

Public Document Pack

Avon and Somerset Police and Crime Panel

Hosted by Somerset County Council Democratic Services



This meeting will be conducted in a manner that will comply with the relevant statutory regulations relating to the conduct of “remote meetings”. In this respect, the meeting will be conducted virtually between Panel Members, officers from the Host Authority and staff from the Office of the Police and Crime Commissioner. A facility will be put in place to allow members of the public and press to observe the meeting, details of which will be made available online prior to the commencement of the meeting.

If you wish to observe proceedings, please email PLjones@somerset.gov.uk to register your interest in advance. Details on how to join the “remote meeting” for observation purposes will be circulated to those who have registered prior to the meeting commencing.

Wednesday 31st March 2021

10.00 am Microsoft Teams

Membership:

Bath & North East Somerset	Alastair Singleton
Bath & North East Somerset	Andy Wait
Bristol City Council	Asher Craig
Bristol City Council	Afzal Shah
Bristol City Council	Peter Abraham
Independent Member	Richard Brown (Chair)
Independent Member	Vacancy
Independent Member	Vacancy
Independent Member	Vacancy
Mendip District Council	Heather Shearer
North Somerset Council	Roz Willis
North Somerset Council	Richard Westwood
Sedgemoor District Council	Janet Keen
Somerset County Council	Josh Williams
South Gloucestershire Council	Patricia Trull
South Gloucestershire Council	Franklin Owusu-Antwi
South Somerset District Council	Martin Wale
Somerset West and Taunton Council	Chris Booth

Contact Officer: Patricia Jones

Governance Specialist

07855 284506

pljones@somerset.gov.uk

Agenda published: 19th March 2021

Somerset County Council

County Hall, Taunton

TA1 4DY

Are you considering how your conversation today and the actions you propose to take contribute towards making Somerset Carbon Neutral by 2030?



RNID typetalk

Agenda Public Information Sheet

Guidance about procedures at the meeting follows the agenda. This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972. This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on www.somerset.gov.uk/agendasandpapers

**** Public Guidance notes contained in agenda annexe ****

1 **Apologies for Absence**

2 **Public Question Time**

Statements or questions should be e-mailed to PLJones@somerset.gov.uk, or sent to the Democratic Services Team, County Hall Taunton TA1 4DY (marked for the attention of Patricia Jones). Statements must be received no later than 12.00 noon on 30th March 2021. Questions must be received no later than 3 clear working days before the meeting – 25th March 2021.

Please note that all statements and questions must relate to matters that fall within the Panel's functions and responsibilities.

3 **Declarations of Interest**

The Statutory Register of Member's Interests can be inspected by contacting Patricia Jones in the Democratic Services Team on Tel: 07855 284506 or PLjones@somerset.gov.uk.

4 **Confirmatory Hearing - Interim Chief Executive Officer** (Pages 7 - 30)

5 **Exclusion of the Press and Public**

Recommended – that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the consideration of the following Item on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act (as amended).

6 **Panel Recommendations**

7 **Panel Decision Interim Chief Executive Officer**

8 **Minutes of the meetings held on 4th February 2021 and 19th February 2021 (to follow)** (Pages 31 - 38)

To confirm as a correct record.

9 **Panel Governance Review** (Pages 39 - 78)

10 **Date of Next Meeting**

Annual General Meeting – 10am Wednesday 23rd June 2021

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Avon & Somerset Police and Crime Panel

Public Information Sheet

Inspection of Papers/Register of Member Interests

You can find papers for all our meetings on our website at www.somerset.gov.uk

Please contact Patricia Jones, Governance Specialist on telephone: 07855 284506 if you wish to inspect the papers or the Statutory Register of Member's Interests.

Public Question Time

Members of the public may make a written statement to most meetings, provided that: the statement is received by the Democratic Services Team no later than **12.00 noon on the working day before the meeting**; and the statement is about a matter the Panel has responsibility for.

Statements should be e-mailed to PLJones@somerset.gov.uk or sent to Somerset County Council, Democratic Services Team, County Hall, Taunton, TA1 4DY.

Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

Questions must be received no later than 3 clear working days before the meeting.

By participating in Public Question Time business, we will assume that you have consented to your name and the details of your submission being recorded in the papers circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record.

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Statements will not be posted on the council's website.

- Public Question Time is normally one of the first items on the agenda. If a statement concerns a specific item on the agenda, it may be taken just before the item concerned.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- You may direct any questions or comments through the Chair. You may not take direct part in the debate.
- Your time allocation may have to be strictly limited if there are a lot of submissions before the meeting.
- You do not have to speak or even attend the meeting at which your submission is being taken. However, if you do not present it, then it will not be read out. It will nevertheless be noted by Members.

Emergency Evacuation Procedure

In the event of a fire alarm sounding, you are requested to leave the building via the nearest available signposted emergency exit and make your way to one of the assembly points around the building. Officers and councillors will be on hand to assist.

Excluding the Press and Public

Occasionally, there will be items on the agenda that cannot be debated in public for legal reasons and these will be highlighted on the agenda as appropriate. In these circumstances, the public and press will be asked to leave the room and the Panel will go into Private Session.

Recording of Meetings

Somerset County Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the clerk so that the Chair can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public are not filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

AVON AND SOMERSET POLICE AND CRIME PANEL

31st March 2021

Report title: Confirmatory Hearing Process for the role of Interim Chief Executive Officer in the Office of the Police and Crime Commissioner

1. Executive Summary

1.1. Under the provisions of the Police Reform and Social Responsibility Act 2011, the Police and Crime Commissioner is required to appoint 'a person to be the head of the Commissioner's staff' (Schedule 1, 6 (1)(a)). This document explains the process to be followed by the Panel in respect of the proposed appointment of the preferred candidate to the role of interim Chief Executive Officer in the Office of the Police and Crime Commissioner.

2. Powers of the Avon and Somerset Police and Crime Panel

2.1. The Panel has functions conferred by Schedule 1 Part 10 of the Police Reform and Social Responsibility Act 2011 (Scrutiny of Senior Appointments) which require the Panel to:-

- Review the proposed senior appointment by holding a Confirmation Hearing within three weeks of notification being given. This is a meeting of the Panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment;
- Make a report to the Commissioner on the proposed senior appointment.
- Include a recommendation to the PCC as to whether or not the candidate should be appointed.
- Publish the report to the Commissioner made under this paragraph.
- Determine the manner in which the recommendation is to be published

3. Confirmation Hearing for the role of Chief Executive

Prior to the Hearing

3.1 The Panel received notification from the Commissioner of the proposed appointment to the role of Interim Chief Executive on 19th March 2021.

3.2 It is subject to the public scrutiny that is required as part of a proposed senior appointment process set out in Schedule 1 of the Police Reform and Social Responsibility Act 2011

<http://www.legislation.gov.uk/ukpga/2011/13/schedule/1>

3.3 Two members of the Panel (Councillor Craig and Councillor Singleton) participated in the selection process and can report to the Panel on their findings. Councillor Craig formed part of the selection Panel itself and Councillor Singleton observed the process.

3.4 In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner has provided the following documentation:

- Letter to the Chair
- Report from the Commissioner stating the name of the preferred candidate and why the candidate meets the role criteria
- Advert for the role
- Role Profile
- Independent Member statement from the recruitment process
- Terms and conditions of appointment

These documents are attached to this report as Appendix A.

3.5 The Panel should follow a narrow set of key lines of enquiry and ask questions of the candidate which relate to his/her professional competence and personal independence. In accordance with guidance, the Panel will hold a private meeting immediately before the hearing to discuss potential key lines of enquiry and finalise questions. It is important to recognise that the confirmatory hearing process should complement the internal systems for appointing staff and should not duplicate nor restage the OPCC appointments process. Guidance also states that in addition to the Governance Specialist, the Panel might benefit from the advice of a Monitoring Officer or HR Specialist and accordingly, SCC's Monitoring Officer Scott Wooldridge will be present at the hearing.

At the Hearing

3.6 The first part of the meeting will be conducted in public and structured as follows:

- a. The candidate will be welcomed to the meeting.
- b. The Commissioner will be given the opportunity to summarise her report and comment on the candidate and the proposed appointment.
- c. The candidate will have an opportunity to present to the Panel his/her understanding of the role.
- d. The Panel will have the opportunity to ask questions of the candidate.
- e. The candidate will be given opportunity to clarify any answers given during the hearing and ask questions of the Panel about the next stage of the process.

4. Closed Session

4.1 The Panel will hold a brief closed session in order to consider confidential material and decide on its recommendations to the Commissioner regarding the appointment of the preferred candidate to the role of Chief Executive Officer.

5. Panel Decision

5.2 The Panel will consider the following in making its decision:

- Whether the candidate has the professional competence to exercise the role as set out in the role profile.
- Whether the Panel feels that the candidate has the personal independence to exercise the role.

5.3 Where a candidate meets the standards but there is still cause for concern about his or her suitability, it may be appropriate to outline those concerns in the Panel's response to the Police and Crime Commissioner.

5.4 Where a candidate does not meet the minimum standards in the areas set out in paragraph 3.7, this would suggest a significant failure in the appointments process undertaken. If the Panel believes that there has been a significant failure in the appointments process, the Panel may choose to not recommend the candidate to the role of Interim Chief Executive Officer.

5.5 The Panel will aim to notify the Commissioner of its decision at the meeting.

6. Following the Confirmation Hearing

6.1 The outcome and any recommendations emerging from the Confirmation Hearing will be communicated to the Commissioner in writing the next working day.

Patricia Jones
PCP Governance Specialist
PLJones@somerset.gov.uk

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18 March 2021

Cllr Richard Brown
Chair – Police & Crime Panel
By email: R.Brown@somersetwestandtaunton.gov.uk

Dear Richard

Proposed appointment of Interim Chief Executive and Monitoring Officer

In accordance with Schedule 1 of the Police Reform and Social Responsibility Act 2011, I write to inform you that I propose to appoint Sally Fox as Interim Chief Executive and Monitoring Officer for the Office of the Police & Crime Commissioner for Avon and Somerset.

Please find enclosed a report to enable members of the Police and Crime Panel to consider my proposed appointment. The report provides an overview of the appointment process conducted in February and March to select a preferred candidate.

I look forward to receiving the Panel's report on this proposed appointment.

Best regards



Sue Mountstevens
Police and Crime Commissioner
for Avon and Somerset

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Proposed Appointment of Police & Crime Commissioner's Interim Chief Executive and Monitoring Officer

Summary

The purpose of this report is to enable members of the Police and Crime Panel (PCP) to consider the Police and Crime Commissioner's (PCCs) proposed appointment of a Chief Executive and Monitoring Officer (CEO) and to report back to the Commissioner.

The report provides an overview of the appointment process that was undertaken in February and March 2021 by the Commissioner to select a preferred candidate.

Background

An appointment process was held to recruit an Interim Chief Executive and Monitoring Officer following the resignation of the current interim CEO.

The current Interim CEO (Mark Simmonds) will leave the CEO post on 30th April 2021.

Schedule 1, paragraph 6, of the Police Reform and Social Responsibility Act 2011 (PR&SRA) states that "the Police & Crime Commissioner (PCC) must appoint a person to be the head of the commissioner's staff (referred to in this Part as the commissioner's chief executive)".

In addition, Schedule 1, paragraph 7 of the Act states that the PCC must appoint a person to act as Chief Executive, if and for as long as "that post is vacant".

The new Interim CEO will address the statutory requirements and will lead the OPCC team through the imminent PCC election process.

The appointment term proposed is a full time post for a 6 month fixed term contract. PCC elections will be held in May 2021 and the fixed term appointment is proposed to provide continuity of advice to the current PCC and then the new PCC and provide continuity of management of the OPCC team through this period.

The interim post will provide continuity of leadership to the OPCC and the new PCC and allow sufficient time for the PCC elected in May 2021 to appoint their own substantive Chief Executive Officer later in 2021.

The timing of this vacancy, so close to the OPCC election, means that the emphasis of the role is on providing continuity and stability and ensuring that monitoring officer duties are fulfilled, until a substantive appointment is made by the new PCC.

The PCC worked with HR advisers and the outgoing CEO to devise a recruitment process for the interim CEO post.

The Appointment process

The post was advertised internally. The vacancy was advertised within the OPCC and on the ASC internal vacancy page.

Candidates were required to submit applications via a Competency-based Self-Assessment application form. Candidates were also asked to complete an Equality Monitoring form (in compliance with the Equality Act 2010).

Role Profile

The role profile defines what experience activities, skills and behavioural qualities or competencies are required to meet the demands of the role and for effective performance. The role profile reflects the PCC's priorities and local requirements. The APACE statement on the role of the Chief Executive and Monitoring Office of the PCC and the Police Reform and Social Responsibility Act 2011 were included in the application pack as reference material.

The seven Principles of Standards in Public life and the OPCC mission, vision and values were included in the role profile.

The role profile is attached as Appendix B.

Appointment Panel

The Appointment Panel was convened by the PCC before any stage of the selection process took place. The panel members were as detailed:

- PCC Sue Mountstevens;
- Kate Watson, OPCC Office and HR Manager;
- Dan Wood, Avon & Somerset Constabulary, Chief Officer - People and Organisational Development;
- Councillor Asher Craig Asher Deputy Mayor (Communities, Equalities & Public Health) and Independent Member

The Appointment Panel were asked to declare prior knowledge of any of the candidates.

Independent Member

Public appointments must be made on **merit, fairness and openness** in addition to the eligibility and legal requirements of the posts. An independent member was appointed by the PCC to ensure the selection and appointment process was conducted fairly. The independent member was asked to produce an endorsement of the appointment process. The statement is attached as Appendix C.

Applicants

The campaign attracted 2 applications.

Shortlisting

The applicants were assessed against an agreed appointment criteria and scored against a rating scale. The Avon and Somerset OPCC have a policy to interview all applicants declaring a disability who meet the minimum essential criteria and consider them on their abilities (in compliance with the Equality Act 2010).

The panel undertook a paper-sift, via Teams, of all candidates and a short list was agreed.

Cllr Alistair Singleton, Police & Crime Panel member observed the shortlisting process.

Selection

Each element of the selection process was related to evaluating the role profile and core competencies. The Bramshill rating scale was used to score the selection process. This is a 1-7 (+3 to -3) rating scale developed by the Police College to assess candidates for the Senior Police Staff Assessment Process for Strategic Command where a score of zero represents, “ a sound and acceptable performance. Candidates are required to score 0 or above in all areas to progress at selection stage.

There were three elements to the selection day:

1. Presentation. The brief was issued to the candidates in advance with the application pack. The candidates were asked to give a 10 minute presentation to the Appointment Panel.
2. Written test. The brief was issued to candidates on the day. Candidates were asked to prepare advice and provide a written response. They were given 30 minutes to prepare their response.
3. Interview. A 45-minute interview where candidates were asked questions related to the essential experience and competencies identified for the role and their responses were evaluated against the relevant core competencies.

The selection day was conducted virtually via Teams.

Cllr Alistair Singleton, Police & Crime Panel member observed the shortlisting process.

Proposed Candidate

The Appointment Panel unanimously supported the PCC in her recommendation to the Police & Crime Panel that **Sally Fox** be appointed.

Confirmation Hearing

The Police Reform and Social Responsibility Act 2011 requires Police & Crime Panels to scrutinise senior appointments proposed by the PCC. Schedule 1 paragraph 9 defines senior appointments as the PCCs Chief Executive & Monitoring Officer, Chief Finance Officer and the Deputy PCC (if appointed). These are referred to as Schedule 1 appointments.

Under the Act, the PCC must notify the Police & Crime Panel of their preferred candidate for appointment as Interim Chief Executive and Monitoring Officer. The Police & Crime Panel must hold a confirmation hearing and provide a report to the PCC regarding the proposed appointment.

Schedule 8 of the Act states that the PCC must provide the following information:

- a) The name of the person whom the PCC is proposing to appoint;
- b) The criteria used to assess the suitability of the candidate and how the candidate satisfies these criteria; and
- c) The terms and conditions under which the candidate is to be appointed.

This information is set out in this report, to assist the PCP in considering the proposed appointment. In addition this report sets out additional information to assist the PCP:

1. A summary of the appointment, application and selection process;
2. Role profile.



Sue Mountstevens
Police and Crime Commissioner for Avon and Somerset
18 March 2021

Attached:

Appendix A – Interim CEO advert
Appendix B – Interim CEO role profile
Appendix C – Independent Member statement

Avon & Somerset Police & Crime Commissioner

Interim Chief Executive & Monitoring Officer

Terms of Appointment

Appointment

The appointment will be subject to satisfactory references and medical clearance.

The appointment will also be subject to security vetting clearance.

The appointment is subject to a confirmation hearing with the Police & Crime Panel.

Term

The role is part time for a 6 month fixed term contract. Start date 1 May 2021, subject to the confirmation hearing.

Base salary

The salary scale per annum will be FTE £85,000.00. The salary will be pro rate for the fixed term contract.

The Post

The post holder will be required to travel regularly across the Avon and Somerset region. The post holder should have access to a vehicle or be able to make alternative arrangements to meet the requirements of the post.

The post holder must recognise the importance of managing information according to legal requirements and quality standards.

It is expected that the post holder support the Principles of Standards in Public Life. As such, the seven principles of conduct underpin the work of the PCC and are used as the basis for working practices.

Place of Work

The workplace will be the Office of the Police & Crime Commissioner, Valley Road, Portishead, Bristol or at such other place of employment in the service of Avon & Somerset Police & Crime Commissioner. The OPCC team are currently working from home in line with government requirements for the covid-19 pandemic.

Reporting Lines

The post holder will report to the Police & Crime Commissioner.

Hours of work

Full-time. Due to the nature of the role, the applicant will be required to be flexible in terms of the total number of hours worked each week and their availability. There may be a requirement for occasional evening and weekend working to fulfil the requirements of the role

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Interim Chief Executive & Monitoring Officer

for a six month fixed term contract, full-time.

FTE Salary £85,000.00 pro rata for the contract term

Secondments will be accepted with the written support of the employer.

Are you an experienced Chief Executive Officer with a strong sense of civic duty?

Are you passionate about the importance of accountability, fairness and equality in policing and criminal justice services?

Come and join us and you could play a vital role in an organisation that provides a voice, on these key issues, to people living and working in our area.

The opportunity has arisen for an Interim Chief Executive Officer within Avon and Somerset's Office of the Police and Crime Commissioner (OPCC) based in Portishead.

The OPCC, and its elected commissioner, sets the strategy for policing in the area, oversees governance of the police service, commissions victim support services and co-ordinates innovative change projects across criminal justice partner agencies.

This exciting and varied role will involve:

Supporting and advising the Commissioner, and leading the team, in effective delivery of key priorities in the Police & Crime Plan.

Leading the OPCC team through PCC election in May 2021

Overseeing engagement strategy across the organisation.

Facilitating effective and appropriate scrutiny of the police force.

Being the statutory monitoring officer of the elected Police and Crime Commissioner (PCC).

You will be a dynamic, confident, leader who is not afraid to challenge and takes an analytical and problem solving approach to complex issues.

You will be used to a demanding workload, and have a successful track record of managing multiple work streams, people, resources and a busy schedule - which may require working flexible hours (including some evenings).

You will be adept at managing and maintaining essential relationships with key stakeholders at high levels across all public sector agencies and local, as well as central, government.

You will have strong influencing and advocacy skills and an abundance of experience in corporate governance strategy and legislation in the setting of a large and complex organisation.

You must be a person with the highest levels of integrity and the ability to make objective decisions in the public interest.

If this sounds like you, and you relish a challenge, then we'd like to hear from you.

Please e-mail katel.watson@avonandsomerset.police.uk to request an application pack.

The closing date for applications is 12 noon 3 March 2021.

The Selection day will be held week commencing 15 March 2021.



AVON & SOMERSET OFFICE OF POLICE & CRIME COMMISSIONER

Role Profile

JOB TITLE:	Interim Chief Executive & Monitoring Officer (CEO)
REPORTS TO:	Police & Crime Commissioner (PCC)
TEAM:	Staff of the Office of the PCC (OPCC) – 18.6 FTE
LOCATION:	Office of the Police & Crime Commissioner (OPCC)
SALARY:	FTE £85,000.00 pro rata for fixed term contract
TERM:	6 month fixed term contra Secondments will be accepted with written support of the employer.
HOURS:	Full time. Due to the nature of the role(s), the applicants will be required to be flexible in terms of the total number of hours worked each week and their availability. It is expected that a small proportion of duties will take place during evenings and weekends, for which no additional recompense is provided.

JOB DESCRIPTION

Main Purpose of the Interim CEO Role:

Responsible for the leadership of the Office of the Police and Crime Commissioner (OPCC), to enable the effective development, support and delivery of the functions and priorities of the Police and Crime Commissioner (PCC), ensuring effective engagement with the community, key partners and stakeholders.

The post holder is also the statutory monitoring officer to the PCC and is required to ensure effective corporate governance and to support and advise the PCC in carrying out her statutory duties and exercising their statutory powers and duties.

The post-holder will carry out the duties of the Chief Executive Officer (CEO) as defined by legislation relevant to the PCC, and of Monitoring officer (“MO”).

To work with the Police and Crime Commissioner to contribute to the effective delivery of the priorities identified in the Police & Crime Plan.

To facilitate the effective and appropriate scrutiny of the Police Force’s activities.

Key Working Relationships

- The Police & Crime Commissioner;
- Chief Finance Officers;
- All staff employed by the Police & Crime Commissioner;
- The Chief Constable and senior officers;
- The Police & Crime Panel;
- The community leaders, local partners and stakeholders of Avon & Somerset;



- Senior leaders in the wider policing network of the Avon & Somerset and South West region;
- Relevant government institutions, external bodies, associations and public sector strategic partners such as the Association of Police and Crime Commissioners Chief Executives, Home Office, HMICFRS, Ministry of Justice, local authorities and other offices of PCCs.

Role Specific Duties and Responsibilities:

Leadership and Police & Crime Plan

- To work with the PCC and the OPCC team to develop a Police & Crime Plan with the Chief Constable and to ensure the PCC and OPCC hold the Chief accountable for its operational delivery and lead the OPCC team to deliver objectives of the plan;
- To maintain effective partner working with local partners and other police forces;
- To agree a budget for the Chief Constable in conjunction with the CFO and PCC;
- To lead the continued development and delivery of the OPCC team, activities and operations including commissioning services to support the delivery of the Police & Crime Plan and high quality support to the PCC in their oversight and scrutiny of the Police;
- To lead the OPCC team through PCC elections;
- To ensure that the OPCC performs its duties and responsibilities for equalities and diversity according to relevant legislation, and to promote the commitment to equality and diversity in all that the OPCC does;
- Oversight of any conduct management for PCC, DPCC and OPCC

Statutory Responsibilities

- To ensure provision of appropriate advice to the PCC on discharging their statutory powers, duties, responsibilities, liabilities and procedures;
- To discharge the duties of Monitoring officer and Chief Executive as defined by legislation relevant to the PCC so as to enable and assist the OPCC to fulfil all its functions effectively and efficiently;
- Produce and publish an Annual Report, setting out the delivery against the Police & Crime Plan;
- To support and advise the PCC on the appointment of the Chief Constable and statutory duties relating to complaints against the Chief Constable;
- To carry out the statutory duties and responsibilities of the Monitoring Officer including running an efficient and effective Independent Custody Visiting Scheme and managing complaints against the Chief Constable and against the PCC;



- The Avon and Somerset Police and Crime Commissioner's Chief Executive Officer and-Monitoring Officer is the data controller for the purposes of the GDPR
- Responsible for ensuring the OPCC Safeguarding policy and related procedures are implemented, monitored and consistently reviewed;
- In conjunction with the Chief Financial Officer, to ensure compliance with standing orders and propriety in the conduct of the PCC's business including making proper arrangements for tendering procedures and the letting of contracts
- Ensure that the OPCC performs its duties and responsibilities on equality and diversity in accordance with relevant legislation, promoting commitment to equality and diversity in all its functions and activities.

Strategy and Resource Planning

- In conjunction with the Chief Finance Officer to lead the strategic development of the OPCC in the areas of strategic accounting, Information management, the management of strategic risk, the human resource and learning and development strategies, ensuring that the OPCC is compliant with current employment legislation;
- To ensure OPCC has lead officers in place to support effective partnership working including community safety partnerships and criminal justice partners;
- To ensure that effective governance arrangements are in place to enable the OPCC to monitor, review and improve its and the Constabulary's performance;
- Support the OPCC in scrutinising Force performance, and supporting continuous improvement in the OPCC and in the Force;
- To prepare the OPCC for inspection by relevant audit bodies;
- In appropriate consultation with the elected PCC develop the short, medium and long-term planning process for the future of the OPCC;
- Oversee the OPCC developing the needs assessment and the Police and Crime Plan and review and monitoring of the Police and Crime Plan;

Partnership Working, Commissioning & Service Delivery

- To ensure the OPCC maintain and develop effective working relationships with key stakeholders, the Police and Crime Panel, local politicians and key external partners;
- To ensure the OPCC has effective and efficient engagement with both internal and external partners and stakeholders in relation to commissioning and service delivery at local, regional and national level;
- To ensure that the OPCC contributes appropriately to the national consideration of issues concerning policing and reducing crime;



- To represent the OPCC at high level meetings with the Home Office, Her Majesty's Inspector of Constabulary, and other relevant bodies, Local Government Association and other outside bodies at regional and national level.

Engagement and Information

- To ensure OPCC deliver, review and improve performance against the Information Strategy in the areas of communication, consultation and engagement;
- To ensure that OPCC undertake effective strategic needs assessments which demonstrate the understanding of the communities served, enabling effective budget alignment and prioritisation;
- To ensure the PCC and OPCC have an appropriate communications strategy that effectively communicates the PCC's: priorities; key initiatives; values; investments; consultations questions; strategies; achievements; and views and enables effective feedback from communities;
- To ensure OPCC develop and maintain effective strategic partnerships with relevant public and private sector/voluntary organisations in the local community and at national and regional associations;
- To ensure OPCC develop and implement effective two-way community engagement with wide sections of the community;
- Ensure OPCC operate in a transparent manner, compliant with legislation and best practice.

Scrutiny, contacts, complaints, Panels

- Ensure OPCC contribute to the efficient and effective delivery of the Police & Crime Plan, together with any associated delivery plans;
- Ensure the OPCC develop and maintain a constructive working relationship with the Police & Crime Panel for the area;
- With the CFO, ensure the effective and efficient operation of both the internal and external audit functions and any other aspects of internal control or external inspection;
- To ensure the OPCC have effective and efficient management of complaints against the PCC and the Chief Constable and take ownership of responses as required;
- To ensure OPCC have appropriate management of contacts to the PCC and OPCC with a focus on pragmatic customer service and identifying vulnerability;
- Manage the effective scrutiny by OPCC of Constabulary performance against the Police & Crime Plan and other delivery partner performance;
- Ensure OPCC establish and maintain effective independent scrutiny panels e.g. Scrutiny of Police Powers, Independent Residents Panels and Out of Court Disposal Scrutiny panel and compliance with Victims code of practice.



- Ensure the PCC and OPCC comply with organisational policies and procedures including Code of Conduct, Health & Safety and Equalities policies.

PERSON SPECIFICATION

The Avon & Somerset Police & Crime Commissioner is looking for individuals who can evidence that they have the following qualities/qualifications and experience:

1	To hold a degree or equivalent academic qualification(s) or demonstrate suitable work experience in an area relevant to the role.	Essential
2	Proven track record of consistent achievement at senior management level within a complex organisation.	Essential
3	Proven track record of developing and implementing corporate objectives, policies and strategies	Essential
4	Experience of effective working within the democratic process and evidence of a clear understanding of the legal, financial and political workings of an elected governance body.	Essential
5	Successful track record of building effective and productive working relationships with key stakeholders	Essential
6	Proven track record in the promotion and maintenance of the corporate reputation of a public organisation (or equivalent multi-disciplined organisation).	Essential
7	A record of success in people, financial, commercial and resource management.	Essential
8	Strong analytical thinking and problem solving skills. Able to analyse and present solutions to complex issues and communicate such solutions with staff and stakeholders internally and externally.	Essential
9	Successful track record of establishing effective performance measures evaluating service quality and delivering significant improvements in performance.	Essential
10	Clear understanding and track record of promoting diversity in both employment and service delivery.	Essential

Staff Code of Conduct

You will comply with the Staff Code of Conduct as varied from time to time, it is expected that the OPCC as a public authority supports the Principles of Standards in Public Life. As such, the seven principles of conduct underpin the work of the OPCC and are used as the basis for working practices.



Our mission:

- We improve
- We listen
- We innovate
- We lead
- We challenge

Our vision:

Excellent victim support, better policing and fairer criminal justice services for all.

Our values:

Openness – We will always be transparent and open about the work we do, our services and how we support our communities.

Partnership – We will work with the police and key partners to provide better services to local people.

Compassion – We will continue to take a compassionate approach to commission the most effective support services for victims and survivors.

Courage – We are the voice of local people in policing and we will always share concerns, issues and feedback to the police and partners.

The Principles of Standards in Public Life are:

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.



Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

Political restriction

Please note this is a “politically restricted post” in accordance with Local Government & Housing Act 1989.

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**Interim Chief Executive and Monitoring Officer
Appointment Process**

Independent Member Statement

Councillor Asher Craig
Deputy Mayor (Communities, Equalities & Public Health)

17 March 2021

I have reviewed the report to the Police and Crime Panel, by the Police and Crime Commissioner (PCC) Sue Mountstevens, on the proposed appointment of the OPCC Interim Chief Executive and Monitoring Officer.

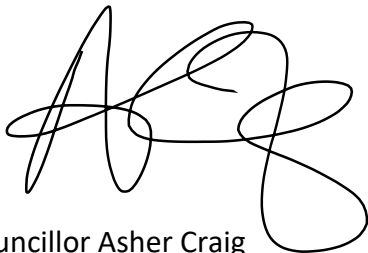
The report is a true account of the various stages of the appointment process.

My role as independent member of the Appointment Panel was to provide an assessment of the extent to which the appointment process has been conducted fairly, openly and based on merit.

I can confirm that:

- the process met the principles of merit, fairness and openness; and
- the Appointment Panel were able to fulfil their purpose, to challenge and test the candidate against the stated criteria.

The Appointment Panel unanimously supported Sue Mountstevens (PCC) in her recommendation to the Police and Crime Panel (PCP) that Sally Fox be appointed.



Councillor Asher Craig
Deputy Mayor (Communities, Equalities & Public Health)
Independent Member

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Minutes of the Police and Crime Panel

4th February 2021 (10:30) ('Remote' meeting held under the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Present:

Local Authority and Independent Member Representatives:

Chris Booth (Somerset West and Taunton Council), Asher Craig (Bristol City Council), Janet Keen (Sedgemoor District Council), Franklin Owusu-Antwi (South Gloucestershire Council), Afzal Shah (Bristol City Council), Heather Shearer (Mendip Council), Alastair Singleton (Bath and North East Somerset), Pat Trull (South Gloucestershire Council), Andy Wait (Bath and North East Somerset Council), Martin Wale (South Somerset Council), Richard Westwood (North Somerset Council), Josh Williams (Somerset County Council) Roz Willis (North Somerset Council)

Host Authority Support Staff:

Patricia Jones – Lead Officer/Governance Specialist
Jamie Jackson - Strategic Manager, Democratic Services
Andrew Randell - Senior Democratic Services Officer

Police and Crime Commissioner and Staff:

Sue Mountstevens - Police and Crime Commissioner
Andy Marsh - Chief Constable ASC
Mark Simmonds - OPCC Interim Chief Executive Officer
Paul Butler – Interim Chief Finance Officer
Ben Valentine – OPCC Performance Officer

1. Apologies for absence

Apologies was received from Richard Brown (Chair) and Councillor Peter Abraham. The Vice-Chair took the Chair for the purposes of this meeting.

2. Public Question Time

The Panel heard from Andrew Pope who read out his statement (circulated in advance of the meeting). The Panel was urged to refuse the Precept increase and to consider if the survey was representative of the population of Somerset.

3. Declarations of Interest

There were no additional declarations of interest.

4. Minutes of the meeting held on 8th December 2020

The minutes of 8th December were approved as a correct record.

5. Chairs Business

The Chair made reference to Richard Brown and passed on good wishes on behalf of the Panel following his apologies sent in advance from the meeting. There was no further business to report.

6. Chief Constable Presentation

The Police and Crime Commissioner introduced and presented an update in relation to funding. There was no increase for inflation from central government funding, responses to a survey showed 66% were in favour of some level of increase, 29.5% wanted no increase.

Savings of £7million were considered deliverable and had been included in the budget. Progress had been made with services and outcomes and improvements in public confidence. 69 additional officers would be recruited as a result of the increase.

Offender management teams would be put into each local authority to tackle persistent offenders as well as being more proactive and targeting levels of concern set out by members of the public. Replacement of Police radios and other IT systems were planned.

Increase of unemployment, homelessness, poverty and adverse impact of mental health due to the Covid-19 pandemic meant that a strong and resilient police service was needed.

Andy Marsh intended to show a video from his 2021 roadshow but IT challenges meant this could not be shown at the meeting. He urged members to attend the Roadshow on 11th February 2021.

The Panel received a verbal presentation in support of the budget making the following points:

Details and responses of breaches attended during lockdown were set out. A fixed penalty notice was issued to one in four incidents attended during this third lockdown. 765 had been issued in Somerset.

The Constabulary needed to be people focused, inclusive, dynamic and empowered. The staff survey conducted in September had a 60% response rate; the highest to date. The results showed increasing values in the 3-year profile of growing the Constabulary's four values. Changes in BAME employees across the organisation was set out.

The growth to achieve 20,000 officers could not continue until the precept was agreed. The Police and Crime Plan 20/21 was set out alongside the National Policing outcomes. Driving performance through data remained the ambition for the force. The supervisor app could assess investigation numbers and set out the breakdown of crimes. High workloads were experienced in the investigations department.

Op Remedy crime satisfaction levels set out, 15 PCSOs focused on Schools and intervening with a new offering to schools to help children at risk. Police staff investigators had dealt with 75% of those arrested, which assisted special investigation officers and response officers.

The call rate for answering 999 calls continues to improve, increasing from 78% in 2015 to 98% in 2020 for calls answered within in a certain time. The Control Room is nationally-recognised.

The community would see and feel a difference as a result of the investment.

100 officers would focus on serious sexual offences and it was acknowledged this area needed a greater focus. Results in this area had suffered the most as a result of austerity.

Policing operating model: Continue operation remedy and proactively support this and have a footprint in every local authority area and deal with offender management.

During the debate the following comments and questions were raised: -

- The Chief Constable commended what had been achieved over the last few years. The increase in precept from last year was questioned, with clarity requested on where the funding had been used. It was acknowledged there would have been an underspend; it was not clearly understood where the remaining recruitment funding had been spent.
- 80 out of the planned 100 officers had been recruited.
- The underspends were set out in respect of slower recruitment and there had been increased costs - in some cases a reduction in income as a result as of the Covid-19 pandemic.
- Approach to recruitment was aggressive to meet government targets of the growth of 550 police officers.
- It was questioned if there was room to reallocate spending where there were Covid related underspends. Town Councils had chosen not to increase the precept and

deployed reserves within a budget. It was questioned if there was any possibility in using reserves rather than asking for a considerable increase in the precept.

- Reserves increased next year but there was the anticipation to draw down on this in future years.
- The Panel commended the work around operation remedy and the response in relation to major incidents throughout the pandemic including protests.
- Burglary detection rates had doubled to 8%. It was acknowledged that there was more to be done around targeting this and persistent offenders of this crime.
- The positive impact of operation remedy had been seen in some areas more than others, there were quantitative outcomes to evidence this.
- The Panel also asked about the disparity between the qualitative and quantitative results on the effectiveness of Operation Remedy.
- Rural and agricultural crime was questioned, and a detailed report was requested at a future meeting. This was agreed.
- Bodycam footage had been released around rural crimes and had been useful in investigating.
- Covid-19 restrictions breaches had replaced a lot of traditional crime.
- The increase of the precept was needed to continue improvement and deliver services to members of the public.
- Digital enablement and Cloud intelligence enabled a more effective use of time where processes could be automated.
- There was a commitment to ensure the force was at the cutting edge of user technology.
- Public perception and officers tackling crime was important in sharing stories and the difference it makes to the lives of members of the public.
- A visibility heat map was part of the new technology rollout which had led to more time spend in the public and outside the station.
- Ethical use of data to protect the public continued to be a main drive, reducing the carbon footprint was a recognised ambition.
- When faced with a financial challenge the motivation to be creative remained a focus, to reallocate or free up resources. Where possible reserves were used, but these could not be used to fund ongoing costs.
- Pressure was put on local taxpayers as a result of decisions around funding from central government. The police recognised the need to be agile in respect of funding.
- The uses of proceeds of crime were questioned and if this was invested in the force. CPS, Courts and a central pot received some of the proceeds of crime, it was estimated the force received around 20% of the recovered sums. Stolen property recovery and sales from this is reinvested in supporting charity initiatives across the force area. Funding had been provided to school with the provision of laptops during the course of the pandemic.
- Covid-19 funding was largely directed towards local authorities alongside the proceeds from fines.

RESOLVED that the update be noted

7. Formal Review of the Budget and Precept Proposal

Paul Butler introduced the report.

The Medium Term Financial Plan (MTFP) set out the financial plans for both revenue and capital budgets over the next five years. It had been prepared:-

- Following discussions and consultation with budget holders, there remained some ambiguity around the correct accounting treatment for some of the one-off council tax grants expected to be received in 21/22 and therefore the final budget requirement could be subject to some changes as greater clarity is achieved.
- In conjunction with service and workforce planning; and
- Through ongoing conversations between the PCC and the Chief Constable. This paper reflected the draft police and local government settlement detail (which were subject to ongoing consultation but not expected to materially change) and the council tax position supplied by our local billing authorities which in some cases remained subject to final confirmation.

The final plan reflected an increase in council tax of £15 in 2021/22, representing the maximum increase permitted without incurring the cost and risk of a local referendum. The decision to increase the precept by £15 was reflective of:-

- The need to provide additional funding of £1.2m in 21/22 on top of the extra grant funding (+£9.4m) provided in order to support the plans to deliver the uplift in officer numbers that achieve the government's target by March 2023;
- The opportunity to recruit beyond the national target with a plan which will realise a forecast of 3,221 officers, 115 more than national target, by the end of the 2021/22 financial year, rather than slow down these plans in line with lower than expected national targets;
- The views of the public, as expressed through a range of ongoing public engagement activity. Returns from the online and telephone surveys indicated that a majority of respondents supported an increase, but with a significant minority wanting a freeze. A detailed analysis of opinion, including from the postal survey was provided to the Panel in an additional paper; and the views of the Chief Constable, who expressed his opinion in writing to the PCC.
- In reaching the conclusion to increase the precept by the maximum amount permissible and thereby to deliver the revenue plans set out, alternative options were considered, with the main alternative scenario being an increase of 5% (+£11.39 for an average band d property).
- The difference for an average band d household between the two scenarios is £3.61 p.a. or £0.30p per month;
- A 5% precept increase would initially generate £2.1m less in funding in 21/22 compared to the maximum increase, rising to a difference to £2.3m by 25/26 as a consequence of future increases being against a lower starting point;

- At a 5% increase we would be unable to maintain our current officer recruitment momentum and would need to slow down our recruitment plans, targeting a forecast of 3,152 officers which would be 69 fewer officers than a £15 increase would support;
- The maximum council tax increase would offer some additional security when entering into the uncertainty of a new spending review where difficult decisions will be needed to reset public finances following the consequences of the response to the Covid-19 pandemic. From 2021/22 onwards plans were to assume annual increases of 1.99% p.a. The impact on the average band d policing precept over the course of the MTFP period was set out.
- The MTFP considered in December had been updated with the latest information Grants with combined value of £2.6million had been received.
- The uplift in precept was requested to allow continuing focus in capacity in flagship initiatives.
- It was considered where would the savings and cuts would be made if the funding was not increased. Reserves allocated to Hinkley Point were questioned.
- Areas that savings could be made had been looked at, these were initiatives which had been extended and maintained over the last financial year which relied on additional funding, there was a limit to the amount of savings that could be made without impacting officer numbers.
- £7.3million savings had been found from the 21/22 budget. There was a further target to generate another £10million in future savings.
- The growth in officer numbers couldn't be protected and sustained without agreement with the precept increase.
- The VRU funding announcement was anticipated imminently.
- There would be a new Police and Crime plan next year with the new Police and Crime Commissioner which would set out new targets and ambitions.
- The online survey delivery method was set out alongside the police and crime telephone survey.
- Clarification was provided that it was not feasible to restrict the increase to a level similar to the previous financial year.
- The proposal to the panel was set out and the panel had the ability to veto with officers able to return with a revised proposal. The panel considerations were determined as constrained by the process which was a binary choice of approving the recommendations or vetoing them.
- Work with the Communications team and the lead time from the central funding figure was a short turnaround time.
- Concerns were expressed in relation to an underspend in the planned recruitment of 100 new officers following the previous precept increase. It was queried if the funding had been used for alternative purposes with the slowing of the planned recruitment. The allocation of the underspend was not clarified but formed part of the overall financial performance. The Chief Constable reassured the Panel that the outturn of the organisation was monitored closely.

- Concerns were expressed in relation to resourcing around sexual assaults if the precept was not supported.
- Panel members expressed concern about their role in supporting members of the public who were already impacted economically, many of whom were struggling financially as a result of the pandemic.
- The Panel's Precept report to the Commissioner was required by 8th February 2021 in the event of a veto. A two thirds majority was required to carry a veto.
- In the event of a veto, the Panel noted that the following process was required :-

The Commissioner must respond to the Panel and publish her response, including the revised precept, by 15 February

The Panel must review the revised precept and make a second report to the Commissioner by 22 February

The Commissioner must have regard to and respond to the Panel's second report and publish her response by 1 March.

The Commissioner, Chief Constable and OPCC staff briefly withdrew from the meeting and rejoined the meeting for the Panel's decision.

Following discussion and on being put to the vote, the Panel **RESOLVED** to veto the Commissioner's proposal to increase the Policing Precept by £15.00 per annum in 2021/22 for an average Band D property (11 members voting in favour and 1 abstention)

(Councillor Williams left the meeting before the vote at 11.33am)

Following further discussion, the Panel **RESOLVED** to defer consideration of the remaining agenda items until the next meeting.

8. **Date of Next Meeting**

The next meeting was scheduled for 11th March 2021 at 10.30am

(The meeting ended at 13.37)

Chair

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Avon and Somerset Police and Crime Panel

31st March 2021

Title: Panel Governance Review

The Panel is invited to consider and approve the proposed amendments to the following documents:-

1. Panel Operating Arrangements (Appendix A)
2. Panel Rules of Procedure (Appendix B)
3. Panel Complaints Protocol (Appendix C)

1. Summary

The Panel has taken the opportunity to review its governance documents to ensure that it runs as effectively as possible and continues to fulfil its statutory functions. A small sub-group of Panel Members met on 19th January 2021 to undertake the review (Councillor Shearer, Councillor Craig and Councillor Westwood) with the support of the Panel's Governance Specialist.

The initial set up arrangements for the Avon and Somerset Police and Crime Panel were overseen by a Joint Selection Committee of the Avon and Somerset Council Leaders (LJSC) in 2012.

The Panel Operating Arrangements document emerging from these discussions was agreed by the LJSC on 11th June 2012 and adopted by the Panel on 31st October 2012. It is attached as Appendix A to this report and was last reviewed in July 2020 to reflect the formation of Somerset West and Taunton Council (following the merge of West Somerset Council and Taunton Deane Borough Council) and to address amendments required as a result of the pandemic and postponement of the PCC elections.

In accordance with Schedule 6 Part 2 section 3 of the Police Reform and Social Responsibility Act 2011, the Panel is required to seek the endorsement of the

Constituent Authorities before any amendments to the document can be adopted.

The Panel's Rules of Procedure are attached as Appendix B to this report and guide how business is conducted, ensuring that the Panel meets its statutory requirements.

Unlike the Operating Arrangements, the Panel can determine and make changes to this document. They were last reviewed on 13th December 2018.

The Panel's Complaint Protocol is attached as Appendix C. Its purpose is to explain how complaints against the Commissioner are dealt with by the Panel and reassure the public that complaints are dealt with fairly and appropriately. The Panel has review and amend this document and it was last reviewed on 13th December 2018.

Working arrangements agreed with the Office of the Police and Crime Commissioner in 2012 require the Panel to consult with the OPCC before any amendments are made. This has taken place. The proposed amendment attempts to address the resource issue created by complaints/dissatisfaction with the PCC's failure to uphold a Police Complaint Review

2. Purpose of the report

The Panel is invited to consider and approve the proposed amendments which are highlighted for ease of reference.

3. Conclusion

The Panel operates within a governance framework previously agreed by the Constituent Authorities in 2012 and by the Panel itself. Over the passage of time and based on the experience of the Panel in the intervening period, various amendments have been usefully incorporated into these documents. The Panel is invited to consider/agree the proposed amendments and discuss any further proposals that may be considered necessary at this time.

Patricia Jones

Governance Specialist
Avon and Somerset Police and Crime Panel
PLjones@somerset.gov.uk



Panel Operating Arrangements

The Panel Operating Arrangements were originally agreed by the Leaders Joint Selection Committee on 11th June 2012 and were subsequently reviewed and endorsed by the Constituent Authorities between February and October 2018.

They were further reviewed in July 2020 to reflect the formation of Somerset West and Taunton Council (following the merge of West Somerset Council and Taunton Deane Borough Council) and to address amendments required as a result of the pandemic and postponement of the PCC elections.

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~~
Somerset West and Taunton Council

In this document,

- the above 10-9 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
- 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. This document should be read in conjunction with the [Panel Rules of Procedure](#).

1. Background

- 1.1** Avon and Somerset 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** **MO suggests annually** (next review to take place in ~~February 2020~~ **in March 2021**). 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.
- 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.
- 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 is subject to the requirements of the Local Government Act 1972, the Police Reform and Social Responsibility Act 2011, and any related secondary 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:-
 - review the draft Police and Crime Plan (and any variation to it); and
 - 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.
- 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 a **two-thirds majority of the whole Panel membership 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.
- 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 **provided for by the Act**.
- 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.

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~~ **9**, 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 currently comprises ~~15~~ 14 elected members, ~~in line with a decrease in 1 member~~ to the membership arrangements agreed by the Leaders Joint Selection Committee in 2012, ~~reflecting the merge of Taunton Deane Borough Council and West Somerset District Council~~ :-
- Former Avon Unitary Authorities – 9 members (1 appointed elected member and 1 co-opted elected member each, plus an additional co-opted elected 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~~ 5 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 in accordance with Schedule 6, paragraph 33 of the PRSR Act 2011)*

- 3.7** There will be no ~~ad hoc~~ substitute members at meetings. ~~A long term substitution may be considered appropriate by the Constituent Authorities if a member is unable to attend meetings over a protracted period subject to appropriate training.~~

Term of Office

- 3.8** The term of office of elected members shall be the same as that of the Commissioner – a 4 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.

Temporary Amendment

*Following a request by North Somerset Council in May 2020, a temporary amendment to the term of office of elected members will take effect immediately to reflect the extension of Councillor Roz Willis's appointment for one year until May 2021. This will concur with the new arrangements emerging from COVID 19 and the cancellation of the PCC elections which extend the term of office for PCCs for one year until May 2021.

No longer applicable and can be deleted.

- 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 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. 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 4 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. **The appointment of an Independent Co-opted Member shall be reviewed on completion of the first 4 year term.**

~~A temporary amendment to 3.16 above will take effect from October 2020 to reflect the extension of Andrew Sharman's appointment for one year until May 2021. This will concur with the new arrangements emerging from COVID-19 and the cancellation of the PCC elections which extend the term of office for PCCs for one year until May 2021.~~

~~This can be deleted.~~

From 1st April 2021 3.16 above will be amended to read:-

~~An Independent Co-opted Member shall be appointed for an initial 4 year term with a review of the appointment on completion of that term. There will be no restriction on the overall time period they can serve provided the balanced appointment objective continues to be met and the~~

appointment has the support of the Panel membership. After two consecutive 4 year terms, the Panel will undertake a recruitment process for a vacancy and an Independent Member who wishes to serve for a further period must re-apply for appointment in the interests of fairness and to avoid any perception of a “closed shop”

This can be deleted - the sub committee are now agreed that they should serve the same term as elected members.

- 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.
 - 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.
- 4.3** The Host Authority should give 6 months notice of its intention to resign as Host to enable a new Host authority to be identified.

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 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.
- 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

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
- 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	
			£10,000

This document was adopted and published on 13th December 2018 following endorsement by constituent Authorities.

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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 have subsequently been reviewed at intervals. They were last reviewed and agreed on 13th December 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
Somerset West and Taunton Council
~~Taunton Deane Borough Council~~
~~West Somerset Council~~

In this document:-

- the above ~~10~~ **9** 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 **area**
- the Clerk provides the administrative, scrutiny, **and** 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 9 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 Operating Arrangements.

1.2 The Rules will normally be reviewed once every four years. **The Monitoring Officer suggests more frequently.**

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 or Independent 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 or Independent 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 or Independent 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.

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. **The item of business must fall within the statutory functions of the Panel.** 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 **record rolling register** of attendance **across the year** ~~attached to the minutes of each meeting~~ will be submitted to the last meeting of the year.

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 **as appropriate by the clerk** ~~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.~~

Members of the public who reside or work in the Avon and Somerset Force area may submit a statement or petition or ask a maximum of two questions at a Panel meeting. Statements and questions must relate to matters which fall within the Panel's statutory functions and responsibilities.

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. Statements and questions must be directed to the Chair. Members of the public may not take direct part in the debate unless invited by the Chair to do so.

6.3 Depending on the volume of Public Forum Question Time 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 Host Authority no later than 12.00 noon on the working day prior to the Panel's meeting.

6.5 Questions and petitions must be received by the 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 after the meeting.

6.6 A questioner will be entitled to ask one supplementary question per question submitted after receiving a response.

6.7 Statements and questions that fall outside the Panel's statutory functions and responsibilities will not be taken and will be forwarded where appropriate to the Responsible Authority for response.

7. Quorum

7.1 A formal meeting of the Panel cannot take place unless at least one third of Panel Members are the Panel membership is present. Currently this means a minimum of ...

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.

Insert - An individual Panel Lead Member will lead and maintain an overview on complaints that are escalated to the Panel with advice, guidance and support provided by the Lead Officer. This provides a filter for the less serious complaints and ensures that meetings of the sub-committee are only held when necessary. The complaints handling process and information supplied by the OPCC has been aligned for this purpose and reflects the decisions taken by the Panel following consideration of an officer report on 8th December 2019.

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 **or if necessary by the Chair**. Membership will be confined to members of the Panel and if possible should include at least one of the three Independent Member 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 Host Authority 's website** and the Panel's website. ~~which will have links to all of 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 **Host Authority Clerk** at least 15 working days before the next ordinary meeting of the Panel, failing which they shall not be submitted to ~~such~~ **the** 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 website and send copies to each of the Authorities **if this is considered appropriate by the Chair.**

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. This 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 his or her responsibilities ~~unless notified otherwise~~. Where, in exceptional circumstances, **they are the Commissioner is** 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 **requires** 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, **experts**, 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, not two thirds of 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 In accordance with Section 62 of the Act, 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. The Policing and Crime Act 2017 (Part 5) has amended the primary legislation and extends the term of office of DPCCs so that in the event of a PCC vacancy occurring (through death or resignation), the DPCC term no longer ends when the former PCC ceases to hold office. This enables a DPCC to be appointed by the Panel as the Acting PCC pending the outcome of a by-election.

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 **against the Commissioner** 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 the Commissioner's 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.

~~Amended 13th December 2018~~

Amended 19th January 2021/16th March 2021

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AVON AND SOMERSET POLICE AND CRIME PANEL COMPLAINTS PROTOCOL

Introduction

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

Purpose of the Protocol

- To explain how complaints against the PCC are dealt with by the Panel.
- To reassure the public that complaints against the PCC are dealt with fairly and appropriately.
- To reassure the public that the Panel will refer any complaint relating to a criminal offence to the IOPC.

Scope of the Panel's Activity

The complaints procedure covers issues relating to the conduct of the PCC. If you consider the PCC has not acted appropriately in relation to a matter for which the PCC has responsibility, you may raise this issue under the Panel's complaints procedure.

Submitting a Complaint

The Panel has agreed to delegate responsibility for the initial handling and recording functions to the PCC's Chief Executive and Monitoring Officer **in the Office of the Police and Crime Commissioner.**

To make a complaint against the PCC, you can email:-

pcc@avonandsomerset.pnn.police.uk

Or contact in writing:-

The Chief Executive
Avon and Somerset Office of the Police and Crime Commissioner
Valley Road
Portishead
Bristol
BS20 8JJ

Complaints regarding operational policing, the Chief Constable and other Police officers are not dealt with by the Panel. Further details can be obtained by contacting the email address above.

Delegation of non-criminal complaints to the Chief Executive and Monitoring Officer

The Chief Executive and Monitoring Officer in the Office of the Police and Crime Commissioner, will consider all non-criminal complaints regarding both quality of service and conduct, make a recording decision and act to broker local resolutions to resolve complaints in the first instance.

The Panel will receive a monitoring report at every meeting which will provide summary information in relation to complaints against the Commissioner and their status. Where a decision is taken to record a complaint, a copy of the register and action plan will be attached to the report. Members have the ability to undertake periodic dip-sampling of complaints to provide assurance with regard to the handling process.

The Panel is the final arbiter of complaints against the PCC and complaints will be referred to the Panel if:-

- The complainant is not satisfied with how the complaint has been dealt with;
- The Chief Executive considers there to be an actual or perceived conflict of interest in dealing with the complaint;
- The IOPC refers a matter back to the Panel;
- There is a request for a review/escalation of a complaint by a member of the Panel.

Panel consideration of Complaints

The Panel has the ability to deal with complaints using informal resolution. This is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint.

The Panel may take such steps as appropriate to resolve the matter including referring the issue to a sub-committee. A Complaints Sub-Committee was established on 30th October 2014 to 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.

The Panel can resume responsibility for informal resolution at any time.

Informal resolution will be discontinued if the Panel decides the complaint should be referred to the IOPC or if the IOPC notifies the Panel that they require the complaint to be referred to them.

Informal Resolution

The Sub-Committee will first consider if the complaint has already been satisfactorily dealt with. If it appears it has, it may decide to take no further action.

The intention is for the informal resolution process to be flexible so it can be adapted to individual circumstances. However, there are some formal requirements:

- No investigation can take place. The Panel has power to require the PCC to provide information and documents and to attend to answer questions. This does not amount to an investigation.

- The complainant and the PCC must be given the opportunity to comment on the complaint as soon as is practicable.
- Any failure by the PCC to comment on the complaint when invited to do so will be noted in the written record.
- The Panel has no power to tender an apology on behalf of the PCC or impose a formal sanction.

The Sub-Committee may find there are recommendations which emerge naturally from its findings/consideration of the matter and these may be passed to the PCC to implement. In attempting to secure a resolution the Sub-Committee is required to consider whether further information, clarification or explanation is required and/or whether any actions are required and can be agreed between the parties.

Timescales

Wherever possible complaints will be acknowledged within 10 working days. Matters requiring informal resolution by the Panel will be considered by the Complaints Sub-Group as soon as practicable or at the next Panel meeting.

Reference to the Independent Office for Police Conduct

The Panel is not responsible for investigating or determining whether a crime has been committed.

Any conduct matter and any serious complaint (a complaint about conduct that constitutes or involves, or appears to, the commission of a criminal offence) must be reported to the IOPC as soon as possible. Any other complaint must be referred if the IOPC requires it. The IOPC can also require a complaint to be referred.

Referrals should be made as soon as possible and no later than the close of business the day after the Panel becomes aware that the matter should be referred.

To fulfil this duty, the Chief Executive and Monitoring Officer will notify the Chair of the Panel and the Clerk and the matter will be referred to the IOPC.

INSERT If the Panel is handling the complaint directly, then the Panel will be responsible for the referral.

The complainant and the person complained about will be notified, unless doing so might prejudice a future investigation.

It is possible for the IOPC to refer any complaint back to the Panel for resolution.

Appeals

There is no right of appeal against the outcome of informal resolution.

A complaint about the way in which a matter was handled (maladministration) can be made to the Local Government Ombudsman.

INSERT - Complaints relating to the PCC's failure to uphold a Police Complaint Review

Since 1st February 2020, the Police and Crime Commissioner has become the appropriate authority to review low level Police Complaints. This process (formerly known as an appeal) relates to complaints under Schedule 3 of the Police Reform Act 2002. A review is not a re-investigation, but an opportunity to independently assess whether complaint handling complied with the Police (Complaints and Misconduct) Regulations 2020, under which complaints must be dealt with 'reasonably and proportionately'.

The Police and Crime Commissioner (PCC) is an elected representative of the community and his/her conduct should not discredit the office. The PCC is subject to a Code of Conduct which sets out the expected standards of personal and professional behaviour. However, the Panel's complaints handling process is not an appropriate way in which to challenge findings in relation to a Police Complaint Review. Both the Panel and the CEO will consider all PCC complaints independently and impartially, however those relating to dissatisfaction as a direct result of a review outcome will not be considered.

There is no right of appeal to the Panel or any other body in relation to a Police Complaint Review. If anyone wishes to challenge the outcome of a Police Complaint Review, the only option is to apply for a Judicial Review.

27th June 201

19th January 2021/16th March 2021