

**GLOUCESTERSHIRE POLICE AND CRIME PANEL**  
**PANEL ARRANGEMENTS AND TERMS OF REFERENCE**  
**REPORT OF THE DIRECTOR OF LAW AND ADMINISTRATION**

**1 Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 requires each police area in England, other than the metropolitan police district, to establish a Police and Crime Panel. These panels will publicly scrutinise the Police and Crime Commissioners who themselves will hold the Chief Constable of their force to account for the full range of their responsibilities.
- 1.2 There are a number of steps in establishing a Police and Crime Panel and these will require close co-operation amongst the seven councils. These include setting the terms of reference, determining the appointment process for independent members, assessing the level of any allowances and organising training. The panel will constitute a joint committee of the seven councils.
- 1.3 The Police Reform and Social Responsibility Act details the need for the functions and procedural rules for the operation of the panel to be set out in 'panel arrangements' and 'rules of procedure'.

**2 Membership**

- 2.1 At the Leadership Gloucestershire meeting held on 10 November 2011 the leaders of the seven councils (or their representatives) agreed in principle that:
- a) Gloucestershire County Council should act as the host authority in establishing the panel and provides the necessary officer support.
  - b) The panel should be made up of 10 non-executive councillors and two independent non-elected members.
  - c) The elected membership should be made up of six district councillors and four county councillors.
- 2.2 It is worth noting that the Police and Crime Panel and the Community Safety Scrutiny Committee will be separate committees. There are clearly close links between them and in the short-term we are planning to hold meetings on the

same day. We are expecting some members to be appointed to both bodies although that will of course be a decision for individual local authorities.

- 2.3 The intention is to establish the Police and Crime Panel in June 2012 with appointments to be made in May 2012 at each council's annual general meeting. To meet this timescale, the panel arrangements and rules of procedure need to begin to be developed.
- 2.4 Additional elected members may be co-opted onto the panel and this could be used if the appointments made by each council do not result in political balance. The co-opted elected members may be drawn from the county council or the district councils and will be appointed by the Leader of Gloucestershire County Council following consultation with Leadership Gloucestershire. The appointment of co-opted elected members will be reviewed annually.

### **3 Proposed panel arrangements and terms of reference**

- 3.1 Annex 1 includes the proposed terms of reference. These detail the functions and powers of the panel as defined by the Act. The committee is asked to agree to recommend these to Council.
- 3.2 The Act sets out (principally in paragraph 24 of schedule 6) specific requirements which must form part of the panel arrangements. These include arrangements around the appointment of co-optees, terms of office, appointment, resignation and removal of members of the PCP as well as payment of allowances.
- 3.3 The draft panel arrangements have been discussed at Community Safety Overview and Scrutiny Committee on 16 January 2012. Annex 2 of this report includes the proposed panel arrangements for agreement by the Constitution Committee to recommend to Council.
- 3.4 The draft rules of procedure are included at Annex 3 and detail how the panel will carry out its functions. These have been included for the committee to note as the rules of procedure will need to be agreed by the Police and Crime Panel itself at its first meeting.
- 3.5 If needed, a further meeting of the Constitution Committee will be scheduled if further guidance or regulations from the Home Office require significant amendments to the terms of reference and panel arrangements.

## **4 Member allowances**

- 4.1 The Independent Remuneration Panel (IRP) will meet on 8 March to consider whether or not allowances should be paid to panel members and, if so, the level at which they should be set. The IRP will also consider the level of allowance for the chairman of the panel.
- 4.2 An oral report on the outcome of the IRP's deliberations will be made at the Constitution Committee.

## **5 Next steps**

Below are some key milestones in the development of the panel:

- Elected members appointed by the seven councils – by 31 May 2012
- Panel meets to consider its role and work plan, and to consider rules of procedure – by 30 June 2012
- Independent non-elected members and co-opted elected members (if necessary) appointed – by 31 July 2012
- The panel meets to agree rules of procedure- by 28 September 2012
- Police and Crime Commissioner elected on 15 November 2012

## **6 Recommendations**

- a) To recommend to the Council that the terms of reference for the Police and Crime Panel in annex 1 and the panel arrangements in annex 2 are adopted.
- b) To recommend to the Council the level of allowances to be paid to the members of the Police and Crime Panel.
- c) To note the draft rules of procedure for the Police and Crime Panel (these will be subject to approval by the panel at its first meeting).

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**GLOUCESTERSHIRE POLICE AND CRIME PANEL**

**TERMS OF REFERENCE**

The functions of the panel are to be exercised with a view to supporting the effective exercise of the functions of the Police and Crime Commissioner. The panel is under a duty to support, as well as challenge, the commissioner.

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendations on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation of proposed senior appointments made by the Police and Crime Commissioner, this includes:
  - a) The commissioner's chief executive
  - b) The commissioner's chief finance officer
  - c) A deputy police and crime commissioner

The panel has the power to veto the appointment of the Chief Constable.

- 4) To review and make a report and recommendation (as necessary) on the proposed precept. The panel has the power to veto the proposed precept.
- 5) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions, and make a report or recommendation.
- 6) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
- 7) To appoint an Acting Police and Crime Commissioner if necessary.

**GLOUCESTERSHIRE POLICE AND CRIME PANEL**

**PANEL ARRANGEMENTS**

**1 OPERATING ARRANGEMENTS**

- 1.1 Gloucestershire County Council shall act as the host authority in establishing the Police and Crime Panel and provide the necessary officer support.
- 1.2 The panel shall be made up of a minimum of 10 councillors and two independent members.
- 1.3 The elected membership shall be made up of a minimum of six district councillors and a minimum of four county councillors. Each council will appoint deputies equivalent to the number of members it has appointed to the panel.
- 1.4 Gloucestershire County Council as host authority shall promote the role of the police and crime panel through meetings held in public.
- 1.5 Any funding provided by the Home Office to meet the costs of establishing, supporting and running the panel will be managed by Gloucestershire County Council as host authority.

**2 ELECTED MEMBERSHIP**

- 2.1 All county councillors and district councillors in the county of Gloucestershire are eligible to be members of the panel.
- 2.2 Included in the panel's membership will be one councillor from each district council.
- 2.3 The 10 elected members of the panel and their deputies will be appointed in May 2012 at the annual meeting of each council. Future appointments will be made at each annual meeting, at the annual meeting following an election, or at the next council meeting if a member is removed or resigns from the panel. Terms of office may not be for more than four years, but members may subsequently be appointed for more than one term.
- 2.4 The panel membership shall, as far as is reasonably practicable, meet the balanced appointment objective as set out in the Police Reform and Social Responsibility Act 2011.

- 2.5 The panel may resolve to co-opt additional elected members if, for example, the appointments made by each council do not meet the balance appointment objective across the whole panel. The co-opted elected members may be drawn from the county council or the district councils and will be recommended to the panel by the Leader of Gloucestershire County Council following consultation with Leadership Gloucestershire. The appointment of co-opted elected members will be reviewed annually.
- 2.6 In accordance with the Police Reform and Social Responsibility Act 2011, any increase in the size of the panel as a result of the co-option of elected members will be subject to the approval of the Home Secretary. The maximum number of members of the panel including co-opted members shall not exceed 20.
- 2.7 All elected members, including co-optees, of the panel may vote in proceedings of the panel.

### **3 CASUAL VACANCIES**

- 3.1 A vacancy on the panel arises when a county councillor, a district councillor or an independent member resigns from the membership of the panel.
- 3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for co-opted elected members and independent members will be filled in accordance with the selection processes outlined in sections 2.5 and 4.

### **4 INDEPENDENT MEMBERS**

- 4.1 The panel shall co-opt two independent members onto the panel for a term of four years, starting in July 2012.
- 4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.
- 4.3 Information packs should be prepared and sent to those requesting application forms.
- 4.4 The applications will be considered against agreed eligibility criteria and then the chairman and vice-chairman of the panel will be invited to meet to consider applications and interview candidates. At all times consideration should be given to the balanced appointment objective.

- 4.5 Following the interviews, the chairman and vice-chairman will make recommendations to the panel about membership for the panel to confirm.
- 4.6 Independent members may vote in all proceedings of the panel.

## **5 REMOVAL OF MEMBERS**

- 5.1 An Authority may decide in accordance with their procedures to remove their appointed member from the panel at any point and on doing so shall give notice to the Chief Executive of Gloucestershire County Council as host authority.
- 5.2 An appointed member may resign from the panel by giving written notice to the Chief Executive of Gloucestershire County Council as host authority and the Authority they represent on the panel.
- 5.3 In the event that any appointed member resigns from the panel, or is removed from the panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative member to the panel. The validity of the proceedings of the panel is not affected by a vacancy in the membership.

**GLOUCESTERSHIRE POLICE AND CRIME PANEL**

**PROCEDURE RULES**

**1 CHAIRMAN OF THE POLICE AND CRIME PANEL**

- 1.1 The chairman of the Police and Crime Panel will be appointed by the panel members in June of each year and will be drawn from amongst the councillors sitting on the panel.
- 1.2 The vice-chairman will be appointed in June of each year and will be drawn from amongst the councillors sitting on the panel.
- 1.3 In the event of the resignation of the chairman or removal of chairman, a new chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the panel.

**2 MEETINGS OF THE POLICE AND CRIME PANEL**

- 2.1 There shall be a minimum of four ordinary meetings of the Police and Crime 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 An extraordinary meeting may be called by the chairman, by four members of the panel or by the Monitoring Officer of the Police and Crime Commissioner.

**3 QUORUM**

A meeting of the Police and Crime Panel cannot take place unless one third of the whole number of its members is present.

**4 WORK PROGRAMME**

- 4.1 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.
- 4.2 The work programme must include the functions described in the terms of reference for the panel.



## **5 AGENDA ITEMS**

Any member of the Police and Crime Panel shall be entitled to give notice to the Chief Executive of Gloucestershire County Council 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.

## **6 REPORTS FROM POLICE AND CRIME PANEL**

- 6.1 Where the Police and Crime Panel make a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- 6.2 The Police and Crime Panel must by notice in writing require the Police and Crime Commissioner within one month of the date on which he receives the report or recommendations to
- a) Consider the report or recommendations.
  - b) Respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take.
  - c) Where the Police and Crime Panel has published the report or recommendations, publish the response.
  - d) Where the Police and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member of any local authority within the police force area.
- 6.3 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).
- 6.4 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.

## **7 POLICE AND CRIME COMMISSIONER AND OFFICERS GIVING ACCOUNT**

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

- 7.2 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 practical, 15 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.
- 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 chairman of the panel.
- 7.4 If the Police and Crime Panel require 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 ATTENDANCE BY OTHERS**

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 and may invite such people to attend.

## **9 SUB-COMMITTEES AND TASK GROUPS**

- 9.1 Time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- 9.2 The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.
- 9.3 In this paragraph 'special functions' means the functions conferred on a Police and Crime Panel by
- a) Section 28(3) of Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan).

- b) Section 28 (4) of Police Reform and Social Responsibility Act (scrutiny of annual report).
- c) Paragraphs 10 and 11 of Schedule 1 of Police Reform and Social Responsibility Act (review of senior appointments).
- d) Schedule 5 of Police Reform and Social Responsibility Act (issuing precepts).
- e) Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).

9.4 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.

## **10 CARRYING OUT 'SPECIAL FUNCTIONS'**

Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at paragraph 7 of the procedure rules.

### **10.1 Senior appointments**

- 10.1.1 The panel is required by the Act to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold confirmation hearings in public for these posts.
- 10.1.2 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. The panel must review the proposed senior appointment, make a report and include a recommendation as to whether or not the candidate should be appointed.
- 10.1.3 The panel is required to report on senior appointments within a period of three weeks, beginning with the day on which the panel receives the notification from the commissioner of the proposed senior appointment.
- 10.1.4 In calculating the period of three weeks any relevant post-election period is ignored. This begins with the day of the poll at an ordinary election of the Police and Crime Commissioner and ends with the day on which the person elected as commissioner delivers a declaration of acceptance of office.
- 10.1.5 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment.

Following this hearing, the panel is required to review the proposed appointment and make a report to the commissioner on the appointment.

10.1.6 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to publish the report and make a recommendation on the appointment and the power to veto the appointment.

10.1.7 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).

10.1.8 If the panel vetoes the appointment of the candidate, the report to the commissioner must include a statement that the panel has vetoed the appointment with reasons.

## **10.2 Suspension and removal of the Chief Constable**

10.2.1 If the Police and Crime Commissioner suspends the Chief Constable the panel must be notified.

10.2.2 The panel must be given written notification if the commissioner is proposing to call upon the Chief Constable to retire or resign. In addition, the panel must be provided with a copy of the reasons given to the Chief Constable for the proposal.

10.2.3 The panel will consider any representations made by the Chief Constable as soon as practicable after the commissioner has provided the panel with them.

10.2.4 The panel must make a recommendation to the Police and Crime Commissioner as to whether or not the commissioner should call for retirement or resignation.

10.2.5 The recommendation must be given to the Police and Crime Commissioner in writing before the end of the period of six weeks, beginning with the day on which the panel receives the written notification of the commissioner's proposal.

10.2.6 In calculating the period of six weeks any relevant post-election period is ignored. This begins with the day of the poll at an ordinary election of the Police and Crime Commissioner and ends with the day on which the person elected as commissioner delivers a declaration of acceptance of office.

10.2.7 Before making the recommendation, the panel may consult with the chief Inspector of Constabulary and must hold a scrutiny hearing in private. The Police and Crime Commissioner and the Chief Constable are both entitled to attend.

10.2.8 The recommendation must be published and the Police and Crime Commissioner must consider the recommendation and notify the panel as to whether or not it has been accepted.

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

10.3.1 The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:

- a) no person holds the office of Police and Crime Commissioner
- b) the Police and Crime Commissioner is incapacitated, or
- c) the Police and Crime Commissioner is suspended.

10.3.2 The Police and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.

10.3.3 In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the commissioner in relation to the appointment.

10.3.4 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 the 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.

## **10.4 Proposed precept**

10.4.1 The Police and Crime Commissioner will notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the financial year. The panel must review the proposed precept and make a report including recommendations.

10.4.2 Having considered the precept, the Police and Crime 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).

10.4.3 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.

## **10.5 Complaints**

10.5.1 Non-criminal complaints in relation to the Police and Crime Commissioner or other office holders can be considered by the Police and Crime Panel through a hearing. The panel can examine this through a sub-committee as provided in the procedure rules at (9).

10.5.2 A Police and Crime Panel may suspend the Police and Crime Commissioner if it appears to the panel that

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

10.5.3 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.

10.5.4 In this paragraph 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.