

# Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Community Governance



## Panel Operating Arrangements

The Panel Operating Arrangements were originally agreed by the Leaders Joint Selection Committee on 11<sup>th</sup> June 2012 and were subsequently reviewed and endorsed by the Constituent Authorities in ..... 2018.

Published: .....



This document was agreed on behalf of the following Constituent Authorities:-

Bath & North East Somerset  
Bristol City Council  
Mendip District Council  
North Somerset Council  
Sedgemoor District Council  
Somerset County Council  
South Gloucestershire Council  
South Somerset District Council  
Taunton Deane Borough Council  
West Somerset District Council

In this agreement:-

- the above 10 Authorities are referred to singularly as 'the Authority' and together as 'the Constituent Authorities'
- the 'Panel' is the Police and Crime Panel for the Avon and Somerset Police Constabulary
- the "Clerk" is the administrative, scrutiny and complaints support to the Panel
- the 'Host Authority' is the council responsible for providing the necessary officer support to enable the Panel to fulfil its statutory responsibilities.



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- the 'Act' is the Police Reform and Social Responsibility Act 2011
  - the "Panel Operating Arrangements" are the arrangements for the establishment and maintenance of a Police and Crime Panel
  - the "Rules of Procedure" are the rules which determine how the Panel will carry out its key functions pursuant to Schedule 6 paragraph 25 of the Act.

## **1. Background**

- 1.1** Avon and Somerset force is a multi-authority Police area as defined in Schedule 1 of the Police Act 1996. The Constituent Authorities must agree to the making and modification of the Panel Arrangements. If the Constituent Authorities are not able to agree the Panel Arrangements, the Secretary of State is able to establish a Police and Crime Panel for the Police Area.
- 1.2** The Panel Operating Arrangements document will normally be reviewed by the Panel and referred to the Constituent Authorities every 2 years (next review to take place in February 2020). If any changes are recommended to the contents these will be submitted to the Authorities for approval. The agreed document will then be presented to the Panel for information at its next scheduled meeting. The document may be reviewed and amended in the intervening period subject to any statutory changes and guidance that impact on the operation of the Panel.
- 1.3** Each Authority and Panel Member must comply with the Panel Arrangements.
- 1.4** The Act provides for the election of a Police and Crime Commissioner ('the Commissioner') for the Avon and Somerset Police area and the establishment and maintenance of a Police and Crime Panel ('the Panel').
- 1.5** The functions of the Panel are to be exercised with a view to supporting the effective exercise of the functions of the Commissioner.
- 1.6** The Panel is a scrutiny body with responsibility for scrutinising and supporting the Commissioner and promoting openness in the transaction of Police business in the Avon and Somerset force area.

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- 1.7** The Panel must have regard, in addition to any statutory requirements, to any advice and protocols issued by the Home Secretary in respect of the role of the Commissioner, the Chief Constable and the Panel.
- 1.8** The Panel is a Joint Committee of the Constituent Authorities and as such ~~is~~ **may** **be** subject to the requirements of the Local Government Act 1972 and subsequent legislation.

## **2. Functions and Terms of Reference**

- 2.1** The overarching role of the Panel is to scrutinise the work of the Commissioner in the discharge of the Commissioner's functions and in order to support the effective exercise of those functions.
- 2.2** The Panel can only exercise functions as conferred by the Act.
- 2.3** The Panel is a statutory consultee on the development of the **Police and Crime Plan** and must:-
- i) Review the draft Police and Crime Plan (or any variation to it); and
  - ii) Report and/or make recommendations on the draft Plan which the Commissioner must take into account.
- 2.4** The Panel must comment upon the Annual Report of the Commissioner and for that purpose must put questions to the Commissioner at a public meeting. The Panel may make a report or recommendation (as necessary) to the Commissioner on the Annual Report.
- 2.5** The Panel must hold **Confirmatory Hearings in respect of proposed senior appointments** made by the Commissioner. This includes the posts of the Chief Executive Officer, the Chief Finance Officer and any Deputy Commissioner in accordance with the requirements set out in Schedule 1 of the Act. The Panel will review the appointments and make a report and/or recommendations to the Commissioner.

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- 2.6** The Panel must hold a **confirmation hearing in respect of the appointment of the Chief Constable**. The Panel has the right of veto for the appointment of the Chief Constable in accordance with the Act and Regulations.
- 2.7** The Panel must review the **Precept** proposed by the Commissioner 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 thereafter.
- 2.8** The right of veto will require that at least two-thirds of the persons who are **Members of the Panel at the time when the decision is made** to vote in favour of making that decision.
- 2.9** The Panel may appoint an Acting Commissioner if necessary. **The Panel has an agreed protocol to deal with a mid-term vacancy.**
- 2.10** The Panel may suspend the Commissioner if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 2.11** **If the Commissioner exercises the power to call for the resignation of a Chief Constable pursuant to Section 38(3) of the Act, the Panel must hold a scrutiny hearing in private before making any recommendation on the proposal. The Panel may consult the Chief Inspector of Constabulary and may consider representations from the Commissioner and the Chief Constable on the proposed removal.**
- 2.12** The Panel may carry out in-depth reviews into the work of the Commissioner. This work may be delegated to a Sub-Committee or Task Group.
- 2.13** The Panel may require the Commissioner or a staff member of the OPCC to attend the Panel to answer questions in certain circumstances.
- 2.14** The Panel may require the Commissioner to respond in writing to a report or recommendation of the Panel.
- 2.15** The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

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***Note: The detail behind how the Panel will carry out the key functions listed above is contained in the Panel's Rules of Procedure.***

### **3. Membership**

#### *Elected Members*

- 3.1** The minimum number of elected members of the Panel will be 10, with each of the Constituent Authorities having at least 1 member.
- 3.2** Appointment of elected Members to the Panel shall be made by each of the Constituent Authorities in accordance with their own procedures. In making appointments to the Panel, the Constituent Authorities shall have regard to the requirement in the Act that appointments shall be made with a view to ensuring that the 'balanced appointment objective' is met so far as is reasonably practicable.
- 3.3** The balanced appointment objective requires that the Panel should (when taken together), and as far as is reasonably practicable:
- represent all parts of the police area;
  - represent the political make-up of the Authorities (when 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 in accordance with these requirements, the Secretary of State will appoint a Member from the Authority to the Panel in accordance with the Act.
- 3.5** A Panel should keep the membership under review and consider whether a variation in numbers by co-opting additional elected members would assist in meeting the balanced appointment objective. The Panel shall not co-opt an elected member unless all of the members of the Panel agree to the co-option.
- 3.6** The Panel comprises 15 elected members in line with the membership arrangements agreed by the Leaders Joint Selection Committee in 2012:-

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- Former Avon Unitary Authorities – 9 members (1 appointed member and 1 co-opted member each, plus an additional member for Bristol City Council based on its population size and comparatively high levels of crime)
  - Somerset County Council and Somerset District/Borough Councils – 6 members (1 appointed member each)

*(\*Guidance -councils with Elected Mayors are under a duty to nominate the Mayor or delegate the role to another elected member - Schedule 6, para 33 of the Act)*

**3.7** There will be no substitute members at meetings.

*Term of Office*

- 3.8** The term of office of elected members shall be the same as that of the Commissioner – a four year term unless a Panel member ceases to be an elected Member, or is removed from the Panel by their Authority. Members are entitled to be re-appointed for a maximum of two consecutive 4 year terms of office provided that the balanced appointment objective is met by that re-appointment.
- 3.9** The Constituent Authorities will maintain a mechanism at all times to enable the membership to be reviewed following any change in the Appointed or Co-opted elected membership agreed by the Panel and following any significant change in the political balance on the Authorities following relevant elections.

*Resignation and removal of elected members on the Panel*

- 3.10** An Authority may decide in accordance with its procedures to remove its Member from the Panel at any time and upon doing so shall give written notice to the Clerk,
- 3.11** A Member may resign from the Panel at any time by giving notice to the appointing Authority who will in turn, give written notice to the Clerk.
- 3.12** In both cases, the Authority shall immediately take steps to nominate and appoint an alternative member to the Panel.
- 3.13** Where a Panel Member fails to attend meetings of the Panel over a six month period, the Clerk shall recommend to the relevant Authority that due

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consideration is given to removing the member from the Panel.

### *Independent Co-opted Members*

**3.14** The Panel will normally consist of 3 non-political Independent Members as specified by resolution of the Panel on 31<sup>st</sup> October 2012 and notified to the Secretary of State. **The Panel will at all times maintain a minimum of 2 in accordance with Schedule 6 Part 2 Section 4(3) of the Act.**

**3.15** The following may not be an Independent Member:-

- anyone under 18 years old
- the Commissioner for the Police area
- a member of staff in the Office of the Police and Crime Commissioner
- a member of civilian staff in the Avon and Somerset Constabulary
- a Police officer in the Avon and Somerset Constabulary
- a member of Parliament;
- a member of the National Assembly for Wales;
- a member of the Scottish Parliament;
- a member of the European Parliament;
- a member of a Local Authority within the Avon and Somerset Police area.

**3.16** An Independent Co-opted Member shall be appointed for a four year term and can be re-appointed for a maximum of two consecutive 4 year terms of office provided that the balanced appointment objective is met by that re-appointment.

**3.17** The appointment of Independent Members will be conducted 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.

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- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised.
  - d) The selection process will endeavour to encourage applications from candidates which reflect the breadth of communities in the Avon and Somerset force area and will welcome applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability, age or other factors.

**3.18** Costs of the recruitment process shall be met from within the existing budget approved by the Panel as set out in section 5.

**3.19** A co-opted Member of the Panel may resign from the Panel by giving written notice to the Chairman and the Clerk.

**3.20** The Panel may at any time terminate the appointment of an Independent Member by notice in writing with immediate effect if at least two-thirds of Panel Members vote in favour of the decision for the reasons set out below:-

- if absent from the Panel for more than 3 formal meetings without the consent of the Panel
- if convicted of a criminal offence but not automatically disqualified
- if deemed to be incapacitated by physical or mental illness or is otherwise unable to unfit to discharge the functions of an Independent Member
- if the appointment no longer achieves the Balanced Appointment Objective
- if following an investigation by the Monitoring Officer of the host authority, a member has been found to have acted contrary to the Nolan Principles or any of the provisions of the members code of conduct of the host authority.

#### **4. Host Authority**

**4.1** The Panel shall agree a Host Authority for the Panel, to provide such scrutiny, legal, financial, administrative and other support as is reasonably required to enable the Panel to undertake its functions within the resources agreed by the Panel.

**4.2** **Somerset County Council** shall act as the Host Authority with effect from June 2017 and will provide/organise the necessary support arrangements to enable the Panel to fulfil its statutory responsibilities.



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## 5. Budget and Panel Costs

- 5.1 It is intended that all direct costs associated with the running of the Panel will be contained within the Home Office funding allocation.
- 5.2 In the event that the government funding ceases or the Panel's running costs exceed the central funding that is available, the shortfall will be met by ~~the 10 Authorities through a mechanism to be agreed~~ the Constituent Authorities on the basis of the contributions attached at Annex A. This reflects the principle of indemnity agreed by the Leader's Joint Selection Committee in 2012 which requires the Constituent Authorities to offset any shortfall should running costs exceed available funding.

## 6. Allowances and Expenses

- 6.1 All Panel Members can claim from the Panel budget for travel and carer expenses incurred in undertaking approved duties up to maximum amount of £920 annually. This will be paid in the form of an allowance in two parts and in arrears.

The Constituent Authorities may choose to provide an additional allowance to members sitting on the Panel to bring allowances fully into line with figures arrived at for other committees by the relevant independent remuneration panel. This is a matter for the appointing authority.

## 7. Promotion of the Panel

- 7.1 The Panel shall be promoted and supported by the Host Authority/Clerk through:
- a dedicated 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, press releases and other publications. All reports and recommendations made, with responses from the Commissioner will be published.
  - Media and communications support provided by the Corporate Communications Team, including the issuing of press release where required.
  - information on the respective Authority websites about the work of the Panel and links to the main web-pages.

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- Clerking support to be provided for all public Panel meetings. This includes sending out agendas, minutes and providing procedural advice.
  - Legal advice where required for the Panel to carry out its duties effectively.

**7.2** The costs of the promotion work identified above will be met by the annual budget and approved by the Panel.

**7.3** Support and guidance including training and specialist expertise as necessary shall be provided to the Panel members in support of its functions. This shall be organised by the Host Authority, and will include briefing/training sessions and written briefing notes.

**7.4** The Lead Authority shall prepare and maintain in consultation with the OPCC, the following protocols:-

- Working Protocol - setting out the respective functions of the Panel and the Commissioner with a view to establishing a set of principles and processes to ensure an effective and constructive working relationship
- Complaints Protocol - to facilitate the expeditious handling of complaints
- Communications Protocol - a basis for all communications between the Panel and the OPCC and the media.
- Mid-term Vacancy Protocol

## **8. Validity of Proceedings**

**8.1** 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.

**8.2** The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Act and any Regulations made in accordance with the Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

## **9. Rules of Procedure**

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

- the appointment and removal of the Chairman and Vice-Chairman

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- the formation of sub-committees and task groups
  - the making of decisions
  - arrangements for convening meetings
  - the circulation of information.

## Avon and Somerset Police and Crime Panel

### Indemnity Mechanism - contributions based on funding shortfall of £10,000

| Constituent Authority        | Population | Contribution (£) | Total          |
|------------------------------|------------|------------------|----------------|
| Bristol                      | 454,200    | 2745             |                |
| South Gloucestershire        | 277,600    | 1678             |                |
| North Somerset               | 208,154    | 1258             |                |
| Bath and North East Somerset | 184,874    | 1117             | (6798)         |
| Somerset County              | 529,972    | 1601             | (3202)         |
| South Somerset               | 161,243    | 487              |                |
| Sedgemoor                    | 114,588    | 346              |                |
| Taunton                      | 110,187    | 333              |                |
| Mendip                       | 109,279    | 330              |                |
| West Somerset                | 34,675     | 105              |                |
|                              |            |                  | <b>£10,000</b> |