the member named continues his or her misconduct after a motion under the last previous paragraph has been carried, the Chairman shall either:-
- (a) move “That the member named do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or
 - (b) adjourn the meeting of the ~~Council Panel~~ for such period as he or she in his or her discretion shall consider expedient

Motions affecting persons employed by the Police and Crime Commissioner

25. If any question arises at a meeting of the Panel or a subcommittee as to the appointment, promotion, dismissal, salary, pension, conditions of service or the conduct of any person employed by the Police and Crime Commissioner, such question shall not be the subject of discussion until the body concerned has decided whether or not the power of exclusion of the public shall be exercised, with the exception of confirmatory hearings for the Chief Constable, Deputy Police and Crime Commissioner, Chief Executive and Chief Financial Officer which are required to be held in public.

Right of reply

26. The proposer of a motion shall have the right of reply to the debate:-
- (a) at the close of the debate on the motion
 - (b) at the close of the debate on an amendment to the motion
 - (c) before a motion to proceed to next business or that the Panel adjourn or a motion or amendment to refer the subject of debate to a subcommittee or the Police and Crime Commissioner is put
 - (d) after the closure is carried
27. The proposer of an amendment shall not have the right of reply to either the debate on the amendment or to the debate on a substantive motion formed by the carrying of the amendment.

Points of order and personal explanations

28. A member may speak on a point of order or in personal explanation, and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of ~~these rules a Standing Order~~ or statutory provision and the member shall specify the ~~rule Standing Order~~ or statutory provision and the way in which he or she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him or her which may appear to have been misunderstood in the present debate.
29. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Next business etc

30. A member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another member, unless the Chairman considers that the matter has been insufficiently discussed, move "that the Panel proceed to the next business" or, if there is no other business to be transacted, "that the Panel adjourn".
31. The proposer of such a motion may speak thereon for five minutes but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.
32. ~~After~~ ~~On~~ the seconding of the motion, the Chairman shall ~~first~~ give the mover of the original motion an opportunity to speak on it for not more than five minutes and then put to the vote the motion to proceed to the next business or to adjourn the Panel.
33. If that motion is carried, the original motion shall be considered as withdrawn.

Adjournment of debate

34. A member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another member, move that the debate be adjourned to that hour or occasion.
35. If the member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next ordinary meeting of the Panel.
36. The proposer of such a motion may speak thereon for five minutes but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion except that the mover of the original motion may speak on it for not more than five minutes.
37. On the resumption after adjournment of an interrupted debate, the ~~Council~~ ~~Panel~~ shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Rules of Procedure.

Closure

38. A member may at the conclusion of the speech of another member move "that the proposition under discussion be now put" (which is in these ~~Rules~~ ~~Standing Orders~~ referred to as "the closure").
39. The proposal and seconding of the closure ~~motion~~ shall be formal and without comment and there shall be no debate on it. The closure ~~motion~~ shall be put

forthwith to the vote unless it appears to the Chairman that the proposition to which it is sought to apply the closure has not been sufficiently discussed.

40. If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion, subject to the mover of the original motion, first having the right of reply given by Rules 33 - 36.

Voting

41. Every proposition shall, unless otherwise required by these Rules of Procedure or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices. Secret ballots are not permissible under these Rules of Procedure.
42. If an automatic system of recording votes is in operation, the Chairman shall have power to order votes to be given and counted in accordance with the system.
43. In taking the votes on any proposition, those members only shall be entitled to vote who are present in the meeting room when the proposition is put from the Chair.
44. Any member present who is a substitute for a regular member is entitled to vote, if present when the proposition is put.
45. After a proposition is put from the Chair but before the vote is taken, any three members rising in their places may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his or her vote for or against that proposition or abstained from voting.
46. Where immediately after a vote is taken any member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that person cast his or her vote for the question or against the question or whether he or she abstained from voting.

General disturbances

47. If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him or her. If he or she continues the interruption the Chairman shall order his or her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
48. If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him or her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

Interests in contracts and other matters

49. If any member of the Panel has any pecuniary interest as defined within the Code of Conduct of their appointing authority or, in the case of independent co-opted members, the Host Authority's Code of Conduct in any contract, proposed contract, or other matter, that member shall declare that interest and withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Panel unless the disability to discuss that matter imposed upon him or her by the Code has been removed by the Host Authority.

Record of attendance

- ~~50. — Every member attending a meeting of the Panel or subcommittee of which he or she is a member, shall sign his or her name in the attendance book or sheet provided for that purpose.~~

Meetings of the Panel and subcommittees

- ~~51.~~50. The Chairman of the Panel or the chairman of a subcommittee may cause a special meeting of the body concerned to be called at any time. In the absence of the Chairman of the body concerned the Deputy Chairman of that body may exercise the powers conferred on the Chairman by this Rule.
- ~~52.~~51. A special meeting of the Panel or subcommittee shall be called on the request of at least one quarter of the whole number of members of the body concerned by notice in writing signed by them and given to the Clerk to the Panel and specifying the business for which the meeting is to be called.

Proceedings of the Panel and subcommittees

- ~~53.~~52. The quorum of a subcommittee, unless a special quorum is otherwise prescribed, shall be at least one quarter of the whole number of the body concerned, provided that in no case shall a quorum be less than three members.
- ~~54.~~53. Subject to the provisions of Section 100 of the Local Government Act 1972, all reports and all documents marked as "confidential" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Panel's or Police and Crime Commissioner's business.
- ~~55.~~54. No act of a subcommittee shall have effect until approved by the Panel except to the extent that the subcommittee has itself power to act without the approval of the Panel.

Variation and revocation of Rules of Procedure

- ~~56.~~55. Any motion to add to, vary or revoke these Rules of Procedure shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Panel.

Interpretation of the Rules of Procedure

57-56. The ruling of the Chairman as to the construction or application of any of these Rules of Procedure, or as to the proceedings of the Panel, shall not be challenged at any meeting of the Panel.

Frequency of Meetings

58-57. Meetings of the Panel will generally take place six times a year but extra meetings may be convened with the agreement of the Chairman.

Additional co-opted members

59-58. 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

60-59. 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.

61-60. The work programme must include the functions described in the terms of reference for the Panel.

62-61. Any member of the Police and Crime Panel shall be entitled to give notice to the Secretariat 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

63-62. 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.

64-63. 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

~~65.—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.~~

~~66.—~~

~~67.64. 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

~~68.65.~~ 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.

~~69.66.~~ 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.

~~70.67.~~ 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.

~~71.68.~~ 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

72.69. 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

73.70. Time limited task and finish groups (subcommittees) may be established from time to time by the Panel to undertake specific task based work.

74.71. Subcommittees and task groups shall not have the power to co-opt additional members.

75.72. 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)
- (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)

76.73. 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'

77.74. Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedures outlined at paragraphs ~~77 to 109~~. 75 to 106

Police and Crime Plan

78.75. 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.

79.76. 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.

80.77. 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.

PCC's Annual Report

81.78. 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.

82.79. 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.

83.80. 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

84.81. 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.

85.82. 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

86.83. 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.

~~87.84.~~ 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.

~~88.85.~~ 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
- (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)

~~89.86.~~ 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.

~~90.87.~~ 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.

~~91.88.~~ 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.

~~92.89.~~ 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.

~~93.90.~~ 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

~~94.91.~~ 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
- (c) the Police and Crime Commissioner is suspended

~~95.92.~~ 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 or if he or she is the Deputy PCC in which case the Deputy PCC's term of office will run until the acceptance of office by the newly elected PCC ,whereupon it will automatically terminate.

96-93. 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.

97-94. 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;
- (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

98-95. Where the Police and Crime Commissioner suspends a Chief Constable from duty, he will inform the Police and Crime Panel as soon as practicable.

99-96. 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.

400-97. _____ 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.

401-98. _____ 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.

402-99. _____ 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.

~~403.100.~~ Within six weeks of the notification in paragraph 97 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

~~404.101.~~ 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.

~~405.102.~~ Having considered the precept, the Panel will either:

- (a) support the precept without qualification or comment;
- (b) support the precept and make recommendations;
- (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).

~~406.103.~~ 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.

~~407.104.~~ 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.)

~~408.105.~~ 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.

~~409.106.~~ 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

~~410.107.~~ 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 Office for Police Conduct/Complaints Commission.

411.108. 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.

412.109. The Panel may delegate the initial handling of complaints and conduct matters but not its functions relating to the final resolution of a complaint.

413.110. 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;
- (b) the offence is one which carries a maximum term of imprisonment of two years or more.

414.111. 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;
- (d) the termination of the suspension by the Police and Crime Panel.

Working with Local Authority Scrutiny Bodies

415.112. The Panel will act in accordance with any Protocols developed between the Police and Crime Panel and Local Authorities.

Review of Constitution

416.113. 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.

MEMBERS TO THE LEICESTERSHIRE POLICE AND CRIME PANEL

1. The statutory requirement is for a Panel of 10 councillors and 2 independent members. The ten Councillors **must** include one from each local authority in the area – i.e. City, County, Rutland and 7 Districts. However in establishing the Panel it is necessary to ensure the membership:-
 - i) Represents all parts of the relevant police area (geographic balance);
 - ii) Represents the political make-up of the relevant authority or relevant authorities (when taken together);
 - iii) Has the necessary skills, knowledge and experience to discharge the functions effectively.

2. When the Panel was established in 2012 the decision was taken to establish a Panel of 15 members made up as follows:
 - 8 members representing the County Area (7 nominated by the Districts and 1 by the County)
 - 4 City Members
 - 1 Rutland Member
 - 2 Independent co-opted members

3. This make-up was to ensure that ‘all parts of the relevant police area were appropriately represented hence the decision to allow 4 City representatives to reflect the fact it accounts for that nearly 1/3rd of the population served by the Police.

4. The other considerations are the political balance of the ‘area as a whole’ and the view taken by all Authorities that powers of the Panel were considered so significant that an Executive Member would represent their Authority. Based on this and the current political balance and control of local authorities (see table below) the membership is as follows:
 - 7 Conservatives Nominees from - County Council, Rutland, Harborough, Melton, Charnwood, Blaby, NWLDC)
 - 4 Labour City Council
 - 2 Liberal Democrats (Nominees from Hinckley & Bosworth and Oadby & Wigston)
 - 2 Independent Co-opted Members

(Note 1– Due to the geographical balance requirement the Labour Party has a slightly higher representation than the overall political balance would suggest. The political balance will be reviewed after every election – the next review will take place following the County Council elections in 2021.

Note 2 – The size of the PCP was agreed with the Home Office and any decision to increase the size would need Home Office approval. It is therefore proposed that the size of the Panel remain unchanged).

Leicester, Leicestershire and Rutland Police and Crime Panel

4. Making a Complaint about the Police and Crime Commissioner or Deputy Police and Crime Commissioner

Introduction

This leaflet explains:

- how to complain about the Leicester, Leicestershire and Rutland Police and Crime Commissioner and/or Deputy PCC ('PCC/DPCC').
- what type of complaints the Leicester, Leicestershire and Rutland Police and Crime Panel ('the Panel') can consider.
- the process that will be followed in handling and resolving these complaints.

Background

On 20th December 2012, the Panel delegated authority to the Director of Law and Governance, Leicestershire County Council to:

- i. act as the first point of contact for complaints (and that the Chairman and Vice-Chairman of the Panel act as second or reserve points of contact);
- ii. make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether:
 - (1) a complaint has been made which requires resolution under the complaints procedures;
 - (2) that complaint should be referred to the Independent Office of Police Conduct (IOPC);
 - (3) the complaint should be subject to the informal resolution process; and
 - (4) to make arrangements for the process of informal resolution;
- iii. produce such further procedures, notes of guidance and forms as may be helpful to assist in the operation of the process and the provision of information to complainants;

At the same meeting the Panel delegated authority to the Director of Law and Governance, in consultation with the Chairman and Vice-Chairman, to:

- i. resolve complaints informally, or
- ii. arrange for a meeting of a sub-committee to be drawn from the full membership of the Police and Crime Panel, to resolve complaints informally.

References to the Panel in this document include therefore the Director of Law and Governance acting on behalf of the Panel.

Objectives

The objectives of the complaints process are to:

- Handle complaints in a fair and independent way
- Deal with complaints as quickly and effectively as possible
- Keep all parties informed of progress until the complaint reaches a conclusion

What complaints can the Panel look at?

The Panel is responsible for dealing with complaints about the conduct of the PCC/DPCC. This means the way things are done or not done, statements that are made and the way decisions are taken.

Any complaint alleging criminal conduct will first be passed onto the Independent Office for Police Conduct (IOPC) for investigation.

Other non-criminal complaints are logged and then handled by the Panel, in accordance with the decisions and delegations referred to above usually through a process of Informal Resolution.

What the Panel is unable to do

There are certain complaints the Panel cannot consider because it does not have the legal power to do so. There are separate procedures for the following complaints:

- Complaints about operational policing matters
- Complaints about the Chief Constable
- Complaints relating to the administration of the Panel
- Complaints relating to the conduct of members of the Panel.

If it is decided that your complaint should be directed to another body because it falls beyond the Panel's remit, the Panel will explain why and offer to direct it to the appropriate body.

The Panel cannot consider complaints about the merits of a PCC/DPCC decision, for example where someone disagrees with a policy the PCC/DPCC has introduced.

It is important to note that the Panel has no power to investigate complaints in any way, although it may ask the PCC/DPCC to provide information or comment on the complaint.

Submitting a complaint

Complaints should be sent in writing to:

Lauren Haslam
Director of Law and Governance
Leicestershire County Council
Leicester
LE3 8RA

Lauren.haslam@leics.gov.uk
0116 305 6240

Please complete the **Complaint Form** which has been designed to help you set out the information needed to process your complaint. [\[insert link\]](#)

You can arrange for someone to act on your behalf, such as a friend or relative. However, you must provide written confirmation that you have given your consent before the Panel can discuss your case with them.

How the Panel will deal with your complaint

Step 1 – Initial Assessment

Your complaint will be checked to see that it is about the conduct of the Leicester, Leicestershire and Rutland PCC/DPCC.

If the complaint is about operational policing matters or the performance of the Leicestershire Police or any of its officers, it will be passed to Leicestershire Police.

If the complaint is about the Chief Constable, it will be passed to the PCC.

Step 2 – Recording your Complaint

If your complaint relates to the conduct of the PCC/DPCC it will be recorded, unless the matter has been or is currently being dealt with by criminal proceedings.

If it is decided not to record your complaint, the reason for this will be explained to you.

If it is recorded, you will normally be given a copy of the Record of Complaint.

Step 3 – Deciding how your complaint will be handled

Option A – Is it a serious complaint that should be passed to the Independent Office for Police Conduct (IOPC)?

If your complaint alleges criminal conduct (or appears to involve a criminal offence that can be triable in England and Wales) it will be passed to the IOPC. The IOPC will then decide how to deal with your complaint.

Option B – Are there grounds to reject the complaint?

It may be decided to reject your complaint and take no action in the following circumstances:

- a) The complaint is by a member of the PCC staff, arising from their work;
- b) The complaint is more than 12 months old where there is no good reason for the delay, or the delay would be likely to cause injustice;
- c) The complaint is about conduct that is already the subject of another complaint;
- d) The complaint is anonymous;
- e) The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints; or
- f) The complaint is repetitious.

If it is decided to take no action regarding your complaint you will be notified of the reasons for this.

Option C – Has the complaint already been satisfactorily dealt with?

If it appears your complaint has already been satisfactorily dealt with by the time it comes to the Panel's attention, it may decide to take no further action.

Option D – Should the complaint be taken forward to Informal Resolution?

If your complaint has not been passed to the IOPC, rejected, or already been dealt with, it will usually be taken forward to informal resolution.

What is Informal Resolution of Complaints?

Informal Resolution is a way of dealing with a complaint without investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint.

Informal resolution may be conducted by the Director of Law and Governance (in consultation with the Chairman and Vice Chairman of the Panel) or by the Panel or a sub-committee of the Panel. Examples of informal resolution include:

- Resolution by telephone
- Providing information
- Concluding the matter through correspondence and explaining the circumstances
- Individual communication between the PCC/DPCC and the complainant via the office of the Director of Law and Governance
- An apology made by the person complained about
- A face to face meeting between the complainant and the person subject to the complaint facilitated through the office of the Director of Law and Governance
- Identification of 'lessons to be learnt' and changes in practice communicated to the complainant

In attempting to secure a resolution the Panel will consider whether further information, clarification or explanation is required and/or whether any actions are required and can be agreed with all parties.

The Panel cannot tender an apology on behalf of the person who is subject to the complaint unless he or she is agreeable to this.

The Panel has no powers to investigate complaints (including seeking corroborating witness statements) but is allowed to ask the person complained against to provide information and documents and /or attend to answer questions.

The Panel cannot impose formal sanctions on the person you have complained about because it does not have the power to do so.

Outcome of Informal Resolution

A record of the outcome of your complaint will be sent to both parties and published if it is deemed in the public interest but only after both parties have been given the chance to comment on the proposed publication.

Timescales for Handling your Complaint

Wherever reasonably possible your complaint will be acknowledged within 5 working days. Your complaint will be concluded, insofar as reasonably practicable within 12 weeks if it is dealt with through informal resolution.

However, each case is different and the time taken to reach a conclusion will depend on the nature of the complaint.

All parties will be kept updated of progress until the complaint reaches a conclusion.

If the complaint is criminal in nature it must be passed to the IOPC as soon as possible. You will be notified if that happens. The IOPC will then decide how to deal with the complaint and will contact you.

Withdrawing a Complaint

If you wish to withdraw your complaint you (or someone authorised to act on your behalf) must say this in writing via post or email. It is however for the Panel to determine whether a complaint should be withdrawn.

Appeals

There is no right of appeal regarding the outcome of the complaint. The Local Government and Social Care Ombudsman has the power to investigate the administration of the complaint process.

If you are unhappy with the way your complaint was handled you can refer the matter to the Local Government Social Care Ombudsman.

5a. Protocol between the Police and Crime Panel and the Police and Crime Commissioner

Role of the Police and Crime Commissioner

Directly elected Police and Crime Commissioners (PCCs) and Police and Crime Panels (PCPs) were introduced by the 2011 Police Reform and Social Responsibility Act. The role of the PCC is to be the voice of the people and to hold the Chief Constable to account.

The PCC is responsible for setting priorities for the police force within their area, 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:

1. representing all those who live and work in the communities in Leicester, Leicestershire and Rutland and identifying their policing needs
2. Setting priorities that meet those needs by agreeing a force level strategy plan for Leicestershire Police (the police and crime plan)
3. Holding the Chief Constable to account for achieving these priorities as efficiently and effectively as possible, ensuring that value for money is achieved
4. Agreeing the Leicestershire Police budget and setting the precept
5. Hiring the Chief Constable and, if necessary, calling upon the Chief Constable to retire or resign
6. Having regard to reports and recommendations made by the Police and Crime Panel

Role of the Police and Crime Panel

The Leicester, Leicestershire and Rutland Police and Crime Panel will be responsible for supporting and challenging the PCC in the exercise of his or her functions, including by publicly scrutinising the actions and decisions of the PCC and in doing so will, inter alia:

1. Review and make a report or recommendation on the draft Police and Crime Plan
2. Hold public meetings to consider the annual report from the Commissioner
3. Review and scrutinise decisions, or other action taken, by the Commissioner in connection with the discharge of his functions including confirmation hearings for senior staff
4. Publish all reports and recommendations the Panel makes and send copies to the constituent local authorities
5. Receive and record complaints made against the Commissioner and Deputy Police and Crime Commissioner, if appointed, and investigate and promote informal resolution for complaints not of a criminal nature. Complaints of a criminal nature will be referred to the Independent Police Complaints Commission

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:-

Review the Police and Crime Plan (Section 28(3) of the Act)

Review the Annual Report (Section 28(4) of the Act)

Review the Precept (Schedule 5 of the Act)

Review Senior Appointments (Paragraphs 10 and 11 Schedule 1 of the Act)

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.

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

The PCC shall ensure that the Panel is provided with a copy of the Police and Crime Plan or variation thereto at the earliest opportunity.

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.

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 Review of 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 of Performance of the Commissioner

As the Police and Crime Plan will be the key document by which the performance of the PCC is to be measured there will be 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.~~

PCC's 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

By July, the PCC shall provide the Panel with a copy of his annual report.

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

The PCC shall be required to 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.

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 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.

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

agree the precept without qualification or comment

~~support the precept and make comments or recommendations concerning the application of the revenues generated~~
~~veto the proposed precept – (this will require a majority of at least two-thirds of the members of the Panel at the time)~~
~~— 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.~~

~~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~~

~~Senior Appointments (other than the Chief Constable)~~

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

~~The name of the candidate
 The criteria used to assess the suitability of the candidate
 How the candidate satisfies the criteria in (b) above
 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 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.~~

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:~~

~~supports the proposed appointment without any comment or recommendation
Supports the appointment with some comment or recommendation
Vetoes the proposed candidate for the post of Chief Constable — (this will require a majority of at least two-thirds of the Panel membership 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 appointment (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 may wish to consult the Chief Inspector of Constabulary.)*~~

~~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).~~

~~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.~~

~~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
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.~~

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 PCC will establish a corporate 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 Monitoring Officer of the Host Authority to the Panel shall undertake the initial investigation into the complaint and, having regard to any representations from the PCC, shall make a recommendation to the Panel.

The Panel, having considered the report of the advice of the Monitoring Officer, 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.

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.

The presumption shall be that the PCC will be required to attend all meetings of the Panel (the expectation is that there will be six Panel meetings per year) unless advised to the contrary.

The Secretariat of the Panel shall notify the PCC of the Panel's work programme and 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.

~~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.~~

~~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 a response. The response of the PCC shall also be published on the website.~~

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