



Avon and Somerset Police and Crime Panel

Hosted by Somerset County Council Democratic Services



Panel Rules of Procedure

The Panel Rules of Procedure were originally agreed by the Avon and Somerset Police and Crime Panel on 31st October 2012 and subsequently reviewed and agreed on the 1st February 2018.

This document was agreed on behalf of the following 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 Council

In this document,

- the above 10 Authorities are referred to singularly as ‘the Authority’ and together as ‘the Authorities’
- the ‘Panel’ is the Police and Crime Panel for the Avon and Somerset Police Constabulary
- the Clerk” provides the administrative, scrutiny, complaints and other support to the Panel
- the ‘Host Authority’ is the Authority which provides administrative and other specialist support to the Panel at the relevant time
- the ‘Act’ is the Police Reform and Social Responsibility Act 2011

- the “Panel Operating Arrangements’ is the document which sets out a framework for the Panel’s operation as agreed by all 10 Authorities
- the “Rules” are the rules as set out in this Rules of Procedure document

General

- 1.1** The Rules are made by the Panel pursuant to Schedule 6, paragraph 25 of the Act. The Panel will operate in accordance with the Rules. The Rules should be read and considered in conjunction with the Panel Arrangements.
 - 1.2** The Rules will normally be reviewed once every four years. The Rules shall not be amended unless notification of a proposed amendment is received by the Clerk not less than fifteen working days prior to a Panel meeting and a report on the implications of the amendment has been considered by the Panel. The amendment must be agreed by three quarters of the voting Membership of the panel.
 - 1.3** No amendment may be considered by the Panel which does not comply with the Act, relevant Regulations or statutory guidance. 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. The Monitoring Officer of the Host Authority will have the final ruling as to the interpretation of legal requirements, these Rules and the Panel Arrangements Document.
 - 1.4** Where the Rules do not explicitly address an issue the Standing Orders from the Host Authority will apply.
 - 1.5** All Panel members will be subject to a Member Code of Conduct which for elected members will be those of their own Council. Independent Co-opted Members will be subject to the Code of Conduct of the Host Authority/Nolan Principles.
- 2. Chair and Vice Chair of the Panel**
 - 2.1** The Chair of the Panel will be elected at the Panel’s AGM, normally in June of each year or in an election year where there have been changes in political proportionality on component councils, at the first meeting of the

Panel following the appointment of members to it by the Constituent Authorities. The Chair will be drawn from amongst the elected members sitting on the Panel and nominations will be sought in advance by the Clerk.

- 2.2** The Vice-Chair will be elected at the AGM and will be drawn from amongst the elected members sitting on the Panel and nominations will be sought in advance by the Clerk.
- 2.3** In the event of the resignation of the Chair or removal of the Chair, a new Chair will be appointed at the next meeting and will be drawn from amongst the elected members sitting on the Panel. The same provision will apply to the post of Vice-Chair.
- 2.4** The Chair may be removed by agreement of a majority of the whole Membership of the Panel and in that event the Panel will appoint a replacement Chair from the Appointed Members.

3. Meetings of the Panel

- 3.1** There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year. In addition, extraordinary meetings may be called on an ad-hoc basis.
- 3.2** An extraordinary meeting may be called by the Chair or by four members of the panel by giving notice in writing to the Host Authority lead officer. The Monitoring Officer of the Host Authority may also call an extraordinary meeting.
- 3.3** Any request for an extraordinary meeting must specify the particular item of business to be dealt with. After receipt of such a request, the Host Authority will arrange for the extraordinary meeting to take place within 35 days of the receipt of the request. No other business may be conducted at the meeting unless the Panel otherwise resolve.
- 3.4** In addition to formal meetings, appropriate training/briefing sessions will be arranged for Panel members as necessary.

- 3.5** The Panel shall decide the dates, times and venues for its meetings.
- 3.6** Ordinary meetings of the Panel will:-
- receive any declarations of interest from members
 - approve the minutes of the last meeting
 - consider reports from officers and panel members
- 3.7** All meetings of the panel will be held in public unless otherwise specified elsewhere in these procedure rules, and unless the reports or recommendations within the reports are marked as “confidential” or “exempt” and “not for publication” as defined in Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

4. Attendance Register

- 4.1** Attendance will be recorded by the Clerk at each meeting and a rolling register of attendance attached to the minutes of each meeting.

5. Minutes

- 5.1** The minutes of the business considered and any decisions reached at each meeting of the Panel shall be published on the Panel website and a copy sent to each member with the summons to attend the next meeting of the Panel. Members will be kept informed on actions emerging from the minutes in the intervening period by way of updates in a rolling action sheet provided by the Clerk.
- 5.2** No motion or discussion shall take place upon the minutes except upon their accuracy and any question of their accuracy shall be raised by motion. If no such question is raised, or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes

6. Public Question Time

- 6.1** Members of the public may ask a question or make a statement in relation to matters which are the function and responsibility of the Panel, at each meeting.

- 6.2** A maximum of 30 minutes will be allocated for this purpose at the start of each meeting of the Panel and each question or statement shall be allowed a maximum of 2 minutes.
- 6.3** Depending on the volume of Public Forum items, the time allocated on the agenda for consideration may be varied by the Chair, with the Panel's consent.
- 6.4** Statements must be received by the Clerk no later than 12.00 noon on the working day prior to the Panel's meeting.
- 6.5** Questions must be received by the PCP Host Authority no later than 3 clear working days before the meeting. This is to allow time for a response to be formulated. Questions will be limited to 2 per person/organisation. A response will be given either as a direct oral answer or a written reply at the meeting.
- 6.6** A questioner will be entitled to ask one supplementary question per question submitted after receiving a response

7. Quorum

- 7.1** A formal meeting of the Panel cannot take place unless at least one third of Panel Members are present.

8 Work Programme

- 8.1** The Panel will be responsible for setting its own work programme. In setting the work programme the Panel will take into account:-
- its functions and responsibilities as set out in the Act
 - the priorities defined by the Commissioner
 - the view of members
 - the resources available to support the delivery of the work programme.
- 8.2** The work programme must cover the functions described in the Terms of Reference for the Panel.

9. Sub-Committees and Task Groups

- 9.1** The Panel may set up a sub-committee or task group to undertake specified functions of the Panel. The Panel will appoint a Lead Panel Member of the sub-committee or task group who will report back to the Panel.

Sub-Committees

The role of a sub-committee is to carry out delegated Panel functions, excluding special functions which may not be discharged by a sub-committee (these are specified in the Act). Sub-committees may formally take decisions as delegated to them by the Panel.

A Complaints Sub-Committee established on 30th October 2014 will carry out delegated functions of the Panel associated with the complaints handling process and the informal resolution of complaints. The sub-committee will decide on the most suitable course of action to assist with the informal resolution of the complaint.

Task Groups

The role of a task group is to undertake time-limited investigations into particular issues, such as a scrutiny topic review. They are informal working groups, and as such have no decision-making power. Task Groups may report back upon the completion of their work with a report and recommendations to the Panel.

- 9.2** The work to be undertaken by a sub-committee or task group will be agreed by the Panel. Membership will be confined to members of the Panel and if possible should include at least one of the three independent members of the Panel. In determining membership, the Panel insofar as practicable, shall have regard to the skills and expertise of the Panel Members. Size will be determined on a case by case basis when the Panel agrees the scope of the work to be undertaken.

10 Agenda items

- 10.1** The Panel agenda will be issued to Panel Members at least 5 clear days before the meeting. It will also be published on the Panel's web site which will have links to all the Constituent Authorities websites
- 10.2** Any member of the Panel shall be entitled to place items on Panel agendas which are relevant to the Panel's functions. Members' requests for matters to be included shall be submitted in writing/e-mail and received by the Clerk at least 15 working days before the next ordinary meeting of the Panel, failing which they shall not be submitted to such meeting without the express direction of the Chair.
- 10.3** Items requested by members of the Panel should not have been considered previously by the Panel, in the last 6 months.

11. Conduct of Meetings

Motions

- 11.1** No motion or amendment other than a motion for the reception or adoption of a report, or for the adoption of a recommendation contained in a report, shall, after the proposer has spoken in support be discussed or proceeded with unless it has been seconded.

Motions during debate

- 11.2** When a motion is under debate, no other motion shall be moved except for the following:-
- a. to amend the motion
 - b. to postpone consideration of the motion
 - c. to adjourn the meeting
 - d. to adjourn the debate
 - e. to proceed to the next business
 - f. that the question be now put
 - g. that a member be not further heard
 - h. that a member do leave the meeting
 - i. that the subject of debate be referred back for further consideration
- 11.3** Where a motion is moved or seconded 'that the question be now put', 'that the debate now be adjourned', 'that the Panel proceed to the next

business', or `that the Panel be now adjourned', the Chair if, of the opinion, that the question before the meeting has been sufficiently discussed, will put that motion to the vote. If it is carried, the question before the meeting shall be put to the vote, or the subject of debate shall be deemed to be disposed of for the day or the meeting shall stand adjourned, as the case may be.

- 11.4** A second motion concerning the same question before the meeting `that the question be now put', `that the debate be now adjourned', `that the Panel proceed to the next business' or `that the Panel be now adjourned' shall not be made within a period of fifteen minutes unless it be made by the Chair.

Amendments

- 11.5** An amendment shall be relevant to the motion and shall be either:

- (a) to leave out words;
- (b) to leave out words and insert or add others;
- (c) to insert or add words;

- 11.6** But such omission or insertion of words shall not have the effect of introducing a new proposal into or of negating the motion before the Panel.

- 11.7** If an amendment is rejected, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall be the motion upon which any further amendment may be moved.

- 11.8** A further amendment shall not be moved until the Panel has disposed of every amendment previously moved.

Alterations or Withdrawal of Motion or Amendment

- 11.9** A proposer of a motion may, with the concurrence of the seconder and the consent of the Panel, alter the motion if the alteration is such that it could properly be effected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment

shall if required by the Chair be reduced in writing and handed to the Chair before the consent of the Panel to the alteration is sought.

11.10 A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Panel, withdraw the motion or amendment which he or she has proposed, and no member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.

11.11 The giving or refusal of consent by the Panel to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

Speech by Secunder

11.12 A member, when seconding a motion or amendment, may if then declaring the intention to do so, reserve their speech until a later period of the debate.

Members to Address the Chair

11.13 A member when speaking shall address the Chair. If two or more members wish to speak, the Chair shall decide the order in which they shall speak.

11.14 Whenever the Chair intervenes during a debate, a member then speaking and the Panel shall be silent.

Rights of Speech

11.15 A member may speak on any motion or amendment or on any report at such time as it is actually before the Panel, but Member's remarks shall be strictly confined to the subject matter under discussion or to an explanation or a question of order.

11.16 Where a report contains a recommendation that has been moved, a member may speak for or against such recommendation or move either an amendment to such recommendation or that the paragraph be referred back for further consideration.

11.17 Where a report does not contain a recommendation, a member may move that the paragraph be referred back for further consideration

provided that the decision, as reported in the paragraph, has not been finally implemented.

Length of Speeches

11.18 No speech shall exceed five minutes except by consent of the Panel.

Conduct of Members

11.19 A member shall not impute motives or use offensive expressions to or about any other member.

11.20 If any member, in the opinion of the Chair, persistently disregards the ruling of the Chair, or behaves irregularly, improperly, or offensively, or wilfully obstructs the business of the Panel, or uses tedious repetition or unbecoming language, the Chair or any other member may move "that the member named be not further heard", and such motion if seconded shall be put and determined without discussion.

11.21 If the member named continues the misconduct after a motion under paragraph 11.21 has been carried, the Chair shall either:(a) move "that the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or (b) adjourn the meeting of the Panel for such a period as the Chair shall consider expedient.

Points of order and Explanations

11.22 A point of order shall relate only to an alleged breach of these Procedure Rules or statutory provision, and the member raising it shall specify the Procedure Rule or statutory provision and the way in which it has been broken. A personal explanation shall be confined to some material part of a former speech by the member which may appear to have been misunderstood in the present debate.

11.23 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Voting

11.24 Voting will be on a one member one vote basis, and any matter shall be decided by simple majority unless a two thirds majority is required by law.

This is required in the case of a veto of the proposed precept or veto of the Chief Constable appointment.

In the case of an equal number of votes the Chair of the meeting shall have a second or casting vote.

General Disturbances

11.25 If a member of the public interrupts the proceedings at any meeting, the Chair shall give a warning. If the interruption continues the Chair shall order the person's removal from the room. In case of general disturbance the Chair shall adjourn the meeting until order has been restored.

12. Reports of the Panel

12.1 Where the Panel makes a report to the Commissioner, 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 considers appropriate.

12.2 The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:-

- consider the report or recommendations
- respond to the Panel indicating what (if any) action the Commissioner proposes to take
- where the Panel have published the report or recommendations, publish the response
- where the Panel have provided a copy of the report or recommendations to a member, provide a copy of the response to the member.

12.3 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).

12.4 If the Panel cannot unanimously agree on one single final report to the Commissioner then one separate (minority) report may be prepared and submitted for consideration along with the majority report.

13. The Commissioner and others giving account

13.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the 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 provided that such questions shall not:

- (a) Relate to advice provided to the Commissioner by his/her staff; or
- (b) In the view of the Commissioner
 - be against the interests of national safety
 - jeopardise the safety of any person; or,
 - prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or
 - be prohibited by any other enactment.

13.2 Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision, the Chair will inform them in writing giving notice of the item, and where practical, 15 working days notice of the meeting. The will detail whether any supporting information is necessary for the Panel. Where it is necessary to provide such information, sufficient time will be given to allow the information to be provided.

13.3 The Commissioner will normally attend all meetings of the Panel in line with their legal responsibilities unless notified otherwise. Where, in exceptional circumstances, they are unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the Chair of the Panel.

13.4 If the Panel require the Commissioner to attend a meeting, the Panel may (at reasonable notice) request the Chief Constable or the Chief Executive (as appropriate) to attend 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.

14. Attendance by others

14.1 The 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.

15. Senior Appointments

- 15.1.** The Panel has powers to review the Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The Panel is required to hold public confirmatory hearings for these posts.
- 15.2** Any such hearing will be held at the next available meeting of the Panel or at an extraordinary meeting if timescales require it.
- 15.3** With regards to the appointment of the Chief Constable, the Panel is required to hold a hearing within the period of three weeks from the day on which the Panel receives notification on the proposed appointment from the Commissioner.
- 15.4** Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment.
- 15.5** Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.
- 15.6** For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel is required to make a recommendation on the appointment and has the power to veto the appointment
- 15.7** Having considered the appointment of a Chief Constable, 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 (***a two thirds majority of the full membership is required, rather than those members present***).
- 15.8** If the Panel vetoes the appointment of the candidate, the report to the Commissioner must confirm the veto and the reasons for it.

Appointment of an Acting Commissioner

15.9 The Panel must appoint a person to act as Commissioner if:

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

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

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

15.12 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 Commissioner;
- b) the termination of the appointment by the Panel or the resignation of the Acting Commissioner;
- c) if the Commissioner ceases to be incapacitated; or
- d) in a case where the Acting Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.

Proposed Precept

15.13 The Commissioner will notify the 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.

15.14 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).

15.15 If the Panel vetoes the proposed precept, the report to the Commissioner must confirm the veto and the reasons for it. The Panel will require a response to the report and any such recommendations.

Complaints

15.16 The Panel is responsible for handling non-criminal complaints against the Commissioner and criminal complaints and conduct matters that are referred back to the Panel by the Independent Office for Police Conduct. Arrangements for the Panel's role in complaints handling are set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, accompanying Home Office guidance and the Panel's related complaints protocol.

15.17 Serious complaints which involve allegations which may amount to a criminal offence by the Commissioner are dealt with by the Independent Office for Police Conduct.

15.18 Non-criminal complaints in relation to the Commissioner or any Acting Commissioner will be dealt with under the Panel's complaints procedure and in accordance with the informal resolution process set out in the Regulations and guidance.

15.19 A Panel may suspend the 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.

15.20 The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:-

- a) the charge(s) being dropped;
- b) the Commissioner being acquitted of the offence;
- c) the 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 Panel.

15.21 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.

Annual Report of the Commissioner

- 15.22** The Commissioner 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.
- 15.23** The Panel must comment upon the Annual Report of the Commissioner, and for that purpose must:
- a) arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the Annual Report;
 - b) require the Commissioner to attend the meeting to present the Annual Report and answer such questions about the Annual Report as Panel Members think appropriate; and
 - c) make a report or recommendations on the Annual Report to the Commissioner

Police and Crime Plan

- 15.24** The Panel is a statutory consultee on the development of the Police and Crime Plan and will receive all versions or variations of the plan.
- 15.25** 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 Commissioner must take into account.

Suspension and Removal of the Chief Constable

- 15.26** The Panel will receive notification if the Commissioner suspends the Chief Constable.

- 15.27** The Commissioner must also notify the Panel in writing of the 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.
- 15.28** The Panel must seek the views of Chief Inspector of Constabulary in writing on her proposal to call on Chief Constable to resign.
- 15.29** The Commissioner must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for the resignation or retirement.
- 15.30** The Commissioner must have regard to the views of Chief Inspector of Constabulary and if still proposing to call upon the Chief Constable to resign, the Commissioner must notify the Panel accordingly (the ‘further notification’).
- 15.31** The Panel must make a recommendation as to whether the Commissioner should call for the Chief Constable to resign (and give notification of it to the Commissioner within 6 weeks of receiving notification under paragraph 14(2) of Schedule 8) (Schedule 8, paragraphs 15(2) and (3)). Before making any recommendation, the Panel may consult the Chief Inspector of Constabulary, and must hold a scrutiny meeting.
- 15.32** The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the Commissioner 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.
- 15.33** The Commissioner must consider the Panel’s recommendation, and accept or reject it (Schedule 8, paragraph 16(1)). The Commissioner must notify the Panel of her decision.
- 15.34** The Panel must publish its recommendation in accordance with Schedule 8, paragraph 15(5).
- 15.35** The 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 Commissioner a recommendation on the proposal; or

(b) the Commissioner notifies the Panel of a decision about whether the Panel's recommendations in relation to resignation or retirement is accepted.

15.36 In calculating the six week period, the post-election period is ignored.