



Police and Crime Panel

Date Monday 22 October 2012
Time 11.00 am
Venue Committee Room 2, County Hall, Durham

[Please note that after formal business a training session will follow]

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. Declarations of interest, if any
2. Panel Arrangements - Report of Monitoring Officer (Pages 1 - 6)
3. Terms of Reference - Report of Monitoring Officer (Pages 7 - 10)
4. Rules of Procedure - Report of Monitoring Officer (Pages 11 - 32)
5. Joint working arrangements between the Police and Crime Panel, and Overview and Scrutiny Committees - Report of Assistant Chief Executive (Pages 33 - 36)
6. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Colette Longbottom
Monitoring Officer

County Hall
Durham
12 October 2012

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

Durham County Council

Councillors L Hovvels (Chairman), J Armstrong, D Boyes, M Campbell,
D Stoker, G Huntington and A Laing

Darlington Borough Council

Councillors I Haszeldine (Vice-Chairman), S Harker and B Jones

Independent Co-opted Members

K Larkin-Bramley and N Vaulks

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Durham Police and Crime Panel

22 October 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. The Shadow Police and Crime Panel noted the content of the Panel arrangements at its meeting on 22 August, and that they be endorsed at the first meeting of the formally constituted Panel.

Recommendation

7. The Panel is asked to endorse the Panel arrangements.

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.

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Durham Police and Crime Panel

22 October 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 agree.

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.
5. The Shadow Police and Crime Panel at its meeting on 22 August noted the content of the draft terms of reference, and that they would be agreed at the first meeting of the formally constituted Panel.

Recommendation

6. Members are asked to agree the Terms of Reference.

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.

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Durham Police and Crime Panel

22 October 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 the rules for members to approve.

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. The Shadow Board considered the rules at its meeting on 22 August, and agreed to note their content, and approval be given once the Panel was formally in place. At the Shadow Board the Monitoring Officer clarified points on quorum, allowances, and substitution of members. The Shadow Board requested that the draft rules be amended to include that each elected councillor be able to name one substitute member to act on their behalf. The rules of procedure attached have been amended accordingly.

Recommendation

8. Members are asked to agree the rules of procedure and authorise the Head of Legal and Democratic Services to make any amendments which she considers appropriate having regard to guidance issued by Local Government Association or Government.

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 Each member of the Panel, excluding the two independent co-opted members, can appoint a substitute to attend in their place, providing that it is the named substitute that the full member had submitted to the Monitoring Officer. Each of the elected members on the Panel are entitled to name one substitute who will be kept on a register held by the Monitoring Officer, who will be deemed to be their named substitute. 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.

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Durham Police and Crime Panel

22nd October 2012

Joint working arrangements between the Police and Crime Panel and Overview and Scrutiny Committees

Report of Lorraine O'Donnell, Assistant Chief Executive, Durham County Council

Purpose of the Report

1. To seek agreement on joint working arrangements between the Durham Police and Crime Panel (PCP) and Overview and Scrutiny arrangements at Durham County Council and Darlington Borough Council.

Detail

2. **Police and Crime Commissioner and Police and Crime Panel**
Elected Police and Crime Commissioners (PCCs) and PCPs were introduced by the Police Reform and Social Responsibility Act 2011. Under the Act, the PCC is responsible for holding the Chief Constable to account, securing an efficient and effective local police force and carrying out functions in relation to community safety and crime prevention. Within the Durham Constabulary area, the Durham PCP is responsible for publicly scrutinising the actions and decisions of the PCC and its responsibilities include:
 - Review and comment on the Draft Police and Crime Plan and Precept;
 - Review the Commissioner's Annual Report;
 - Holding confirmation hearings for the Panels two Independent Members and senior appointments of the PCC;
 - Overseeing all complaints against the PCC, informally resolving non-criminal;
 - Powers of veto on setting the precept and appointment of Chief Constable
3. **Overview and Scrutiny Arrangements**
Section 19 of the Police and Justice Act 2006 requires local authorities to have a crime and disorder committee with the power to review or scrutinise decisions taken in connection with the discharge by the Responsible Authorities of their Crime and Disorder Functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 complement the provisions under Section 19. Within the constituent local authorities, this responsibility lies with

Durham County Council's Safer and Stronger Communities Overview and Scrutiny Committee (SSC OSC) and Darlington Borough Council's Monitoring and Co-ordinating Group (MCG). It is to note that both the Chairs of SSC OSC and MCG are members of the PCP and therefore strengthens the communication links between the PCP and Overview and Scrutiny within both Councils.

Joint Working Arrangements

4. Within this context, there are common aims of local authority scrutiny and the PCP to scrutinise the delivery and effectiveness of measures aimed at reducing crime and disorder and enhance public safety. The Centre for Public Scrutiny and the Local Government Association have produced a document '*Police and crime panels, A guide for scrutiny*' that includes an emphasis for communication between the PCP and scrutiny arrangements within their respective local authorities. It is therefore essential that they:
 - Work in a climate of mutual respect and courtesy;
 - Have a shared understanding of their respective roles, responsibilities and priorities;
 - Promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way;
 - Share work programmes, information or data they have obtained to avoid the unnecessary duplication of effort;
 - Have communication through the SSC OSC and MCG to have the PCP as standard item on their agendas and the PCP to have Overview and Scrutiny on its agenda.

5. Whilst recognising the common aims and the need for closer working it is important to remember that both scrutiny functions and the PCP are independent bodies and have autonomy over their work programmes, methods of working and any views or conclusions they may reach. These arrangements would not preclude either body from working with any other local, regional or national organisation to deliver their aims.

What this will mean in Practice

6. **PCP → Scrutiny**
The PCP shall, in discharging its responsibility for commenting on the draft Police and Crime Plan or any variation thereto, seek the views of the SSC OSC and MCG. The SSC OSC and MCG may, if it so wishes, submit written comments to the Police and Crime Panel.

7. The PCP shall, in discharging its responsibility for commenting on the Police and Crime Commissioner's Annual Report, seek the views of the SSC OSC and MCG. The SSC OSC and MCG may, if it so wishes, submit written comments or questions it considers merit raising with the PCC to the Police and Crime Panel.

8. **Scrutiny → PCP**
The local authority scrutiny functions may, in discharging its responsibility for reviewing and scrutinising the Annual Report of the local Community Safety Partnership, draw to the attention of the PCP any issues which would merit a discussion with the PCC.

9. **PCP ↔ Scrutiny**

Where either the PCP or the relevant scrutiny body considers that a particular issue (related to crime and disorder) would merit in depth investigation either by the relevant scrutiny body /Panel or by a task and finish group this should be discussed by the Chairmen and Secretariat of both bodies to determine the scope of such a review and agree to which body would take lead responsibility. The aim is to avoid duplication of effort and resources.

10. **Review of Working Arrangements**

It is acknowledged that the PCP is in its early stages of existence and may take time to establish its role and function and therefore it is considered that the joint working arrangements within this report be revisited in 12 months.

Recommendations

- 1) That the Panel agree the approach for joint working between the Police and Crime Panel, Durham County Council's Safer and Stronger Communities OSC and Darlington Borough Council's Monitoring and Co-ordinating Group.
- 2) That the joint working arrangements are reviewed in 12 months.

Contact: Feisal Jassat, Overview and Scrutiny Manager
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Appendix 1: Implications

Finance

None

Staffing

None

Risk

None

Equality and Diversity / Public Sector Equality Duty

None

Accommodation

None

Crime and Disorder

This is a key focus of the work of the Panel and activity within Overview and Scrutiny arrangements at Darlington Borough Council and Durham County Council.

Human Rights

None

Consultation

None

Procurement

None

Disability Issues

None

Legal Implications

None