



## **Shadow Police and Crime Panel**

**Date**        **Wednesday 22 August 2012**  
**Time**        **10.00 am**  
**Venue**       **Committee Room 1A - County Hall, Durham**

---

### **Business**

#### **Part A**

**[Items during which the Press and Public are welcome to attend.  
Members of the Public can ask questions with the Chairman's  
agreement]**

1.    Introductions
2.    Apologies for Absence
3.    Appointment of Chair and Vice-Chair
4.    Panel Arrangements - Report of Monitoring Officer (Pages 1 - 6)
5.    Terms of Reference - Report of the Monitoring Officer (Pages 7 - 10)
6.    Rules of Procedure - Report of the Monitoring Officer (Pages 11 - 32)
7.    Recruitment of Independent Co-opted Members - Report of Monitoring Officer (Pages 33 - 56)
8.    Development of the Panel's Work Programme - Report of Monitoring Officer (Pages 57 - 62)
9.    Any Other Business

**Colette Longbottom**  
Monitoring Officer

County Hall  
Durham  
14 August 2012

To: **The Members of the Shadow Police and Crime Panel**

**Durham County Council**

Councillors J Armstrong, D Boyes, M Campbell, L Hovvels, G Huntington,  
A Laing and D J Southwell

**Darlington Borough Council**

Councillors S Harker, I Haszeldine and B Jones

---

**Contact: Ros Layfield**

**Tel: 0191 383 4205**

---

**Shadow Durham Police and Crime  
Panel**

**22 August 2012**

**The Panel Arrangements**



---

**Report of Colette Longbottom, Monitoring Officer**

---

**Purpose of the Report**

1. To present the Panel arrangements to be endorsed by the Panel.

**Background**

2. Under the Police and Social Responsibility Act 2011 the two constituent authorities of the Durham Police area: Durham County Council and Darlington Borough are obliged to approve arrangements for the Police and Crime Panel.
3. Provisional terms were agreed between officers and key members of the two respective authorities, to be put to the respective councils. Darlington Borough Council approved the arrangements on the 19 July. Durham County Council approved the arrangements on the 25 July.
4. Panel arrangements are attached at Appendix 2.
5. They are arrangements prepared from guidance provided by the Local Government Association which took the lead on providing guidance and draft documentation to councils following the passage of the Act.
6. These arrangements will need to be endorsed by the Panel once it is formally constituted.

**Recommendation**

7. The Panel is asked to endorse the Panel arrangements and authorise the Monitoring Officer to present their approval, at a future meeting, when the Panel is formally constituted.

---

<b>Contact:</b>	<b>Colette Longbottom</b>	<b>Tel: 0191 383 5643</b>
-----------------	---------------------------	---------------------------

---

---

**Appendix 1: Implications**

---

**Finance** – The Home Office will provide (October 2012) £53,000 for the support and development of the Police and Crime Panel

**Staffing** – None specific in this report

**Risk** – None specific in this report

**Equality and Diversity / Public Sector Equality Duty** – None specific in this report

**Accommodation** - None specific in this report

**Crime and Disorder** - None specific in this report

**Human Rights** - None specific in this report

**Consultation** – None specific in this report

**Procurement** - None specific in this report

**Disability Issues** – None specific in this report

**Legal Implications** – Within the body of the report

---

## **Appendix 2: Durham Police and Crime Panel - Panel Arrangements**

---

### **Durham Police and Crime Panel Panel Arrangements**

1.1 Durham County Council shall act as the host authority in establishing the Police and Crime Panel and provide the necessary officer support.

1.2 The Panel shall be made up of 10 councillors, and two independent members.

1.3 The elected membership shall be made up of councillors of Durham County Council and Darlington Borough Council.

### **2 Membership**

2.1 All councillors on the two authorities are eligible to be members of the Police and Crime Panel , exceptions may apply within each authorities own Constitution.

2.2 The Panel's membership will be made up of 7 elected representatives of Durham County Council and 3 elected representatives of Darlington Borough Council.

2.3 The Panel membership shall, as far as possible, be politically balanced.

2.4 All members of the Police and Crime Panel may vote in proceedings of the panel.

### **3 Casual vacancies**

3.1 A vacancy on a Police and Crime Panel arises when an elected representative or an independent member resigns from the membership of the panel.

3.2 Each council will fill vacancies for elected members in accordance with the arrangements in their Constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 4.

### **4 Independent members**

4.1 The Police and Crime Panel shall co-opt two independent members onto the panel for a term of 2 years commencing October 2012.

4.2 The selection process for co-opting independent members should include a reasonable period of advertising for the positions. A closing date for the receipt of applications should be given of at least two weeks from the date the advert is first placed.

4.3 Information packs should be prepared and sent to those requesting application forms.

4.4 The applications will be considered against agreed eligibility criteria written to achieve the requirement of the balanced appointment objective referred to in paragraph 5 beneath. Any appointment Panel agreed by the Panel to make the appointment, will comprise at least one member of each of the constituent authorities.

4.5 Following the interviews, the Chairman and Vice-Chairman will make recommendations to the panel about membership.

## **5 Appointment of elected members**

5.1 Members will be appointed at the Annual General Meeting of each Council. It is recognised that each Authority may wish to appoint from within the membership of the majority group, and politically balance within their own authorities, however authorities must 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. Authorities must appoint to the political seats they agreed in advance of the Panel arrangements being determined. If the overall political make-up of the Authorities changes when taken together, further discussions between the authorities must take place.

## **6 Term of Office**

6.1 A member shall be appointed annually to the Panel to hold office for the following municipal year, and all such appointments shall be notified to the Secretariat of the host authority no later than 31 May in each year, subject to the following proviso that he or she shall cease to be a member of the Panel if he or she ceases to be a member of the Authority (and does not on the same day again become a member of the Authority).

6.2 Each Authority will give consideration to the 'balanced objective requirement' in its annual appointment process, bearing in mind the balance objective of both authorities taken as a whole. Where possible, an Authority will give consideration to continuity of membership to enable the Panel's expertise and skills to be developed for the effective scrutiny of the PCC.

## **7 Resignation and removal of elected members on the Panel**

7.1 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 Secretariat of the host authority, of the change in its Member.

7.2 A Member may resign from the Panel at any time by giving notice to the appointing Council who will inform the Secretariat.

7.3 In the event that any Member resigns from the Panel, or is removed from the Panel by his or her Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel, in accordance with the agreed arrangements.

7.4 Where a Panel Member fails to attend meetings of the Panel over a six month period then the Secretariat shall recommend to the relevant Authority that due consideration is given to removing the member from the appointment to the Panel and the appointment of a replacement member from that Authority.

## **8 Allowances and Expenses**

8.1 Each Authority has the discretion to pay its representatives on the Panel Special Responsibility Allowances, and to reimburse reasonable expenses incurred. No allowance or expenses payments will be made by the Panel itself to elected members. Any allowances or expenses which may be made to elected members arising out of Panel Membership shall be determined and borne by the appointing Authorities for each Panel Member individually.

## **9 Validity of Proceedings**

9.1 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.

9.2 All Panel members must observe the Members Code of Conduct and any related Protocols as agreed by the Panel.

This page is intentionally left blank



**Shadow Durham Police and Crime  
Panel**

**22 August 2012**

**Terms of Reference**



---

**Report of Colette Longbottom, Monitoring Officer**

---

**Purpose of the Report**

1. To advise members of the Terms of Reference of the Panel.
2. To present Terms of Reference for the Panel to note.

**Background**

3. The Police Reform and Social Responsibility Act 2011 sets out the functions of the Panel. Using those functions as a guide, the Terms of Reference for the Panel have been produced.
4. The Terms of Reference are set out in schedule 2 and will form the basis of a constitutional document for the Panel which will include the Panel Arrangements and the Rules of Procedure. They will need to be formally endorsed at the first meeting of the constituted Panel.

**Recommendation**

5. Members are asked to note the Terms of Reference.

---

<b>Contact:</b>	<b>Colette Longbottom</b>	<b>Tel: 0191 383 5643</b>
-----------------	---------------------------	---------------------------

---

---

**Appendix 1: Implications**

---

**Finance** – None specific in this report

**Staffing** – None specific in this report

**Risk** – None specific in this report

**Equality and Diversity / Public Sector Equality Duty** – None specific in this report

**Accommodation** - None specific in this report

**Crime and Disorder** - None specific in this report

**Human Rights** - None specific in this report

**Consultation** – None specific in this report

**Procurement** - None specific in this report

**Disability Issues** – None specific in this report

**Legal Implications** – Within the Body of the report

---

## **Appendix 2: Terms of Reference**

---

### **Durham Police and Crime Panel Terms of Reference**

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) Arrange a public meeting of the Panel to be held as soon as practicable after the Panel is sent the annual report made under section 12 of the Police Reform and Social Responsibility Act 2011, and ask such questions about the Annual report as members of the Panel think appropriate.
- 3) Review the annual report and make a report or recommendation on the Annual report to the Commissioner.
- 4) To hold a confirmation hearing and review, make a report, and recommendation in respect of proposed senior appointments made by the Police and Crime Commissioner. The senior appointments are the Commissioner's Chief Executive; Chief Finance Officer; and the Deputy Police and Crime Commissioner.
- 5) To hold a confirmation hearing and review, make a report on the proposed appointment of the Chief Constable, where applicable to exercise the power of veto.
- 6) To review and make a report and recommendation (as necessary) on the proposed precept, where applicable to exercise the power of veto.
- 7) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 8) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 9) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 10) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 11) To appoint an Acting Police and Crime Commissioner if necessary.
- 12) To suspend the Police and Crime Commissioner if it appears to the panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

This page is intentionally left blank

**Shadow Durham Police and Crime  
Panel**

**22 August 2012**

**Rules of Procedure**



---

**Report of Colette Longbottom, Monitoring Officer**

---

**Purpose of the Report**

1. To advise the panel of the need for rules of procedure.
2. To advise members of the necessary contents of those rules.
3. To present draft rules for members to consider with a view to them being approved by the fully constituted panel.

**Background**

4. Under schedule 6 The Police Reform and Social Responsibility Act:
  - i. A Police and Crime Panel must make rules of procedure for the panel.
  - ii. A Police and Crime Panel rules of procedure must make provision the appointment, resignation and removal of a person to chair the panel.
  - iii. The Police and Crime Panel rules of procedure may in particular make provision about:
    - a) The method of making decisions
    - b) The formation of sub committees.
  - iv. A sub committee of a Police and Crime Panel may not co-opt members.
5. There are functions of the panel which cannot be discharged by committee or sub committee of the panel.

They are:

- Scrutiny of the Police and Crime Plan
- Scrutiny of the Annual Report
- Review of senior appointments
- Issuing of precepts
- Scrutiny of the appointments of the Chief Constable

6. Paragraph 28 allows the panel to make provision for allowances. The arrangements have already been agreed between the respective constituent authorities is that allowance would not be paid for the members, but that the views of the Independent Remuneration Panel would be sought in relation to whether allowances should be paid for the Chair and Vice Chair.
7. Based upon the schedule, rules of procedure have been drafted in consultation with officers at Darlington Borough Council.

### **Recommendation**

8. Members are asked to note draft rules of procedure and authorise the Head of Legal and Democratic Services to complete the draft (making any amendments which she considers appropriate to having regard to guidance issued by Local Government Association or Government) and to present them for approval at the November meeting.

---

<b>Contact:</b>	<b>Colette Longbottom</b>	<b>Tel: 0191 383 5643</b>
-----------------	---------------------------	---------------------------

---

---

**Appendix 1: Implications**

---

**Finance** – None specific in this report

**Staffing** – None specific in this report

**Risk** – None specific in this report

**Equality and Diversity / Public Sector Equality Duty** – None specific in this report

**Accommodation** - None specific in this report

**Crime and Disorder** - None specific in this report

**Human Rights** - None specific in this report

**Consultation** – None specific in this report

**Procurement** - None specific in this report

**Disability Issues** – None specific in this report

**Legal Implications** – Within the Body of the Report

**Durham Police and Crime Panel  
Rules of Procedure**

**1. Chairman of the Police and Crime Panel**

- 1.1 The Chairman of the Police and Crime Panel will be appointed in June of each year, or at the first meeting of the Panel following the appointment of members to the panel by the constituent authorities, and will be drawn from amongst the councillors sitting on the Panel.
- 1.2 The Vice-Chairman will be appointed in June of each year, or at the first meeting of the Panel following the appointment of members to the panel by the constituent authorities, and will be drawn from amongst the councillors sitting on the panel.
- 1.3 In the event of the resignation of the Chairman or removal of chairman, a new chairman will be appointed and will be drawn from amongst the councillors sitting on the Panel.
- 1.4 The Chairman 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 Chairman from amongst the councillors sitting on the panel.
- 1.5 The Chairman would be removed in cases of misconduct, or if it becomes clear that the Chairman is not allowing the Panel to effectively deliver its functions as set out in the Terms of Reference.
- 1.6 The Panel will elect a person to preside at a meeting if the chair and vice chair are not present.

**2. Meetings of the Police and Crime Panel**

- 2.1 There shall be a minimum of four ordinary meetings of the police and crime panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- 2.2 An extraordinary meeting may be called by the chairman or by four members of the panel.
- 2.3 An extraordinary meeting may also be called by the monitoring officer of the Host Authority.
- 2.4 The business to be conducted at an extraordinary meeting shall be restricted to the item of business contained in the request for the extraordinary meeting and there shall be no consideration of previous minutes or reports, except that the Chairman may at



his absolute discretion permit other items of business to be conducted for the efficient discharge of the Panel's business.

- 2.5 Ordinary meetings will take place in accordance with a programme decided by the panel, and will start at the time decided by the Panel.
- 2.6 Ordinary meetings of the panel will:
  - a) receive any declarations of interest from members
  - b) approve the minutes of the last meeting
  - c) consider reports from officers and panel members.
- 2.7 The Monitoring Officer of the Host Authority will give notice to the public of the time and place of any meeting in accordance with the Local Government Act 1972. At least 5 clear days before a meeting, the Monitoring Officer of the Host Authority will send an agenda to every Member of the Panel. The agenda will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
- 2.8 The Monitoring Officer of the Host Authority can consider any request for a member of the Panel to appoint a substitute providing that substitute Member is from the same political group of the same Authority. No substitution will be permitted for the independent co-opted members. Substitute members may attend meetings in the following capacity only:
  - (i) to take the place of the ordinary Member for whom they are designated substitute.
  - (ii) where the ordinary Member will be absent for the whole of the meeting;
  - (iii) where the ordinary Member has notified the Monitoring Officer of the Host Authority of the intended substitution at least one hour before the start of the relevant meeting.

### **3. Agenda Items**

- 3.1 The panel agenda will be issued to panel members at least five clear working days before the meeting. It will also be published on the Panel's website and by sending copies to each of the authorities.
- 3.2 Any member of the police and crime panel shall be entitled to give notice to the Monitoring Officer of the host authority that he or she wishes an item relevant to the functions of the panel to be included on the agenda for the next available meeting. Notice must be provided 10 working days before the next meeting.

#### **4. Quorum**

- 4.1 A meeting of the police and crime panel cannot take place unless a quarter of the whole number of its members is present, and there is one member present from each of the constituent authorities.
- 4.2 During any meeting if the Chairman counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he does not fix a date, the remaining business will be considered at the next ordinary meeting.

#### **5. Voting**

- 5.1 Any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.
- 5.2 If there are equal numbers of votes for and against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
- 5.3 Unless a recorded vote is demanded under Rule 5.4 the Chairman will take the vote by show of hands.
- 5.4 If five members present at the meeting demand it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.
- 5.5 All panel members may vote in proceedings of the panel.

#### **6. Record of Attendance**

- 6.1 All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

#### **7. Minutes**

- 7.1 The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

#### **8. To Rescind a Previous Decision**

- 8.1 Any motion to rescind a decision made within the past six months cannot be moved unless the notice of motion only if three quarters of the members present vote in favour of the

motion. A motion similar in terms to one that has been rejected at a meeting of Panel in the past six months cannot be moved unless the notice of motion is signed by three quarters of the members present, to vote in favour of the motion. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **9. Rights to Attend Meetings**

- 9.1 Members of the public may attend all meetings subject only to the exceptions in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). This does not affect more specific rights to information contained in the law nor do these rules limit or diminish the Council's duties to protect certain information, including personal information. This includes the rights and duties from the provisions of the Freedom of Information Act 2000 and the Data Protection Act 1998.

## **10. Supply of Copies**

- 10.1 The Panel will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Monitoring Officer of the Host Authority thinks fit, copies of any other documents supplied to the Panel in connection with an item

**to any person on payment of a charge for postage and any other costs.**

## **11. Access to Minutes etc. after the meeting**

- 11.1 The Council will make available copies of the following for six years after a meeting:
- (a) the minutes of the meeting [excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information];
  - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - (c) the agenda for the meeting; and
  - (d) reports relating to items when the meeting was open to the public.

## **12. Background Papers**

12.1 The Officer preparing a report will set out in such report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report

but does not include published works or those which disclose exempt or confidential information as defined in Part 1 of Schedule 12 A to the Local Government Act 1972 (as amended)

12.2 The Panel will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## **13. Questions by the Public**

13.1 Members of the public may ask questions at ordinary meetings of the Panel, which relate to items on the agenda of that meeting.

13.2 Questions will be asked in the order notice of them was received, except that the Chairman may group together similar questions.

13.3 A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer of the Host Authority, no later than midday 3 working days before the day of the meeting. Each question must give the name and address of the questioner.

13.4 At any one meeting no person may submit more than 3 questions and no more than 3 such questions may be asked on behalf of one organisation.

13.5 The Monitoring Officer of the Host Authority may reject a question if it:

- (a) is not about a matter for which the Panel has a responsibility.
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the Panel in the past six months;
- (d) requires the disclosure of confidential or exempt information.

- 13.6 The Monitoring Officer of the Host Authority will enter each question in a book open to public inspection and will immediately send a copy to the Panel. Rejected questions will include reasons for rejection.
- 13.7 Copies of all questions will be circulated to all Members and will be made available to the public attending the meeting.
- 13.8 The Chairman will invite the questioner to put the question. If a questioner who has submitted a written question is unable to be present, they may ask the Chairman to put the question on their behalf. The Chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.
- 13.9 Any question which cannot be dealt with because of lack of time, will be dealt with by a written answer.

#### **14. Rules of Debate**

- 14.1 The debate at meetings of the Panel shall be conducted by consensus unless any member present indicates to the Chairman that he requires the following provisions to be invoked.
- 14.2 A motion or amendment to a motion shall not be discussed unless it has been proposed and seconded and it shall if required by the Chairman, be written down and handed to him before it is discussed.
- 14.3 When seconding a motion or amendment, a member may reserve their speech until later in the debate.
- 14.4 A member when seconding a motion or amendment may, if he then declares his intention, reserve his speech until later in the debate.
- 14.5 A member when speaking shall address the Chairman. If two or more members indicate their intention to speak the Chairman shall determine the order in which members shall speak.
- 14.6 A member shall direct his speech to the question under discussion or to a personal explanation or point of order.
- 14.7 A speech by the mover of a motion may not exceed five minutes without the consent of the Chairman.
- 14.8 Speeches by other Members may not exceed three minutes without the consent of the Chairman.
- 14.9 A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since he last spoke;
- (c) if his first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

## **15. Motions**

15.1 Except for motions which can be moved without notice under Rule 15.13, written notice of every motion, must be delivered to the Monitoring Officer of the Host Authority by no later than 5.00 p.m. on the seventh working day before the meeting at which it is to be considered.

15.2 Motions for which notice has been given will be listed on the agenda in the order determined by the Chairman.

15.3 Motions must be about matters for which the Panel has a responsibility.

15.4 No Member may give notice of more than one motion for any meeting, except with the consent of the Chairman.

### **15.5 Amendment to Motions**

- (a) an amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.

as long as the effect of (ii) to (iv) is not to negate the motion.

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.

- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### **15.6 Alteration of Motion**

- (a) A member may alter a motion of which he has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### **15.7 Withdraw a Motion**

A member may withdraw a motion which he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### **15.8 Right of Reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his amendment.

#### **15.9 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;

- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with legislation.

#### **15.10 Closure Motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn a debate; or
  - (iv) to adjourn a meeting.
- (b) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- (c) If a motion that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he will put the procedural motion to the vote. If it is passed he will give the mover of the original motion a right of reply before putting his motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **15.11 Point of Order**

A member may raise a point of order at any time. The Chairman will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The member must indicate the rule or law and the way in which he considers it has been broken. The ruling of the Chairman on the matter will be final.



### **15.12 Personal Explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Chairman on the admissibility of a personal explanation will be final.

### **15.13 Motions without Notice**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a sub-committee arising from an item on the agenda for the meeting;
- (f) to receive reports or adoption of recommendations of sub-committees and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to proceed to the next business;
- (i) that the question be now put;
- (j) to adjourn a debate;
- (k) to adjourn a meeting;
- (l) to suspend a particular procedure rule;
- (m) to exclude the public and press in accordance with Pat 1 Section 12A of the Local Government Act 1972 (as amended)
- (n) to not hear further a member
- (o) to give the consent of the Panel where its consent is required by this Panel.

## **16 Work Programme**

- 16.1 The police and crime panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the police and crime panel will also take into account the wishes of its members.

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

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

- 17.1 Where the police and crime panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- 17.2 The police and crime panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:
- a) consider the report or recommendations
  - b) respond to the police and crime panel indicating what (if any) action the Police and Crime Commissioner proposes to take
  - c) where the police and crime panel has published the report or recommendations, publish the response
  - d) where the police and crime panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- 17.3 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).
- 17.4 If the police and crime panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

## **18 Police and Crime Commissioner and Officers Giving Account**

- 18.1 The police and crime panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any questions which appear to the panel to be necessary in order to carry out its functions.
- 18.2 Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for

production for the panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

18.3 Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.

18.4 If the police and crime panel require the Police and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable to attend before the panel on the same occasion to answer any questions which appears to the panel to be necessary in order for it to carry out its functions.

## **19 Attendance by Others**

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

## **20 Sub-Committees and Task Groups**

20.1 Time limited task groups may be established from time to time by the police and crime panel to undertake specific task based work.

20.2 The special functions of the police and crime panel may not be discharged by a sub-committee of the panel or a task group.

20.3 In this paragraph 'special functions' means the functions conferred on a police and crime panel by:

- a) Section 28(3) of the Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan)
- b) Section 28(4) of the Police Reform and Social Responsibility Act (scrutiny of annual report)
- c) Paragraphs 10 and 11 of Schedule 1 of the Police Reform and Social Responsibility Act (review of senior appointments)
- d) Schedule 5 of the Police Reform and Social Responsibility Act (issuing precepts)
- e) Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).

20.4 The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work.

20.5 Sub-Committees and tasks groups can not appoint co-opted members.

**21. Carrying out 'Special Functions'** - Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined in the rules of procedure.

#### **21.1 Police and Crime Plan**

21.1.1 The panel is a statutory consultee on the development of the PCC's police and crime plan and will receive a copy of the draft police and crime plan, or a draft of any variation to it, from the PCC.

21.2.2 The panel must

- a) hold a public meeting to review the draft police and crime plan (or a variation to it), and
- b) report or make recommendations on the draft plan which the PCC must take into account.

#### **21.2 Annual Report**

21.2.1 The PCC 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.

21.2.2 The panel must comment upon the annual report of the PCC, 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 PCC to attend the meeting to present the annual report and answer questions about the annual report as the members of the panel think appropriate
- c) make a report or recommendations on the annual report to the PCC.

### 21.3 Senior Appointments

- 21.3.1 The panel has powers to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold public confirmation hearings for these posts. [Further guidance will be produced]
- 21.3.2 The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.
- 21.3.3 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 from the Police and Crime Commissioner.
- 21.3.4 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the panel is required to review the proposed appointment and make a report to the commissioner on the appointment.
- 21.3.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- 21.3.6 Having considered the appointment, the panel will be asked to either:
  - a) support the appointment without qualification or comment
  - b) support the appointment with associated recommendations, or
  - c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).
- 21.3.7 If the panel vetoes the appointment of the candidate, the report to the commissioner must include a

statement that the panel has vetoed the appointment with reasons.

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

21.4.1 The police and crime panel must appoint a person to act as Police and Crime Commissioner if:

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

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

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

21.4.4 The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as Police and Crime Commissioner
- b) the termination by the police and crime panel, or by the acting commissioner, of the appointment of the acting commissioner
- c) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or
- d) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.

## **21.5 Proposed Precept**

21.5.1 The Police and Crime Commissioner will notify the police and crime panel of the precept which the Commissioner is proposing to issue for the financial

year. The panel must review the proposed precept and make a report including recommendations.

21.5.2 Having considered the precept, the police and crime panel will either:

- a) support the precept without qualification or comment
- b) support the precept and make recommendations, or
- c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the panel at the time when the decision is made).

21.5.3 If the panel vetoes the proposed precept, the report to the commissioner must include a statement that the panel has vetoed the proposed precept with reasons. The panel will require a response to the report and any such recommendations.

21.6 **Complaints Criminal and Non-Criminal Complaints** in relation to the Police and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. [A protocol will be developed] ,

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

21.7.1 A police and crime panel may suspend the Police and Crime Commissioner if it appears to the panel that:

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

21.7.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped
- b) the Police and Crime Commissioner being acquitted of the offence
- c) the Police and Crime Commissioner being convicted of the offence but not being disqualified

under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or

- d) the termination of the suspension by the police and crime panel.

21.7.3 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:

- a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

## **21.8 Suspension and Removal of the Chief Constable**

21.8.1 The panel will receive notification if the PCC suspends the Chief Constable.

21.8.2 The PCC must also notify the panel in writing of his/ her proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable in relation to that proposal.

21.8.3 The PCC must provide the panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.

21.8.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/ he must notify the panel accordingly (the 'further notification').

21.8.5 Within six weeks from the date of receiving the further notification the panel must make a recommendation in writing to the PCC as to whether or not she/he should call for the retirement or resignation. Before making any recommendation the panel may consult the chief inspector of constabulary, and must hold a scrutiny meeting.

21.8.6 The scrutiny hearing which must be held by the panel, the panel meeting is held in private to which the PCC and Chief Constable are entitled to attend to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing will be by attending in person.

21.8.7 The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.



21.8.8 The PCC 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 PCC a recommendation as to whether or not she/ he should call for the retirement or resignation, or
- b) the PCC notifies the panel of a decision about whether she/ he accepts the panel's recommendations in relation to resignation or retirement.

21.8.9 The PCC must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.

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

This page is intentionally left blank

**Shadow Durham Police and  
Crime Panel**



**22 August 2012**

**Recruitment of Independent Co-  
opted Members**

---

**Report of Colette Longbottom, Monitoring Officer**

---

**Purpose of the Report**

1. The purpose of the report is for the Panel to agree the selection criteria for the appointment of the two independent co-opted Members to the Panel, agree the advertising arrangements, and to agree the membership of the appointment Panel.

**Background**

2. There is requirement under the Police Reform and Social Responsibility Act 2011 for the Panel to have two non-political independent members.
3. The appointment of the two independent members provides the opportunity for the Panel, by carefully selecting individuals to complement the councillors nominated to the Panel, to satisfy the 'balanced appointment objective'. The Panel would have a membership, which when considered collectively, would be geographically and politically representative, and would include the necessary experience, knowledge and skills to be effective.
4. Independent co-optees are full voting members of the Panel, and therefore have the same responsibilities and duties, and access to the same level of support as elected members on the Panel.
5. Constituent authorities have agreed that there would be one independent member from the County Durham area, and one for the area of the Borough of Darlington; and that the independent members would be appointed for a two year term.

**Selection Criteria**

6. Guidance for the Local Government Association has been used to draft the application pack attached at Appendix 2, which includes for the Panel's consideration, the advert, the eligibility criteria, person specification, roles and responsibilities, and an application form.

7. The following cannot be considered for a position on the Panel, namely:
  - anyone under 18 years old
  - the PCC or a member of their staff
  - MPs
  - members of the National Assembly for Wales the Scottish Parliament
  - members of the European Parliament
  - police officers
  - persons who do not live or work in the police force area
  - civil servants engaged in political activity.
  - local authority councillors.
8. The person specification sets out the requirements for the appointee, however in summary the Panel would be looking for someone of good character, and possess all of the competencies of the ability to think strategically, to make good judgements, to be supportive, to scrutinise, to challenge, to be analytical, and to communicate effectively.
9. The skills and qualities of team building, self confidence, enthusiasm and drive, respect for others, integrity, and decisiveness, are also required. It would be preferable for candidates to have experience of working in a similar role, eg public or advisory body, or to have worked in the community or voluntary work.
10. LGA guidance also advises that gaps in panel membership, where possible should reflect the diversity of the community they serve, for example in terms of age, gender, faith, ethnicity, sexuality, and disability.

## **Advertising**

11. The first step is to advertise and seek nominations for the independent co-optees.
12. It is proposed that in order for the advert to reach as many people as possible in County Durham and Darlington, a press release be issued, together with the advert being published on the websites of the Durham Police and Crime Panel, both local authorities, and Durham Police Authority.
13. The deadline for the Panel to be in place is 1 November, and in order to comply the two independent members must have been appointed. It would be advisable for the independent members to be in place in October, and to be involved in the training programme. To meet these timelines, it is proposed that once agreement has been reached by the Panel on the selection criteria, the advertisement is placed as soon as possible, allowing a minimum of two weeks for applications to be made.

## **Appointment Panel**

15. The shadow Police and Crime Panel will oversee the appointment process, with an appointment panel selected by the Panel will comprise of at least one member of each of the constituent authorities. Following the interviews the Chairman and Vice-Chairman will make recommendations to the shadow Panel about membership.
16. It is proposed that the appointment Panel would meet late September, and the shadow board consider recommendations early October, with the positions being offered to the successful candidates in October.

## **Recommendations**

17. The Panel is asked to consider and approve the selection criteria for advertising the positions of the two independent members.
18. To agree the advertising arrangements.
19. To agree the membership of the appointment Panel, that comprises at least one representative from each of the constituent authorities.

---

<b>Contact:</b>	<b>Colette Longbottom</b>	<b>Tel: 0191 383 5643</b>
-----------------	---------------------------	---------------------------

---

---

**Appendix 1: Implications**

---

**Finance** – Advertising costs

**Staffing** – None specific in this report

**Risk** – None specific in this report

**Equality and Diversity / Public Sector Equality Duty** – Equality considerations on appointment

**Accommodation** - None specific in this report

**Crime and Disorder** - None specific in this report

**Human Rights** - None specific in this report

**Consultation** – None specific in this report

**Procurement** - None specific in this report

**Disability Issues** – Ensure fair processes are followed

**Legal Implications** – Within the body of the report

## Appendix 2: Application Pack

### Advert

On 15th November 2012, County Durham and Darlington will be electing its first Police and Crime Commissioner who will be responsible for setting the priorities and resources for Durham Constabulary, as well as supporting broader community safety activities across the region.

In addition to this a Police and Crime Panel will also be established to scrutinise the work of the PCC. The purpose of this role is to assist the Commissioner through providing independent challenge.

The Panel will be made up of seven representatives from Durham County Council and three representatives of Darlington Borough Council, and two independent co-opted members.

The Commissioner will be required to consult with the Panel on his plans and budget for policing, as well as the level of council tax and the appointment of a Chief Constable.

The Panel is looking for two people, one for the area of the Borough of Darlington, and one from County Durham to serve as independent co-opted members from autumn 2012 for a two-year term. This is an exciting opportunity to be involved from the start with new and very different arrangements for reducing crime and disorder.

The role of a Panel member will be an important and demanding one. The typical commitment required from a member of the Panel is expected to average one day a month, including preparation time.

Meetings will generally be held during normal working hours at locations in Durham and Darlington.

All Panel members will be able to claim reasonable travelling expenses, and receive induction and other appropriate training.

For a copy of the application pack see [www.durham.gov.uk](http://www.durham.gov.uk) or telephone Ros Layfield, Committee Services Manager, Legal and Democratic Services, County Hall, Durham DH1 5UL (Tel No 0191 383 4205) or email [ros.layfield@durham.gov.uk](mailto:ros.layfield@durham.gov.uk)

The closing date for applications is ?? September 2012.

The Panel wishes to reflect the breadth of communities in the Durham and Darlington area and welcomes applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability or any other characteristic.

## **Eligibility criteria for Independent Panel Members**

The following cannot be considered for a position on the Panel, namely:

- anyone under 18 years old
- the PCC or a member of their staff
- MPs
- members of the National Assembly for Wales the Scottish Parliament
- members of the European Parliament
- police officers
- persons who do not live or work in the police force area
- civil servants engaged in political activity.
- local authority councillors.



## Personal Specification for Panel Members

### Abilities/skills

As well as being of good character, candidates will need to possess the following competencies:

- **The ability to think strategically:** To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.
- **The ability to make good judgements:** To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top-level appointments or considering complaints against the police and crime commissioner.
- **The ability to be supportive:** To be able to support the PCC and the other members of the Panel in delivering their duties.
- **The ability to scrutinise and challenge:** To be able to rigorously scrutinise and challenge constructively without becoming confrontational, using appropriate data, evidence and resources.
- **The ability to be analytical:** To interpret and question complex written material, including financial and statistical information and other data such as performance measures and identify the salient points.
- **The ability to communicate effectively:** To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the Panel, the PCC and the public.

### Other requirements and considerations

- Candidates must be able to attend meetings during normal working hours at varying locations throughout the County Durham and Darlington at least six times a year, as well as attend any appropriate training sessions.
- Candidates should have the time, and commitment to prepare for and attend regular meetings. We suggest that they would need to allocate a minimum of one day per month to devote to this role.
- Candidates should have a willingness to learn.

Note: Candidates must be eligible for the role (see eligibility criteria separately listed in this job information pack).

Candidates will need to possess the following personal skills and qualities:

- **Team working:** The ability to play an effective role in meetings through listening, persuading and showing respect for the views of others.
- **Self-confidence:** The skill to challenge accepted views constructively without becoming confrontational.
- **Enthusiasm and drive:** The ability to be proactive in seeking out learning and developmental opportunities to enhance knowledge and understanding (for example, on financial matters and statutory requirements).
- **Respect for others:** The capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference.
- **Integrity:** The necessity to embrace high standards of conduct and ethics and be committed to upholding human rights and equality of opportunity for all.
- **Decisiveness:** The ability to show resilience even in challenging circumstances, remaining calm and confident and able to make difficult decisions.

### **Other requirements**

Candidates will need to be able to:

- consider their own biases and prejudices
- work with people from all areas within the police force area
- work with people from diverse backgrounds
- work with people with and without disabilities
- work with people from a variety of faiths and cultures
- work with people who may be gay, lesbian, bisexual or transgender.

**It would be desirable if candidates:**

**have experience of:**

- working in a similar role (eg public or advisory body)
- worked in the community or undertaken voluntary work
- situations where they needed to compromise
- interacting or working with people of all ages
- interacting or working with people who have different political views and/or religious beliefs
- interacting or working with people who are physically and/or mentally impaired.

**have an interest in:**

- policing issues and current affairs, specifically in respect of the ways in which they affect people locally
- challenging and combating institutional discrimination
- the issues associated with recruiting, promoting and retaining staff from underrepresented groups
- engaging with and representing local people and/or specialists within their field of expertise.

## **Roles and responsibilities of Independent Co-optees on the Panel**

Note: independent co-optees will be treated equally as other elected members on the Panel and therefore have the same responsibilities and duties.

All co-optees are full voting members and will have access to the same level of support and information as elected members on the Panel. The core role of both elected members and independent co-optees on the Panel is to:

- scrutinise the work of the PCC to ensure that the PCC is discharging its functions effectively
- bring any specialist knowledge, skills, experience and expertise they may have to the scrutiny work of the Panel
- ensure that there is an effective independent challenge to the PCC and that this challenge is constructive to support the PCC in carrying out their role
- act as a non-party-political voice for those who live and/or work in the Durham Police force area.

### **Responsibilities of co-optees**

A co-opted member of the police and crime Panel is expected to:

- attend all formal meetings of the Panel (approx 4-6 per year)
- establish good relations with other members, officers and co-optees
- attend additional meetings eg working groups or evidence gathering sessions, as required
- prepare for each meeting by reading the agenda, papers and additional information to familiarise yourself with the issues to be covered during the meeting. Prior to the meeting consider the questions you may wish to put to the police and crime commissioner and other expert witnesses
- listen carefully at the meetings, ask questions in a way which is non-judgmental, respect confidentiality and help the Panel to make practical suggestions for improvements in services
- assist in the preparation of reports and the formulation of recommendations; this may involve volunteering to participate in a task group to conduct a scrutiny review
- attend training and development events as needed
- abide by the Panel arrangements and rules of procedure which set out how the police and crime Panel will operate in the Durham police force area
- keep abreast of the key issues in relation to the responsibilities of the police and crime commissioner and the priorities within the police and crime plan
- contribute to achieving an open, accountable and transparent decision-making process in relation to policing and community safety issues in the Durham police force area.

Note: all Panel members would also be expected to adhere to the 'seven principles of public life' which are listed below:

### **Nolan principles<sup>3</sup>**

**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. Nolan Committee's First Report on Standards in Public Life from the First Report of the Committee on Standards in Public Life (1995).

This page is intentionally left blank



## Application Form to be a Independent Co-opted Member of Durham Police and Crime Panel

### 1. Personal Details

The information in this section will not form part of the shortlisting process and will be separated from your application form upon receipt

<b>Title</b> (Mr/Mrs/Ms etc)		
<b>Name in Full</b> (please also give any other names by which you have been known)		
<b>Date of birth</b>		
<b>Permanent Home Address</b>		
<b>How long have you lived at this address</b>		
<b>If less than five years at this address, please give details of your previous address(es), and dates occupied</b>		
<b>Telephone number</b>	Home	Work
<b>Mobile:</b>		
<b>e-mail address</b>		

Please say whether there are any reasonable adjustments we could try to make to help you attend an interview

REFERENCES: Please give details of two people, not related to you, who have agreed to be contacted by us about your application. We intend to take up references for shortlisted candidates prior to interview. If you do not wish us to contact your referees at that stage then please indicate this clearly.

Name		Name	
Address		Address	
Tel. No.		Tel. No.	
Email:		Email:	
Position		Position	

Please sign and date this form

I declare that the information I have given is true and complete

Signed..... Date.....



## 2. Equality Opportunities Monitoring Form

We are a equal opportunities employer and want to ensure that all applicants are considered solely on their merits. Therefore we need to check that decisions are not influenced by unfair or unlawful discrimination. To help us we should be grateful if you would complete this short questionnaire. You only need answer if you feel happy to do so. Your answers will be treated with the utmost confidence and will only be used for statistical purposes.

<b>1. Are you:</b>		<input type="checkbox"/> Male	<input type="checkbox"/> Female
<b>2. How old are you:</b> Which age category are you in?			
<input type="checkbox"/> 18-19	<input type="checkbox"/> 20-29	<input type="checkbox"/> 30-39	<input type="checkbox"/> 40-49
<input type="checkbox"/> 50-64	<input type="checkbox"/> 65-74	<input type="checkbox"/> 75-84	<input type="checkbox"/> 85 +
<b>3. Do you consider yourself to be a person with a disability?</b>  This may include a physical or mental impairment which has substantial and long-term adverse effect on your ability to carry out normal day to day activities. Long-standing means that it has lasted, or is likely to last, for over a year.  <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Prefer not to say			
<b>4. What is your religion or belief?</b> <input type="checkbox"/> Christianity <input type="checkbox"/> Hinduism <input type="checkbox"/> Islam <input type="checkbox"/> Judaism <input type="checkbox"/> Sikhism <input type="checkbox"/> Buddhist <input type="checkbox"/> Baha'i <input type="checkbox"/> No religion <input type="checkbox"/> Other – eg Humanist, Atheist, etc (Please state) <input type="checkbox"/> Prefer not to say			
<b>5. How would you describe your sexuality?</b> <input type="checkbox"/> Heterosexual / Straight <input type="checkbox"/> Bisexual <input type="checkbox"/> Prefer not to say <input type="checkbox"/> Gay Man <input type="checkbox"/> Gay Woman / Lesbian			
<b>6. Please describe your ethnic origin?</b>			
<b>White</b> <input type="checkbox"/> British <input type="checkbox"/> Irish <input type="checkbox"/> Any other White background		<b>Black or Black British</b> <input type="checkbox"/> Caribbean <input type="checkbox"/> African <input type="checkbox"/> Any other Black background	
<b>Arab or Middle Eastern</b> <input type="checkbox"/> Arab <input type="checkbox"/> North African <input type="checkbox"/> Any other Arab or Middle Eastern background		<b>Travelling Community</b> <input type="checkbox"/> Gypsy/ Roma <input type="checkbox"/> Traveller of Irish Descent <input type="checkbox"/> Other member of the Travelling Community	
<b>Asian or Asian British</b> <input type="checkbox"/> Indian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Chinese <input type="checkbox"/> Any other Asian background		<b>Mixed</b> <input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian  <input type="checkbox"/> Any other Mixed Background	
<b>Other Ethnic groups</b> please state		<b>Prefer not to say</b> <input type="checkbox"/> Prefer not to say	
<b>7. What is your relationship status?</b> <input type="checkbox"/> Married/ Civil Partnership		<input type="checkbox"/> Prefer not to say	



### 3. Personal history

What is your current employment status and occupation, if any?

Please give details of part-time and full-time employment, voluntary work, career breaks and any other work you do or have done in the local community. If you do not live in County Durham or Darlington and/or have not done so during the past 12 months please include the main location of your work if this is different from your employers address.

Name and address of organisation	Dates position held (from/to)	Positions held and nature of responsibility

Please give details of any involvement in local community activities not already mentioned above

Please list any academic, professional and/or vocational qualifications

Date obtained

#### 4. Required competencies, personal skills and qualities

Please give brief examples to demonstrate how you meet the following competencies	
<b>1. The ability to think strategically</b> To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.	
<b>2. The ability to make good judgements</b> To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top-level appointments or considering complaints against the police and crime commissioner.	
<b>3. The ability to be supportive</b> To be able to support the police and crime commissioner and the other members of the Panel in delivering their duties.	
<b>4. The ability to scrutinise and challenge</b> To be able to rigorously scrutinise and challenge constructively without becoming confrontational, using appropriate data, evidence and resources.	
<b>5. The ability to be analytical</b> To interpret and question complex written material, including financial and statistical information and other data such as performance measures and identify the salient points.	
<b>6. The ability to communicate effectively</b> To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the Panel, the police and crime commissioner and the public.	

Please give brief examples to demonstrate the extent to which you possess the following personal skills and qualities

**1. Team working**

The ability to play an effective role in meetings through listening, persuading and showing respect for the views of others.

**2. Self-confidence**

The skill to challenge accepted views constructively without becoming confrontational.

**3. Enthusiasm and drive**

The ability to be proactive in seeking out learning and developmental opportunities to enhance knowledge and understanding (for example, on financial matters and statutory requirements)

**4. Respect for others**

The capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference.

**5. Integrity**

The necessity to embrace high standards of conduct and ethics and be committed to upholding human rights and equality of opportunity for all.

**6. Decisiveness**

The ability to show resilience even in challenging circumstances, remaining calm and confident and able to make difficult decisions.

Please provide any further information on how you meet the other requirements

Please give details of your experience (in a paid or unpaid role) in community safety, victim support, criminal justice and related issues.

**5. Why do you want to be an independent co-opted member?**

Please say why you are interested in becoming an Independent co-opted member of the Durham Police and Crime Panel

**6. Other information**

If you are employed, is your employer willing to release you to carry out the duties of a independent co-opted member of the Durham Police and Crime Panel?



## 7. Other Positions

Do you hold, or have you recently held, any of the following positions?

- The police and crime commissioner for Durham
- A member of the staff of the police and crime commissioner for Durham
- A member of the civilian staff of the Durham police force
- A Member of Parliament, the National Assembly for Wales, the Scottish Parliament or the European Parliament
- A local authority councillor
- A civil servant engaged in political activity
- A police officer.

If yes, please give details including dates

## 8. Important Information

Is there anything in your private or working life, or in your past, or, to your knowledge, in that of any member of your family or close friends, which, if it became generally known, might bring you or the Durham Police and Crime Panel into disrepute, or call into question your integrity, authority or standing as a member of the Panel?

If you have any spent or unspent convictions to declare please declare them here. You must declare association with any person(s) including family member who have a criminal conviction (s) or is/ has been involved in criminal activities as well as any spent or unspent criminal convictions and cautions they as an individual may have. Are there any other circumstances and characteristics, which may impact upon vetting clearance.

If yes, please give details.

**I declare that the information I have given is true in all respects. I understand that false information may render me liable for dismissal if I am appointed.**

Signature..... Date.....

**Shadow Durham Police and  
Crime Panel**



**22 August 2012**

**Development of the Panel's  
Work Programme**

---

**Report of Colette Longbottom, Monitoring Officer**

---

**Purpose of the Report**

1. To provide information on the development of the Panel's Work Programme.

**Background**

2. The Panel's rules of procedure (as set out earlier on the agenda) state that the PCP will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner (PCC) within the context of the Police and Crime Plan.
3. A work programme will enable the PCP to plan and focus on how it will effectively provide challenge to the Police and Crime Commissioner (PCC) and deliver its responsibilities within the context of the terms of reference and rules of procedure namely:
  - Review and comment on the Draft Police and Crime Plan and Precept
  - Reviewing the PCC's Annual Report
  - Holding confirmation hearings for the PCPs two Independent Members, the Chief Executive Officer and Chief Finance Officer of the Commissioner's Office, a Deputy Police and Crime Commissioner (if appointed) and Chief Constable
  - Overseeing all complaints against the PCC, informally resolving non-criminal
  - Powers of veto on setting the precept and appointment of Chief Constable
4. The Panel can also establish task and finish groups to undertake focussed enquiry/review on issues it deems necessary in line with its remit.

**The Work Programme**

5. The election of the PCC is to take place on 15<sup>th</sup> November 2012 and the Commissioner will formally take office on Thursday 22<sup>nd</sup> November 2012. With exception to the appointment of 2 Independent Members before November 2012, the Panel must consider and provide a response to the PCC's proposed precept and Police and Crime Plan between November 2012 and March

2013. During this period, the Panel may also be required to hold confirmation hearings for senior appointments of the PCC.

6. The following table identifies these responsibilities and provisional dates for these to be considered by the PCP.

<b>Responsibilities</b>	<b>Provisional Date to be considered by PCP</b>
Consideration and responding to the Commissioner's proposals for her/his precept	<b>Notification of Precept</b> – 17 <sup>th</sup> December 2012 (Deadline 21Dec) <b>Review and comment on precept</b> – 7 <sup>th</sup> January 2013 (Deadline 15 Jan) <b>If vetoed</b> – PCP review 2 <sup>nd</sup> Precept – 4 <sup>th</sup> Feb (Deadline 14 <sup>th</sup> Feb) <b>PCC must publish its precept</b> by 1 <sup>st</sup> March 2013
Consideration of the Commissioner's proposals for her/his police and crime plan.	<b>Consider and respond to Draft Police and Crime Plan</b> (and Annual report) – January/February 2013 <b>PCC provide response</b> to PCP on Police & Crime Plan and Annual Report and present final reports – February.March 2013 <b>PCC must publish Police and Crime Plan</b> by 31 <sup>st</sup> March
Confirmation hearing for Appointment of Deputy PCC	To be arranged if PCC chooses to appoint a Deputy PCC
Confirmation hearings for Appointment of CEO and CFO	To be arranged following recruitment process
Confirmation hearing for Appointment of the Chief Constable	To be arranged following recruitment process
Confirmation hearing for appointment of two Independent Members	September 2012

7. **Responding to the development needs of the Panel**

In order for the Panel to develop its role and effectively discharge its responsibilities, members will need to participate in identifying their development needs supported by a programme of induction and training and development. It is envisaged that delivery of a programme will come from respective organisations involved in policing, crime and disorder and community safety. The Panel support team will engage with respective partners to facilitate the programme. Induction and training and development could be scheduled to take place soon after needs have been identified. It is suggested that the programme will cover:

**The induction process to include information on:**

- Terms of Reference, Rules of Procedure;
- Overview of police governance ,accountability and budget process;

- Any protocols it wishes to have with the Commissioner for example complaints ,communications, involvement;
- Role of the Police and Crime Commissioner (the Commissioner), duties, constraints, support;
- Local, force wide, regional and national policing priorities;
- The Strategic Policing Requirement (SPR), what this means in terms of force capability, and the role of the Panel in questioning what the Commissioner is doing on this;
- The links between the SPR and wider emergency planning in the force area;
- Collaboration agreements between the force and neighbouring forces and how work on these areas might be scrutinised with other Police and Crime Panels;
- The links between the Panel and Durham County Council and Darlington Borough Council local scrutiny arrangements including the crime and disorder overview and scrutiny committees and health scrutiny structures.

### **Training and Development to include:**

The Police and Crime Plan, including the Panel's role in making recommendations to it, the fact it should take account of community safety partnerships' priorities, and the role of the annual report as a means of holding the Commissioner to account against it;

- Police budgets, pressures on force budgets, moves to make policing more efficient and effective and what that means for the precept;
- The precept setting process and what happens if the Commissioner 's precept is vetoed by the Panel;
- The role of the Commissioner in commissioning community safety and services for victims and witnesses of crimes, and the links to commissioning of other services for example health;
- The role of the Panel in the appointment of the Chief Constable, Deputy Commissioner and the Commissioner's chief executive and finance officer, including the requirement for public confirmation hearings and what happens if the Panel exercises its veto of the Chief Constable appointment.

### **Review Topics**

8. The Panel will need to consider undertaking areas of more in depth enquiry or review activity subject to a better understanding of the issues and challenges before it. A key driver for this will be priorities within the Police and Crime Plan.

## **Recommendations**

1. To note information within this report and comment accordingly;
2. That arrangements are made to identify the development needs of the Panel in line with delivery of its remit;
3. That the Panel support team put in place a programme of induction and training and development as a matter of priority liaising and working with key stakeholder to support delivery as identified in paragraph 7 and in response to recommendation 2;
4. That the Panel agree to the work programme within the framework of its rules of procedure and terms of reference.

---

**Contact: Feisal Jassat, Overview and Scrutiny Manager**  
**Tel: 0191 383 3506**

---

---

## **Appendix 1: Implications**

---

### **Finance**

The Home Office will provide (October 2012) £53,300 for the support and development of the Police and Crime Panel.

### **Staffing**

Support for the panel will come from ACE (Overview and Scrutiny) and Resources (Legal and Democratic Services) service groups respectively

### **Risk**

Failure to act in accordance with the panel terms of reference and rules of procedure could lead to a breakdown of relationships and therefore failure to deliver the work programme

### **Equality and Diversity / Public Sector Equality Duty**

Equality considerations and Equality Impact assessments (EIA) will be an essential component of the panel's scrutiny function in considering the impact on communities with protected characteristics.

### **Accommodation**

None

### **Crime and Disorder**

This is a key focus of the work of the panel reflected in its work programme.

### **Human Rights**

As above

### **Consultation**

None at this stage of development

### **Procurement**

None

### **Disability Issues**

In line with equality issues above

## **Legal Implications**

In line with risk above