

AVON & SOMERSET POLICE AND CRIME PANEL

ARRANGEMENTS

FUNCTIONS

1.1 The Panel can only exercise functions conferred by the Police Reform and Social Responsibility Act 2011 Act ('the Act').

1.2 The functions of the Panel set out in 1.2.1 to 1.2.5 below may not be discharged by a Committee or Sub-Committee of the Panel.

1.2.1 The Panel must review and make a report or recommendation to the PCC on the PCC's draft police and crime plan, or any draft variation. The PCC must have regard to any Panel report or recommendations.

1.2.2 The Panel must comment upon the annual report of the PCC and for that purpose must put questions to the PCC at a public meeting, and make a report or recommendation (as necessary) to the Commissioner on the annual report.

1.2.3 The Panel must review and make a report and recommendation (as necessary) on the PCC's proposed precept. The Panel will have a right of veto in respect of the precept in accordance with the Act and any related regulations.

1.2.4 To review and make a report on the proposed appointment of the Chief Constable by the PCC. The Panel will have a right of veto over this appointment in accordance with the Act and any related regulations.

1.2.5 To hold a confirmation hearing, and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the PCC.

1.2.6 The Panel must be notified by the PCC of any suspension of the Chief Constable, or on any proposal for a Chief Constable to retire or resign. In the case of the latter the Panel must make a recommendation to the PCC in respect of the proposed retirement or resignation.

1.2.7 To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of his / her functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.

1.2.8 To make reports or recommendation to the PCC with respect to the discharge of his/her functions.

1.2.9 To support the effective exercise of the functions of the PCC.

1.2.10 The Panel must publish any reports or recommendations made to it by the PCC and send copies to the Authorities.

1.2.11 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions in certain circumstances.

1.2.12 The Panel may require the PCC to respond in writing to a report or recommendation of the Panel to the PCC.

1.2.13 The Panel may consider non-criminal complaints in relation to the PCC and his/her key officer holders and can suspend the PCC if he/she is charged with an offence carrying out a maximum term of imprisonment exceeding two years.

1.2.14 The Panel has the power to appoint an Acting Police and Crime Commissioner, if necessary.

1.2.15 The Panel will have any other powers and duties set out in the Act or Regulations made under the Act.

NOTE: The detail behind how the Panel will carry out the key functions listed above is contained in the PCP Procedural Rules

2 OPERATING ARRANGEMENTS

2.1 The Act requires the local authorities in each police force area to establish and maintain a Police and Crime Panel ('the Panel') for the police force area (Avon and Somerset). It is the responsibility of the Authorities for the police force area to agree the Panel arrangements.

2.2 The Panel is a scrutiny body with responsibility for supporting and scrutinising the PCC and promoting openness in the transaction of police business in the police force area.

2.3 The Panel is a joint committee of the Authorities.

2.4 Each Authority and each Member of the Panel must comply with the Panel arrangements.

2.5 The Panel must have regard, in addition to any statutory requirements, to any advice and protocols issued by the Home Secretary in respect of the work of the PCC, the Chief Constable and the Panel.

2.6 **North Somerset Council** shall act as the Lead Authority on behalf of the 10 councils in establishing the Police and Crime Panel and provide / organise the necessary support arrangements to enable the Panel to fulfil its statutory responsibilities.

2.7 The lead Authority shall prepare a statement for the agreement / information of all of the councils setting out details of how the Government funding in support of the lead authority role will be allocated and how the Panel will be supported. A proposed budget for the operation of the Panel shall be drawn up by the Lead Authority in January of the preceding year for approval by the Authorities. It is intended that all direct costs of the Panel will be contained within the Government's funding allocation. However, in the event that the government funding ceases at any time or in the event that the Panel's direct support costs exceed the available funding, any shortfall will be met by the 10 councils through a mechanism to be agreed. an indemnity agreement secured from the 10 component authorities following consultation with the Leaders.

3 MEMBERSHIP

General:

3.1 The Panel shall be made up of a minimum of 10 councillors as 'Appointed Members' and two Co-opted Non-elected Members. The Appointed Members shall comprise 4 unitary authority councillors, 5 district authority councillors, and 1 county councillor (one elected member from each Authority as appointed by the relevant Authority in accordance with a process agreed by the 10 Authorities). The Authorities and the Panel shall, so far as is reasonably practical, ensure at all times that the Panel membership meets the 'balanced appointment objective' requirements of the legislation and that the members appointed together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

3.2 All unitary, district and county councillors within the Avon and Somerset area are eligible to be Appointed Members and (if appropriate) Co-opted Elected Members of the Panel. The 10 councils are responsible for the appointment of the local authority members to the Panel including any Co-opted Elected Members.

3.3 The Panel may co-opt members onto the Panel with the agreement of the Secretary of State provided that the number of Co-opted Members (including Elected and Non-elected Members) included in the membership does not exceed 10.

3.4 The Panel shall not co-opt a person who is a member of a local authority unless all of the members of the Panel agree to the co-option.

3.5 Where the Panel agrees by resolution to request the Secretary of State to increase the number of independent or councillor co-optees that the Panel can co-opt, it will provide reasons as to how the appointment(s) will contribute to the balanced appointment objective being met or being better met.

3.6 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the Panel from the defaulting Authority in accordance with the Act.

3.7 No substitution of Panel members is allowed.

3.8 The term of office of all Panel members shall be the same as that of the PCC – normally a four year term of office unless in the case of elected members s/he ceases to be an elected Member, or is removed from the Panel by their Authority. Members of the Panel are entitled to be re-appointed for a maximum of two consecutive 4 year terms of office provided that the balanced appointment objective is met by that re-appointment.

3.9 In the event that an Appointed Member resigns from the Panel, or is removed from the Panel by the relevant Authority, the Authority shall immediately take steps to nominate and appoint an alternative member to the Panel.

3.10 In the event that a Co-opted Member resigns from the Panel or is removed from the Panel by the relevant Authority (in the case of elected Members), then the Panel shall immediately take steps to fill this vacancy including seeking a nomination from the relevant Authority where appropriate.

3.11 The councils will maintain a mechanism at all times to enable the Appointed Membership to be reviewed (and any Co-opted Elected Membership) following any change in the co-opted elected membership agreed by the Panel and following any significant change in the political balance on the councils following relevant elections.

3.10 All members of the Panel may vote in its proceedings.

4. APPOINTED MEMBERS

4.1 The Authorities shall nominate elected members to be Members of the Panel in accordance with the legislation, any process agreed by the 10 councils to agree appointments, and any decisions taken by the Panel in respect of additional Co-opted Member appointments. If a nominated member agrees to the appointment, the Authority may appoint the Member as a member of the Panel.

4.2 In the event that an Authority does not appoint a Member (s) in accordance with 4.1 above, the Secretary of State must appoint a Member to the Panel from the defaulting Authority in accordance with the Act.

5 CO-OPTED MEMBERS

5.1 The following may not be a Co-opted Member of the Panel:

- A member of staff of the PCC for the area
- A member of the civilian staff of the Police Force for the area
- A Member of Parliament / National Assembly for Wales/Scottish Parliament/European Parliament

5.2 An elected Member of the Authorities may not be co-opted to the Panel unless two Co-opted Non-elected Members have been appointed to the Panel.

5.3 The selection process for co-opting non-elected Members will include public advertisement and a recruitment and selection process. The applications will be considered against an agreed eligibility criteria and then the Chairman and Vice-Chairman of the Panel and representative council Leaders will consider applications and interview candidates. Following the interviews, the interviewing panel will make recommendations to the Panel about the appointments. Final decisions on the appointment of Co-opted Non-Elected Members rest with the Panel. Such appointments will be made on merit and with due regard to the requirements set out in 3 above and the legislation.

5.4 In the event that a Co-opted Non-elected Member resigns from the Panel, the Panel shall take immediate steps to fill the vacancy in accordance with the requirements of these Panel Arrangements.

5.5 The Panel may decide to terminate the appointment of a Co-opted non-elected Member of the Panel if at least two-thirds of the persons who are Members of the Panel vote in favour of the decision for the reasons set out below:

- If the Member has been absent from the Panel for more than 3 formal meetings without the consent of the Panel
- If the Member has been convicted of a criminal offence but not automatically disqualified
- If the Member is deemed to be incapacitated by physical or mental illness or is otherwise unable to unfit to discharge his or her functions as a co-opted member
- If the Members' membership of the Panel no longer achieves the balanced appointment objective.
- If, following an investigation by the Monitoring Officer of the host authority, a Member has been found to have acted contrary to any of the provisions of the members code of conduct of that authority.

5.6 The Panel shall ensure that there are always at least two Co-opted Non-elected Members appointed to the Panel.

6. RULES OF PROCEDURE

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

- Appointment and removal of the Chairman
- The formation of sub-committees
- The making of decisions
- Arrangements for convening meetings

- The circulation of information.

7. ALLOWANCES FOR MEMBERS OF THE PANEL

7.1 The Home Office will pay via the host authority, expenses to each Appointed and Co-opted Member of the Panel up to the level per member as agreed at that time by the Secretary of State and these arrangements assume that the sum made available at any one time by the Home Office shall be sufficient to meet the basic costs of Panel members attending meetings etc. Costs to be covered to be travel, and carers allowance. In the event that this Home Office funding ceases or if the funding does not cover the costs of the Panel members, any shortfall will be met by the 10 councils through a mechanism to be agreed.

7.2 The Panel have agreed that ;

- (i) No special responsibility allowance shall be paid to any PCP member
- (ii) Appointed and Co-opted Members of the Panel shall receive an annual allowance of £920.
- (iii) Independent Co-opted members shall receive an annual allowance of ~~£250~~, £920.
- (iv) Travel and carers allowances will be paid to all Panel members at the rates applicable to the councillors and co-optees of the host authority.

8. COMPLAINTS AGAINST PANEL MEMBERS

8.1 Formal complaints against councillors whilst carrying out their role of Panel member, will be referred to the monitoring officer of the Council of which they are a member. Complaints about independent co-opted Panel members will be referred to the monitoring officer of the host authority

9 PROMOTION OF THE PANEL

9.1 The Panel shall be promoted through:

- a) a dedicated web-page within the website of the Lead Authority (with appropriate links to other relevant websites) including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
- b) the issuing of regular press releases about the Panel and its work; and,

c) the Authorities each including information about the Panel on their websites, and linking to the Panel's web-page.

9.2 Support and guidance including training and specialist expertise as necessary shall be provided to the Panel members in support of the functions listed in 1. This shall be organised by the Lead Authority, and will include briefing / training sessions and written briefing notes.

9.3 Similarly, information about the functions and work of the Panel shall be provided to members and officers of the constituent Authorities through briefings and written briefing notes.

9.4 The Lead Authority shall prepare in consultation with the constituent Authorities, protocols detailing the relationships between the Panel, local community safety partnerships and partners and the local authority scrutiny committees.

10 VALIDITY OF PROCEEDINGS

10.1 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.

10.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

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