

ANNUAL MEETING OF THE COUNCIL – 17TH MAY, 2012

Addendum to Agenda Item No. 9 – Appointment and Membership of the Cabinet and Committees for 2012/13 and Related Matters

West Midlands Police and Crime Panel - Draft Panel Arrangements and Rules of Procedure

Paragraphs 21 and 22 of the report to the Annual Council meeting refer to the establishment of the West Midlands Police and Crime Panel as a joint Committee of the 7 West Midlands Councils. Following discussions between the West Midlands Districts, the attached draft Panel Arrangements and Rules of Procedure have been produced. The 7 District Councils are being requested to endorse these documents to enable the formation of the West Midlands Police and Crime Panel in shadow form effective from June, 2012.

In addition to the recommendations as printed in the report, the Council is also requested to consider and approve the following supplementary recommendations:-

- 49A That the attached draft Panel Arrangements and Rules of Procedure relating to the West Midlands Police and Crime Panel be endorsed.
- 49B That the Chief Executive, in consultation with the Leader of the Council, be authorised to make any necessary amendments to these documents in the light of further discussions at West Midlands Districts level and as a result of advice, guidance or regulations issued by the Home Secretary.

West Midlands Police and Crime Panel

Panel Arrangements

This Agreement is dated the day of 2012.

The Agreement is made between the following:

Birmingham City Council
Coventry City Council
Dudley Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Solihull Metropolitan Borough Council
Walsall Metropolitan Borough Council
Wolverhampton City Council

In the Agreement the above Authorities are referred to together as 'the Authorities'.

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner ('PCC') for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel ('the Panel') for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 The West Midlands is a multi authority police force area ('the police force area'). The Authorities, as the relevant local authorities within the area, must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.

1. 7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.
1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
1. 9 The Panel is a joint committee of the Authorities.
1. 10 The Authorities agree the Panel Arrangements.

2. 0 Functions of the Police and Crime Panel

2. 1 The Panel may not exercise any functions other than those conferred by the Act.
2. 2 The functions of the Panel set out at paragraphs 2.3 - 2.8 below may not be discharged by a Sub-Committee of the Panel.
2. 3 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and must:
 - a) review the draft Police and Crime Plan (and a variation to it); and
 - b) report or make recommendations on the draft Plan which the PCC must take into account.
2. 4 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
 - a) arrange for a meeting of the Panel to be held in public as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act;
 - b) ask the PCC at that meeting any such questions about the Annual Report as the Members of the Panel think appropriate;
 - c) review the Annual Report; and
 - d) make a report or recommendations on the Annual Report to the PCC.
2. 5 The Panel must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precept in accordance with the Act and Regulations made thereunder.

2. 6 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC in accordance with the requirements set out in Schedule 8 of the Act and will have a right of veto in respect of the appointment in accordance with the Act and Regulations made in accordance with the Act.
2. 7 The right of veto referred to in paragraphs 2.5 and 2.6 will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
2. 8 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act.
2. 9 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
2. 10 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
2. 11 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel will determine and must also send copies to the Authorities.
2. 12 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions necessary for the Panel to undertake its functions, provided that such questions shall not:
 - a) relate to advice provided to the PCC by his/her staff;
 - b) in the view of the PCC:
 - i) be against the interests of national safety;
 - ii) jeopardise the safety of any person; or,
 - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or,
 - c) be prohibited by any other enactment.

2. 13 If the Panel requires the PCC to attend a Panel meeting, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel 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.
2. 14 The Panel may require the PCC to respond in writing to a report or recommendation from the Panel to the PCC.
2. 15 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
2. 16 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

3. 0 Membership

3. 1 General

3. 2 The Panel shall consist of twelve elected Members appointed by the Authorities as follows:
 - (a) One Member appointed by each of the following Councils, subject to that appointee being the Elected Mayor in the case of those Councils operating such a system of governance:

Birmingham City Council
Coventry City Council
Dudley Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Solihull Metropolitan Borough Council
Walsall Metropolitan Borough Council
Wolverhampton City Council
 - (b) Two further Members to be nominated by Birmingham City Council and appointed by the West Midlands Joint Committee.
 - (c) Two further Members to be jointly nominated by Dudley, Sandwell, Walsall Metropolitan Borough Councils and Wolverhampton City Council and appointed by the West Midlands Joint Committee.
 - (d) One further Member to be jointly nominated by Coventry City Council and Solihull Metropolitan Borough Council and appointed by the West Midlands Joint Committee.

3. 3 Appointments of Members to the Panel shall be made by the Authorities with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Host Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the Members of the Panel should:

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

3. 4 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the Panel from the defaulting authority in accordance with the provisions in the Act.

3. 5 Appointments of Members to serve on the Panel shall be made by the Authorities on an annual basis. A Member shall continue to serve on the Panel unless s/he ceases to be an elected Member, s/he resigns or is removed by their Authority at any time.

3. 6 Members may be re-appointed to the Panel by the Authorities on an annual basis, without restrictions on the maximum term of office, provided that the balanced appointment objective is met by the re-appointment(s).

3. 7 Co-opted Members

3. 8 The Panel shall also include two independent Members co-opted by the Panel.

3. 9 The Panel may also resolve to co-opt a further Member, with the agreement of the Secretary of State, provided that the number of co-opted Members included in the Membership of the Panel shall not exceed three.

3. 10 In appointing co-opted Members who are not elected members of any of the Authorities the Panel must secure, so far as is reasonably practicable, that the appointed and co-opted Members of the Panel have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3. 11 Substitute Members

3. 11 In making appointments of Members to serve on the Panel, the Authorities shall also appoint nominated substitutes to serve in the absence, or inability to act, of the appointed Members. The appointment of substitutes does not apply to the co-opted Members.

3. 12 A substitute member shall only be appointed if he/she is otherwise eligible to serve on the Panel. The appointment of a substitute to serve for any meeting should be notified to the Host Authority prior to the commencement of the meeting concerned. A substitute member shall serve only for the duration of the meeting to which they are appointed as a substitute unless a meeting is adjourned and it is essential that the substitute member attends a subsequent meeting to comply with a statutory obligation or the rules of natural justice.

3. 13 Removal or Resignation of Members

3. 14 The Authorities may decide to remove any appointed or substitute Member(s) from the Panel at any time and in doing so shall give notice to the Host Authority.
3. 15 An appointed Member may resign from the Panel by giving written notice to the Host Authority and to the Chief Executive of the Authority that appointed them to the Panel.
3. 16 In the event that any appointed or substitute Member resigns from the Panel, or is removed from the Panel, the Authorities shall immediately take steps to nominate and appoint alternative Member(s) to the Panel.

3. 17 Appointment, Removal or Resignation of Co-opted Members

3. 18 The following may not be co-opted Members of the Panel:
- a) the PCC for the Police Area.
 - b) a member of staff of the PCC for the area.
 - c) a member of the civilian staff of the Police Force for the area.
 - d) a Member of Parliament.
 - e) a Member of the National Assembly for Wales.
 - f) a Member of the Scottish Parliament.
 - g) a Member of the European Parliament.
3. 19 An elected member of any of the Authorities may not be a co-opted Member of the Panel.
3. 20 The co-opted Members appointed in 2012 shall serve for a term expiring on 30th April, 2016. Thereafter, co-opted Members shall be appointed to the Panel for terms of four years.
3. 21 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;

- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
3. 22 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Host Authority at any time.
3. 23 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision for the reasons set out below and in doing so shall give written notice to the co-opted Member:
- a) if the co-opted Member has been absent from the Panel for more than three months without the consent of the Panel;
 - b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;
 - c) if the co-opted Member is deemed to be incapacitated by illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel.
3. 24 In the event that a vacancy arises for a co-opted Member, for any reason, the Panel shall make arrangements to fill the vacancy in accordance with the principles set out in paragraph 3.21.
3. 25 Co-opted Members appointed to the Panel are eligible for re-appointment for further terms of four years.

4. 0 Budget and Costs of the Panel

4. 1 The annual costs associated with the operation, organisation and administration of the Panel shall be offset by the Home Office grant to be managed by the Host Authority. All of the relevant costs incurred by the Host Authority in connection with the work of the Panel shall be met from the funding allocated by the Home Office unless the Authorities agree otherwise. The Host Authority shall monitor all expenditure incurred and make provision for an annual report.

5. 0 Lead Officer and Host Authority

5. 1 The Chief Executive of Dudley Metropolitan Borough Council shall act as the Lead Officer to the Panel on behalf of the Authorities. Birmingham City Council shall be the Host Authority for the Panel and shall provide such administrative, scrutiny and other support as will be necessary to enable the Panel to undertake its functions within the approved budget.

6.0 Rules of Procedure

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

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

7.0 Members' Expenses

7.1 Members of the Panel shall be paid expenses only in accordance with the annual rate provided for in the grant allocated by the Home Office. The Host Authority shall administer the payment of expenses to Members.

8.0 Promotion of the Panel

8.1 The Panel arrangements shall be promoted by:

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

8.2 Additional support, advice and guidance shall be provided to executive and non-executive elected members and officers in relation to the functions of the Panel as the Authorities may deem necessary taking account of the Act and any Regulations made under the Act.

9.0 Validity of Proceedings

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

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

INSERT SIGNATURE/EXECUTION CLAUSE

West Midlands Police and Crime Panel

Draft Rules of Procedure

1.0 General

- 1.1 These Rules of Procedure are made by the Police and Crime Panel ('the Panel') pursuant to Schedule 6 paragraph 25 of the Police Reform and Social Responsibility Act 2011 (the 'Act').
- 1.2 The Panel will be conducted in accordance with the Rules. The Rules should be read in conjunction with the Panel Arrangements.
- 1.3 The Rules shall not be amended unless notification of a proposed amendment is received by the Chairman and the Host Authority not less than fifteen working days prior to a Panel meeting. A report on the implications of the amendment shall be considered by the Panel and the amendment shall require agreement of three quarters of the current Membership of the Panel. No amendment may be considered by the Panel if it does not comply with the Act, relevant Regulations or statutory guidance.
- 1.4 If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act, the Act and Regulations will prevail.

2.0 Election of the Chairman and Vice-Chairman of the Panel

- 2.1 The Chairman of the Panel will be elected at the first meeting of the Panel in each municipal year from amongst the appointed Members of the Panel.
- 2.2 The Vice-Chairman will be elected at the first meeting of the Panel in each municipal year from amongst the appointed Members of the Panel. The Vice-Chairman will preside in the absence of the Chairman and if neither are present the Panel will appoint a Chairman from amongst the remaining appointed Members for the purposes of that meeting only.
- 2.3 The election of the Chairman and Vice-Chairman shall be on the basis of a simple majority of the appointed members present and voting at the meeting.
- 2.4 In the event of the resignation or removal of the Chairman or Vice-Chairman a new Chairman or Vice-Chairman will be appointed by the Panel at its next meeting from amongst the appointed Members.
- 2.5 The Chairman or Vice-Chairman may be removed by the agreement of a majority of the whole Membership of the Panel and in that event the Panel will appoint a replacement Chairman or Vice-Chairman from amongst the Appointed Members.

3.0 Panel Meetings

- 3.1 The Panel will meet in public at least four times per year to carry out its functions.
- 3.2 Extraordinary meetings may be also called from time to time as the Panel considers necessary.
- 3.3 An extraordinary meeting may be called by:
- a) the Chairman, or
 - b) any four Members of the Panel giving notice in writing to the Chairman and the Host Authority.
- 3.4 The Panel shall have power to determine the location of its meetings, however, these shall normally be held at the Council House, Birmingham.
- 3.5 Members of the public shall be able to ask questions or make a statement to the Panel at each meeting, provided that the total time allowed for public questions shall not exceed 30 minutes, and no question or statement shall be allowed more than three minutes.

4.0 Quorum

- 4.1 A meeting of the Panel cannot take place unless one half of the whole number of its Members are present.

5.0 Voting

- 5.1 Voting will be by show of hands and by simple majority unless the Act, Regulations made thereunder or these Rules require otherwise.
- 5.2 The Chairman (or person presiding) will have a second or casting vote in the event of a tied vote.
- 5.3 All Panel Members may vote in proceedings of the Panel.

6.0 Work Programme

- 6.1 The Panel will be responsible for setting a programme for its work and in doing so shall have regard to:
- a) the requirement to properly undertake the functions and responsibilities of the Panel as set out in the Act;
 - b) the priorities defined by the Police and Crime Commissioner ('PCC'); and
 - c) the views of Panel Members and advisers as to the appropriate work to be undertaken.

7.0 Panel Agenda

- 7.1 The Panel agenda will be issued to Panel Members at least 5 clear working days before the meeting. It will also be published on the Panel's web site and by sending copies to each of the Authorities, and by any other means the Panel or Host Authority considers appropriate.
- 7.2 Any Member of the Panel shall be entitled to give notice to the Host Authority 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.

8.0 Sub-Committees

- 8.1 The Panel has the option to establish Sub-Committees from its membership to undertake specified functions of the Panel.
- 8.2 Sub-Committees may not undertake the Special Functions referred to at paragraph 11 below.
- 8.3 The work to be undertaken by a Sub-Committee will be defined beforehand, together with the timeframe within which the work is to be completed and the outcome reported to the Panel.
- 8.4 A Sub-Committee of the Panel may not appoint co-opted Members.

9.0 Panel Reports - General

- 9.1 Reports and recommendations made by the Panel in relation to its functions will be carried out in accordance with the procedure outlined in this paragraph.
- 9.2 Where the Panel makes a report to the PCC it will publish the report or recommendations on its web site and send copies to each of the Authorities, and by any other means the Panel or Host Authority considers appropriate.
- 9.3 The Panel may require the PCC within 20 working days (or within such other period as is indicated in these Rules) of the date on which s/he receives the Panel's report or recommendations to:
- a) consider the report or recommendations;
 - b) respond to the Panel indicating what (if any) action the PCC proposes to take;
 - c) where the Panel has published the report or recommendations, publish the response from the PCC in the same manner;
 - d) where the Panel has provided a copy of the report or recommendations to a Panel Member, provide a copy of the response to the Panel Member.

9.4 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

10.0 Scrutiny and Review

10.1 The Panel must scrutinise and review decisions made or actions taken by the PCC in the discharge of his/her duties, and make reports or recommendations to the PCC with respect to the discharge of those duties.

10.2 The Panel will publish all reports or recommendations made in relation to the discharge of the PCC's duties on its web site and by sending copies to each of the Authorities, and by any other means the Panel or Host Authority considers appropriate.

10.3 The Panel may in discharging this function review documentation and require the PCC, and members of the PCC's staff, to attend before the Panel (at reasonable notice) to answer questions that appear to the Panel to be necessary in order to carry out its functions.

10.4 Where the PCC, or a member of the PCC's staff, is required to attend the Panel in accordance with this provision, the PCC will normally be given at least 15 working days written notice of the requirement to attend (subject to the urgency provisions in paragraph 10.5 below). The notice shall:

- a) state the nature of the item in respect of which s/he is required to attend;
- b) whether any papers are required to be produced to the Panel; and
- c) where it is necessary to produce a report, sufficient time will be given to allow for the preparation of that report.

10.5 In urgent circumstances the Panel may request the PCC, or a member of the PCC's staff, to attend at such shorter notice as the Chairman of the Panel considers to be appropriate or reasonable in the circumstances. Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance shall be arranged following consultation with the Chairman.

10.6 A member of the PCC's staff attending a meeting of the Panel shall not be required to disclose any advice given to the PCC by that person.

10.7 The Panel may require the PCC to respond in writing to any report or recommendation of the Panel as set out in paragraph 9.2 above.

10.8 If the Panel requires the PCC to attend a meeting, the Panel may also (at reasonable notice) request the Chief Constable to attend before the Panel 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.

10.9 In undertaking its functions, the Panel may invite persons other than those referred to above to attend Panel meetings, to address the meeting, discuss issues of local concern and/or answer questions. This may, for example and not exclusively, include residents, stakeholders, councillors who are not members of the Panel and officers from other parts of the public sector.

11.0 Special Functions

11.1 The Special Functions of the Panel, are those functions referred to at paragraphs 12-16 below, and which are conferred on the Panel in relation to:

- a) the review of the Police and Crime Plan as required by Section 28(3) of the Act;
- b) the review of the Annual Report as required by Section 28 (4) of the Act;
- c) the review of senior appointments in accordance with Paragraphs 10 and 11 of Schedule 1 of the Act;
- d) the review and potential veto of the proposed precept in accordance with Schedule 5 of the Act; and
- e) the review and potential veto of the appointment of the Chief Constable pursuant to Part 1 the Act.

11.2 The Special Functions shall be undertaken having regard to the requirements of the Act and Regulations in each case.

11.3 The issuing of reports and recommendations by the Panel in relation to the Special Functions outlined above will be carried out in accordance with paragraph 9 above.

12.0 Police and Crime Plan

12.1 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft of any variation to it, from the PCC.

12.2 The Panel must:

- a) hold a meeting in public to review the draft Police and Crime Plan (or a variation to it), and
- b) report or make recommendations on the draft Plan which the PCC must take into account.

13.0 Annual Report

13.1 The PCC must produce an Annual Report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the Panel for consideration.

13.2 The Panel must comment upon the Annual Report of the PCC and for that purpose must:

- a) arrange for a meeting of the Panel in public to be held as soon as practicable after the Panel receives the Annual Report;
- b) require the PCC to attend the meeting to present the Annual Report and answer such questions about the Annual Report as the Members of the Panel think appropriate; and
- c) make a report or recommendations on the Annual Report to the PCC.

14.0 Proposed precept

14.1 The Panel will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year. The Panel must arrange for a meeting to be held in public as soon as practicable after the Panel receives the proposed precept and make a report including recommendations.

14.2 Having considered the precept, the Panel must:

- a) support the precept without qualification or comment; or
- 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).

14.3 If the Panel vetoes the proposed precept, the report to the PCC must include a statement that the Panel has vetoed the proposed precept and give reasons for that decision. The Panel will require a response to the report and any such recommendations.

NOTE: This section may be subject to Regulations which are currently awaited and it may need to be changed in view of that.

15.0 Appointment of the Chief Constable

15.1 The Panel must review the proposed appointment by the PCC of the Chief Constable.

15.2 The Panel will receive notification of the proposed appointment from the PCC, which will include:

- a) the name of the candidate;
- b) the criteria used to assess suitability of the candidate;
- c) why the candidate satisfies the criteria; and
- d) the terms and conditions proposed for the appointment.

15.3 Within three weeks of the receipt of notification, the Panel must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed.

- 15.4 Before reporting and recommending under paragraph 15.3 above, the Panel must convene a meeting in public ('confirmation hearing') of the Panel where the candidate must attend and answer questions relating to the appointment.
- 15.5 The Panel must publish the report on its web site and by sending copies to each of the Authorities, and by any other means the Panel or Host Authority considers appropriate.
- 15.6 The PCC may accept or reject the Panel's recommendation, and must notify the Panel accordingly.
- 15.7 In relation to the appointment of a candidate for the position of Chief Constable, the Panel also has the power to veto the appointment 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.
- 15.8 A confirmation hearing as in paragraph 15.4 above must be held before an appointment is vetoed.
- 15.9 If the Panel vetoes the appointment under paragraph 15.7, the report referred to at paragraph 15.3 above must include a statement to that effect.
- 15.10 If the Panel vetoes an appointment the PCC must not appoint that candidate as Chief Constable.

16.0 Senior Appointments

- 16.1 The Panel must review the proposed appointments by the PCC of the PCC's Chief Executive, Chief Finance Officer and Deputy PCC.
- 16.2 The Panel shall receive notification of the proposed appointments from the PCC including:
 - a) the name of the candidate;
 - b) the criteria used to assess suitability of the candidate;
 - c) why the candidate satisfies the criteria; and
 - d) the terms and conditions proposed for the appointment.
- 16.3 Within three weeks of the receipt of notification, the Panel must consider and review the proposed appointment(s), and report to the PCC with a recommendation as to whether the candidate(s) should be appointed.
- 16.4 Before reporting and recommending under 16.3 above, the Panel must convene a public confirmation hearing of the Panel where the candidate(s) must attend and answer questions relating to the appointment(s).
- 16.5 The Panel must publish the report on its web site and by sending copies to each of the Authorities, and by any other means the Panel or Host Authority considers appropriate.

16.6 The PCC may accept or reject the Panel's recommendation, and must notify the Panel accordingly.

17.0 Appointment of an Acting Police and Crime Commissioner

17.1 The Panel must appoint a person to be Acting Police and Crime Commissioner if:

- a) no person holds the office of PCC;
- b) the PCC is incapacitated (i.e. unable to fulfil the functions of the PCC) which is a matter for the Panel to determine; or
- c) the PCC is suspended.

17.2 In the event that the Panel has to appoint an Acting Commissioner, it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.

17.3 The Panel may appoint a person as Acting Commissioner only if the person is a member of the PCC's staff at the time of the appointment.

17.4 In appointing a person as Acting Commissioner in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the PCC in relation to the appointment.

17.5 The appointment of an Acting Commissioner will cease to have effect upon the earliest of the following:

- a) the election of a person as the PCC;
- b) the termination of the appointment of the Acting Commissioner;
- c) in a case where the Acting Commissioner is appointed because the PCC is incapacitated, the PCC ceases to be incapacitated; or
- d) in a case where the Acting Commissioner is appointed because the PCC is suspended, the PCC ceases to be suspended.

17.6 Where the Acting Commissioner is appointed because the PCC is incapacitated or suspended, the Acting Commissioner's appointment does not terminate because a vacancy occurs in the office of PCC.

18.0 Complaints

18.1 Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are dealt with by the Independent Police Complaints Commission (the 'IPCC').

18.2 The Panel may, however, be involved in the informal resolution of certain other complaints against the PCC and Deputy PCC, where they are not being investigated by the IPCC or cease to be investigated by the IPCC.

18.3 On receipt of a complaint which falls within its remit the Panel will meet to consider the complaints and will seek informal resolution of a complaint by

encouraging, facilitating, or otherwise assisting in the resolution of the complaint otherwise than by legal proceedings.

Note: The handling of complaints by the Panel, may be the subject of Regulations and accordingly this paragraph may need to be changed.

19.0 Suspension of the Police and Crime Commissioner

19.1 The Panel may suspend the PCC if it appears to the Panel that:

- a) the PCC is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence; and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

19.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped;
- b) the PCC being acquitted of the offence;
- c) the PCC 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 Panel.

19.3 In this Section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

20.0 Suspension and Removal of the Chief Constable

20.1 The Panel will receive notification if the PCC suspends the Chief Constable.

20.2 The PCC must also notify the Panel in writing of his/her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

20.3 The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

20.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the Panel accordingly (the 'further notification').

- 20.5 Within six weeks from the date of receiving the further notification, the Panel must make a recommendation in writing to the PCC as to whether or not s/he should call for the retirement or resignation. Before making any recommendation the Panel may consult the chief inspector of constabulary, and must hold a scrutiny hearing.
- 20.6 The scrutiny hearing, which must be held by the Panel, is a Panel meeting in private session to which the PCC and the Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign.
- 20.7 The Panel must publish the recommendation it makes on its web site and by sending copies to each of the Authorities, and by any other means the Panel or Host Authority considers appropriate.
- 20.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
- (a) at the end of six weeks from the Panel having received notification if the Panel has not by then given the PCC a recommendation as to whether or not she/he should call for the retirement or resignation; or
 - (b) the PCC notifies the Panel of a decision about whether she/he accepts the Panel's recommendations in relation to resignation or retirement.
- 20.9 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.

General Note: Various functions of the Panel are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined