

## South Wales Police and Crime Panel

### Rules of Procedure

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## **1.0 Appointment of Chair and Vice Chair**

- 1.1 The Chair of the Police and Crime Panel will be appointed at the first meeting of the Panel following the appointment of members to the Panel, and thereafter at the first meeting of the municipal year of the Panel.
- 1.2 The Chair will be drawn from amongst the Elected Members of the Panel and decided by a vote supported by a majority of the whole membership of the Panel.
- 1.3 The Vice Chair of the Police and Crime Panel will be appointed at the first meeting of the Panel following the appointment of members to the Panel and thereafter at the first meeting of the municipal year of the Panel.
- 1.4 The Vice Chair will be drawn from amongst the Elected Members in the first year of the Panel and selected from all the members thereafter. The appointment will be decided by a vote supported by a majority of the whole membership of the Panel.
- 1.5 In the event of the resignation of the Chair or removal of the Chair, a new Chair will be appointed and will be drawn from amongst the Elected Members of the Panel.
- 1.6 In the event of the resignation of the Vice Chair or removal of the Vice Chair, a new Vice Chair will be appointed and will be drawn from amongst all the members of the Panel.
- 1.7 The Panel may remove the position of Chair by a vote supported by a majority of the whole membership of the Panel.
- 1.8 The Panel may remove the position of Vice Chair by a vote supported by a majority of the whole membership of the Panel.
- 1.9 The Panel will elect a person, from amongst the Elected members of the Panel, to preside at a meeting if the chair and vice chair are not present.

## **2.0 Meetings of the Police and Crime Panel**

- 2.1 There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year to carry out the functions of the Panel. In addition extraordinary meetings may be called from time to time.
- 2.2 All panel meetings will be held in public unless there is a statutory requirement to meet in private.
- 2.3 The Panel shall hold an annual meeting between the 1 April, and the 30 June each year or unless otherwise provided for by statutory regulation. The first item of

business on the agenda for the annual meeting shall be the appointment of a Chair for the ensuing year.

- 2.4 Panel members shall receive a summons to attend a meeting of the Panel, agendas and any accompanying reports, at least three clear days before a meeting. The documents will be sent to Panel members both by first class post and by electronic mail i.e. members will receive a hard copy and a copy by email. A copy of the agenda will also be sent to the Chief Constable.
- 2.5 The documents referred to above shall be left at, or sent by post, to the usual place of residence (or other agreed address) of every member of the Panel, or by electronic mail to the email address provided by the Panel member to the host authority. Want of service of the summons on any Member of the Panel shall not affect the validity of a meeting.
- 2.6 All Panel agendas and reports shall be published electronically on the host authority's website at least three clear days before a meeting.
- 2.7 Clear days do not include the day agendas and reports are received by panel members or the day of the meeting.
- 2.8 Copies of the agenda will also be sent electronically to the Office of the South Wales Police and Crime Commissioner.
- 2.9 An extraordinary meeting may be called by the Chair; by the majority of members of the Panel; or by the Monitoring Officer of the host authority.
- 2.10 The Chair shall agree the agenda for Panel meetings. Any member of the Panel shall be entitled to request an item to be placed on an agenda for a future meeting, which are relevant to the Panel's functions, subject to the approval of the Chair.
- 2.11 Ordinary meetings of the Panel will:
  - a. Receive any declarations of interest from members
  - b. Approve the minutes of the last meeting
  - c. Consider reports from the Police and Crime Commissioner and officers and Panel members.
  - d. Consider matters identified within the Panel Terms of Reference, operating procedures and perform other statutory duties of the Panel.
- 2.12 At a meeting of the Panel at which minutes of a previous meeting are submitted for approval as a correct record, the Chair shall move that those Minutes be so approved.
- 2.13 No discussion shall take place upon the Minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment. If no such matter is raised, or if it is raised then as soon as it is has been disposed of, the minutes shall be agreed as a true and accurate record.

### **3.0 Quorum**

- 3.1 A meeting of the Police and Crime Panel cannot take place unless one third of the whole membership is present (minimum of 4 members of the Panel).

### **4.0 Voting**

- 4.1 Voting will be by majority unless regulations made under the Police Reform and Social Responsibility Act require otherwise.
- 4.2 All Panel members may vote in proceedings of the Panel, unless they have declared a prejudicial interest in relation to the matter requiring a vote.
- 4.3 The Chair of the meeting will have a second or casting vote in the event of a tied vote. All other Panel members will have one vote. Voting will be by a show of hands.
- 4.4 Any member of the Panel can ask for the way in which they voted to be recorded in the minutes.

### **5.0 Work Programme**

- 5.1 The work programme must include the functions described in the terms of reference of the Panel.
- 5.2 The Panel will approve an annual work programme which will take into account the Panel's statutory duties and priorities defined by the Police and Crime Commissioner. In setting the work programme the Panel will also take into account the wishes of its members.
- 5.3 So far as practicable the Panel shall consult with the Office of the Police and Crime Commissioner in detailing its work programme in order to ensure the Panel is able to support and challenge the Police and Crime Commissioner.

### **6.0 Reports from the Police and Crime Panel**

- 6.1 Where the Panel makes a report to the Police and Crime Commissioner, it may publish the reports or recommendations.

### **7.0 Police and Crime Commissioner and Officers giving account**

- 7.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioners role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime

Commissioner and staff of the Office of the Police and Crime Commissioner 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.

- 7.2 Where the Police and Crime Commissioner or a staff member from the Office of the Police and Crime Commissioner is required to attend the Panel under this provision, the Chair will inform the Police and Crime Commissioner in writing giving reasonable notice. 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.
- 7.3 Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chair.
- 7.4 If the Panel requires the Police and Crime Commissioner to attend before the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any questions which appears to the Panel to be necessary in order for it to carry out its functions.

## **8.0 Attendance by others**

- 8.1 The Panel may invite people other than those referred to above to address it, discuss issues of concern and/or answer questions. It may for example wish to hear from residents, stakeholders, or councillors who are not members of the Panel and officers in other parts of the public sector and may invite such people to attend.

## **9.0 Sub committees and task groups**

- 9.1 Sub-committees or time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific functions or task based work.
- 9.2 The work undertaken by a sub-committee 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.
- 9.3 A sub committee of the Panel may not co-opt additional members.
- 9.4 The “special functions” (see 10 below) of the Panel may not be discharged by a sub-committee of the Panel or task group.

## **10.0 Carrying out ‘special functions’**

- 10.1 Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined in paragraph 6 (reports from the Panel).

10.2 The “special functions” of a Panel may not be discharged by a committee or sub-committee or task group of the Panel. “Special functions” means the functions conferred on the Police and Crime Panel by the Police Reform and Social Responsibility Act 2011 in particular—

- a. section 28(3) (scrutiny of police and crime plan);
- b. section 28(4) (scrutiny of annual report);
- c. paragraphs 10 and 11 of Schedule 1 (Deputy Police and Crime Commissioner, the Commissioner’s Chief Executive and the Commissioner’s Chief Finance Officer);
- d. Schedule 5 (issuing precepts); and
- e. Part 1 of Schedule 8 (scrutiny of appointment of chief constables).

### **11.0 Police and Crime Plan**

11.1 The Panel is a statutory consultee on the development of the Police and Crime Commissioners Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft variation to it, from the Police and Crime Commissioner.

11.2 The Panel must:

- a. Hold a public meeting 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 Police and Crime Commissioner must take into account.

### **12.0 Annual Report**

12.1 The Police and Crime Commissioner must produce an annual report about the exercise of his/her functions in the financial year. The report must be sent to the Panel for consideration.

12.2 The Panel must comment upon the annual report of the Police and Crime Commissioner and for that purpose must:

- a. Arrange for a public meeting of the Panel to be held as soon as practical after the Panel receives the annual report.
- b. Require the Police and Crime Commissioner to attend the meeting to present the annual report and answer questions about the annual report as the members of the Panel think appropriate.
- c. Make a report or recommendation on the annual report to the Police and Crime Commissioner.

### **13.0 Senior Appointments**

- 13.1 The Panel has powers to review the Police and Crime Commissioners proposed appointments of the Chief Constable, the Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The Panel is required to hold public confirmation hearings for these posts.
- 13.2 The Panel will be notified of the need for a confirmation 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 timescales requires an earlier hearing, in which case an extraordinary meeting will be arranged.
- 13.3 With regards to the appointment of the Chief Constable, the Panel is required to hold a hearing within a period of three weeks from the day which the Panel receives notification from the Police and Crime Commissioner.
- 13.4 Confirmation hearings will be held in public, where the candidate is requested to appear for the purposes of answering questions relating to the appointment. Following the hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.
- 13.5 For a confirmation hearing for the proposed appointments of the Chief Constable, in addition to the requirement to review and report, the Panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- 13.6 Having considered the appointment, the Panel will be asked to either:
- a. Support the appointment without qualification or comment.
  - b. Support the appointment with associated recommendations, or
  - c. Veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of making that decision)
- 13.7 If the Panel vetoes the appointment of the candidate, the report must include a statement that the Panel has vetoed the appointment with reasons.

### **14.0 Reserve Chief Constable Candidate**

- 14.1 If the Panel vetoes the appointment of the Chief Constable pursuant to paragraph 13.6.c above the Police and Crime Commissioner shall propose another person for appointment as Chief Constable and shall notify the Panel in accordance with regulation 9(2) of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.

### **15.0 Panel's consideration of the reserve Chief Constable candidate**

- 15.1 Within the period of three weeks beginning with the day on which the panel receives notification under paragraph 14.1 the panel shall—

- a. review the proposed appointment; and
  - b. make a report to the police and crime commissioner on the proposed appointment.
- 15.2 Before making a report under paragraph 15.1(b), the panel must hold a confirmation hearing.
- 15.3 The report made under paragraph 15.1(b) must include a recommendation to the police and crime commissioner as to whether or not the reserve candidate should be appointed.
- 15.4 The panel must publish the report made under paragraph 15.1(b).
- 15.5 In calculating the period of three weeks for the purpose of paragraph 15.1, any relevant postelection period within the meaning of paragraph 4(10) of Schedule 8 of the Police Reform and Social responsibility Act 2011 is to be ignored.
- 15.6 On receiving the report under paragraph 15.1(b) the Police and Crime Commissioner shall have regard to the report and notify the Panel of his decision as to whether or not he accepts or rejects the recommendation.

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

- 16.1 The Panel must appoint a person to act as Police and Crime Commissioner if:
  - a. No person holds the office of the Police and Crime Commissioner
  - b. The Police and Crime Commissioner is incapacitated, or
  - c. The Police and Crime Commissioner is suspended
- 16.2 The Panel may appoint a person as acting Police and Crime Commissioner only if the person is a member of the Police and Crime Commissioners staff at the time of appointment.
- 16.3 In appointing a person as acting Commissioner in a case where the Police and Crime Commissioner is incapacitated, the Panel must have regard to any representations made to the Commissioner in relation to the appointment.
- 16.4 The appointment of an acting 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 Commissioner of the appointment of acting Commissioner
  - c. In a case where the acting Commissioner is appointed because the Police and Crime Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or



- d. In a case where the acting Commissioner is appointed because the Police and Crime Commissioner is suspended, the Commissioner ceasing to be suspended

## **17.0 Proposed Precept**

- 17.1 The Police and Crime Commissioner will notify the Panel of the precept which the Commissioner is proposing to issue for the financial year by the 1<sup>st</sup> February of the relevant financial year. The Panel must review the proposed precept and make a report including recommendations by the 8<sup>th</sup> February of the relevant financial year.
- 17.2 Having considered the precept, the Panel will either:
  - a. Support the precept without qualification or comment
  - b. Support the precept and make recommendations, or
  - c. Veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made)
- 17.3 If the Panel vetoes the proposed precept, the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reasons. The Panel will require a response to the report and any such recommendations by the 15<sup>th</sup> February of the relevant financial year.
- 17.4 Where the panel exercises the power to veto the precept but fails to report in accordance with paragraph 17.1, the end of the scrutiny process is reached and, notwithstanding the veto, the police and crime commissioner may issue the proposed precept for the financial year.
- 17.5 The Police and Crime Commissioner shall, in the response referred to in 17.3 notify the Panel of the precept he now proposes to issue ("the revised precept")
- 17.6 Where the Panel's report under paragraph 17.1 –
  - a. indicates that the Panel vetoes the proposed precept because it is too high, the revised precept shall be lower than the proposed precept;
  - b. indicates that the Panel vetoes the proposed precept because it is too low, the revised precept shall be higher than the proposed precept.

## **18.0 Revised precept.**

- 18.1 On receiving a response containing notification of a revised precept pursuant to paragraph 17.5 the panel shall, by 22<sup>nd</sup> February of the relevant financial year—
  - a. review the revised precept; and
  - b. make a report to the police and crime commissioner on the revised precept ("the second report").

**18.2 The second report may—**

- a. indicate whether the panel accepts or rejects the revised precept (but rejection does not prevent the police and crime commissioner from issuing the revised precept as the precept for the financial year); and
- b. make recommendations, including recommendations as to the precept that should be issued for the financial year.

**18.3** Where the panel fails to act in accordance with paragraph 18.1, the end of the scrutiny process is reached and the police and crime commissioner may issue the revised precept as the precept for the financial year.

**19.0 The Police and Crime Commissioner's consideration of the second report**

**19.1** On receiving the panel's second report the police and crime commissioner shall, by 1st March of the relevant financial year—

- a. have regard to the second report (including any recommendations in the report);
- b. give the panel a response to the second report (and any such recommendations); and publish the response.

**20.0 Issuing the precept**

**20.1** In a case other than one to which paragraph 17.4 or 18.3 applies, the end of the scrutiny process is reached when the police and crime commissioner gives the panel the response mentioned in paragraph 19.1 b.

**20.2** The police and crime commissioner may then issue a revised or a different precept as the precept for the financial year pursuant to regulation 8 (2) and (3) of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

**21.0 Complaints**

*The following procedures in relation to Complaints (21.1 to 21.8) will be amended once an All Wales Complaints Protocol is available for agreement and adoption.*

**21.1** Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

**21.2** Complaints by members of the public will be submitted to the Host Authority who will draw the complaint to the attention of the Chair of the Panel and the Monitoring Officer of the host authority.

- 21.3 Allegations which are criminal in nature will be submitted to the Independent Police Complaints Commission (IPCC) for consideration.
- 21.4 Non-criminal complaints will be managed by the Chair of the Panel in consultation with the Monitoring Officer of the host authority.
- 21.5 Non-criminal complaints in relation to the Police and Crime Commissioner can be considered by the Panel through a hearing. The Panel can examine this through a sub-committee following the procedure set out in paragraph 9.
- 21.6 The Panel may forward / refer complaints, if they are deemed appropriate for local resolution, to the Chief Executive of the Office for the Police and Crime Commissioner.
- 21.7 On behalf of the Police and Crime Commissioner, the Chief Executive of the Office for the Police and Crime Commissioner will provide the Chair of the Panel with a summary of the activities undertaken in a timely manner.
- 21.8 Information about the submission of complaints in relation to the Police and Crime Commissioner will be published on the Police and Crime Commissioners website and the website of the host authority.

## **22.0 Suspension of the Police and Crime Commissioner**

- 22.1 A Panel may suspend the Police and Crime Commissioner if it appears to the Panel that:
- a. The commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
  - b. The offence is one which carries a maximum term of imprisonment exceeding two years.
- 22.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
- a. The charge being dropped
  - b. The Police and Crime Commissioner being acquitted of the offence
  - c. The Police and Crime Commissioner being convicted of the offence but not being disqualified under section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
  - d. The termination of the suspension by the Police and Crime Panel
- 22.3 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

## **23.0 Suspension or removal of the Chief Constable**

- 23.1 The Panel will receive notification if the Police and Crime Commissioner suspends the Chief constable.
- 23.2 The Police and Crime Commissioner 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.
- 23.3 The Police and Crime Commissioner 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.
- 23.4 If the Police and Crime Commissioner is still proposing to call upon the Chief Constable to resign, she/he must notify the Panel accordingly (the 'further notification').
- 23.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Police and Crime Commissioner as to whether he/she should call for the retirement or resignation. Before making any recommendation the Panel may consult their Chief Inspector of Constabulary, and must hold a scrutiny hearing.
- 23.6 The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the Police and Crime Commissioner and Chief Constable are entitled to attend to make representation in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person or by participating by telephone or video link.
- 23.7 The Panel must publish the recommendation it makes on the website of the Host Authority and on the website of the Police and Crime Commissioner.
- 23.8 The Police and Crime Commissioner 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 Police and Crime Commissioner a recommendation as to whether or not he/she should call for the retirement or resignation, or
  - b. The Police and Crime Commissioner notifies the Panel of a decision about whether he/she accepts the Panels recommendations in relation to resignation or retirement.
- 23.9 The Police and Crime Commissioner must consider the Panels recommendation and may accept or reject it, notifying the Panel accordingly.
- 23.10 In calculating the six week period, the post election period is ignored.

## **24.0 Public Participation**

- 24.1 Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting. A maximum of 30 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.
- 24.2 Questions must be put in writing to the Monitoring Officer at the host Authority no later than 10 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.
- 24.3 The questioner is able to ask one supplementary question after receiving a response. There is usually no debate on questions; however this is at the Chair's discretion.
- 24.4 Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.
- 24.5 Members of the public and duly accredited representatives of the media shall be permitted to attend meetings of the Panel or a subcommittee.
- 24.6 Disturbances by members of the Public. If a member of the public interrupts or disrupts the proceedings at any meeting the Chair shall warn him/her. If he/she continues the interruption or disruption, the Chair shall order his/her removal from the meeting. In case of general disturbance or disruption in any part of the meeting place open to the public, the Chair shall order that part to be cleared and may adjourn or suspend the meeting at the Chair's own discretion.

## **25.0 Promotion of the Panel.**

- 25.1 The Panel shall be promoted through a dedicated web-page within the website of the host authority (with appropriate links to other relevant websites) including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, and other publications;
- 25.2 Support and guidance including training and specialist expertise as necessary shall be arranged for the Panel members in support of the functions of the Panel. This shall be organised by the host authority as and when appropriate.

## **26.0 Validity of Meetings**

- 26.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment (s).
- 26.2 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, and in the event of any conflict

between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

### **‘Definitions’**

‘Police and Crime Commissioner’ ‘the Commissioner’
‘Police and Crime Panel’ or “South Wales Police and crime Panel” ‘the Panel’
‘Police and Crime Plan’ ‘the Plan’
Chief Constable
Office of the Police and Crime Commissioner
‘Free-standing public body’
‘Co-opted Member’
‘Elected Members’
‘Chair’ ‘Chair of the Panel’
‘Police Reform and Social Responsibility Act 2011’ ‘the Act’

*Adopted by the South Wales Police and Crime Panel on the 7<sup>th</sup> January 2013*