

**DRAFT THAMES VALLEY POLICE AND CRIME PANEL ARRANGEMENTS**

**THIS DRAFT IS FOR INFORMAL CONSIDERATION, IT WILL BE UPDATED IN LIGHT OF FEEDBACK FROM EACH COUNCIL AND FURTHER LEGAL ADVICE. A REVISED DRAFT WILL BE CIRCULATED IN THE AGENDA PACK FOR THE JOINT COMMITTEE MEETING TO BE HELD ON 19 APRIL.**

This Agreement is dated **the x** day of 2012.

The Agreement is made between the following:

**[INSERT LIST OF ALL COUNCILS]**

In the Agreement the above Authorities are referred to singularly as 'Authority' and together as 'the Authorities'.

## **1.0 Background**

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner ('PCC') for a police area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area, and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the Authorities to establish and maintain a Police and Crime Panel ('the Panel'). It is the responsibility of the Authorities for the police area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 The Thames Valley is a multi-authority police area ('the police area') as defined in Schedule 1 of the Police Act 1996. All the Authorities, as the relevant local authorities within the police area must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel—to be known as the "Thames Valley Police and Crime Panel" -must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police area.
- 1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

- 1.8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police area.
- 1.9 The Panel is a joint committee of the Authorities.
- 1.10 The Authorities by being parties to this Agreement signify their agreement to the Panel Arrangements.

## 2.0 Terms of Reference and Functions

- 2.1 The overarching role of the Panel is to scrutinise the work of the Police and Crime PCC in the discharge of the PCC's functions in order to support the effective exercise of those functions.
- 2.2 To undertake this scrutiny role the Panel will carry out the functions set out in the Act, these special functions may not be discharged by a sub-committee of the Panel. These functions relate to the scrutiny of the Police and Crime Plan, PCC's Annual Report; confirmation hearings of appointments; issuing of precepts; and the appointment of the Chief Constable.
- 2.3 The Panel is a statutory consultee on the development of the **PCC's Police and Crime Plan** and must:
  - a) review the draft Police and Crime Plan (or a variation to it); and
  - b) report and/or make recommendations on the draft Plan which the PCC must take into account.
- 2.4 The Panel must comment upon the **Annual Report** of the Commissioner, and for that purpose will:
  - a) question the PCC on the Annual Report at a public meeting;
  - b) make a report and/or recommendations on the Annual Report to the PCC.
- 2.5 The Panel must hold **confirmation hearings in respect of proposed senior appointments** made by the PCC. This includes the posts of the PCC Chief Executive; Chief Finance Officer and Deputy Police and Crime PCC in accordance with the requirements set out in Schedule 1 of the Act. The Panel will review the appointments and make a report and/or recommendations to the PCC.
- 1.6 The Panel must hold a **confirmation hearing in respect of the appointment of the Chief Constable** by the PCC. The Panel has the right of veto for the appointment of this post in accordance with the Act and regulations.<sup>1</sup>
- 1.7 The Panel must review the **precept** proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precept in accordance with the Act and Regulations made thereafter.

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<sup>1</sup> Regulations from HO expected late in March to cover this point, so may need to change.

- 1.8 The right of veto will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.<sup>2</sup>
- 2.9 The following functions must also be undertaken by the Panel but may be delegated to a Sub-Committee of the Panel:
- 2.10 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
- 2.11 The Panel may carry out in-depth reviews into the work of the PCC.
- 2.12 The Panel will investigate complaints against the PCC in accordance with the responsibilities in the Act and regulations.
- 2.13 The Panel may appoint an Acting PCC if necessary.
- 2.14 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
- 2.15 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

### **3.0 Membership**

#### *Elected Members*

- 3.1 The Panel comprises 18 elected members; one from each of the Authorities.
- 3.2 Appointments of elected Members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the 'balanced appointment objective' is met so far as is reasonably practicable.
- 3.3 The balanced appointment objective requires that the Panel should (when taken together):
- a) represent all parts of the police area;
  - b) represent the political make-up of the Authorities (when taken together);
  - c) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.4 The Authorities shall each nominate an elected Member to be a Member of the Panel. If a nominated Member agrees to the appointment the Authority shall appoint the Member as a Member of the Panel with the first such appointment being made by notification to the Host Authority Secretariat by 31 May 2012.
- 3.5 In meeting the 'balanced appointment objective', each Authority agrees that it shall nominate and appoint a Member in compliance with the following order of priority:-

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<sup>2</sup> Make need changing in light of regulations expected in late March.

- a) a member of the Authority who is a member of the political group<sup>3</sup> where the number of members in that political group is more than half of the total of elected members of the Authority;
- b) a member of the Authority who is a member of the political group where the number of members in that political group is greater than the number of members in any other political group in the Authority;
- c) in the event that two or more political groups have an equal number of members, a member of the Authority agreed by the leaders of those political groups or on the drawing of lots in the absence of such agreement.

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 from the Authority to the Panel in accordance with the provisions in the Act.

*Term of Office*

3.7 A member shall be appointed annually to the Panel to hold office matching the municipal year, subject to the following provisions that he or she:

- a) shall cease to be a member of the Panel if he or she ceases to be a member of:-
  - i) the Authority (and does not on the same day again become a member of the Authority).
  - ii) the political group in the Authority when the appointment to hold office was made.

3.8 Each Authority will give renewed consideration to the 'balanced objective requirement' in its annual appointment process. . 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.

*Resignation and removal*

3.9 An Authority may decide in accordance with its procedures to remove its appointed Member from the Panel at any point and on doing so shall give notice to the Host Authority secretariat.

3.10 An appointed Member may resign from the Panel by giving written notice to the Host Authority secretariat on behalf of the Panel.

3.11 In the event that any appointed 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.

3.12 There is no maximum length of time that an elected member may sit on the Panel, if they are re-appointed by the relevant Authority.

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<sup>3</sup> Within the meaning of the Local Government (Committees and Political Groups) Regulations 1990

3.13 Where Members of the Panel fail to attend for two consecutive ordinary meetings of the Panel without the consent of the Panel, the Host Authority secretariat shall recommend to the relevant Authority that the member is immediately removed from office and replaced.

#### *Co-opted Members*

3.14 Two independent co-optees shall be appointed by the Panel. This is the maximum number permissible under the legislative requirement for the Panel size to be an overall maximum of 20.

3.15 The independent co-optees shall:

- a) not be members of the Authorities.
- b) be disqualified from being appointed if:-
  - i) he or she has not yet attained the age of eighteen years, or
  - ii) neither his or her principal or only place of work, nor his or her principal or only place of residence, has been in the police area during the whole of the period of twelve months ending with the day of appointment.
- c) be disqualified from being a member so appointed if, at any time, neither his or her principal or only place of work, nor his or her principal or only place of residence, is within the police area.

3.16 The following shall be disqualified from being appointed, and from being a co-opted Member if so appointed:

- a) the PCC for the police area.
- b) a member of staff of the Police and Crime PCC for the area.
- c) a member of the civilian staff of the Police Force for the area.
- d) a Member of Parliament.
- e) a Member of the National Assembly for Wales.
- f) a Member of the Scottish Parliament.
- g) a Member of the European Parliament.
- h) a member of the uniformed Police Force for the area.

3.17 A co-opted Member shall be a Member of the Panel for four years. There is no maximum time length that a co-opted member may serve for, if re-appointed by the Panel.

3.18 To ensure that appointments of co-opted Members are undertaken following an open application process in accordance with the following principles:

- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;

- b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and
- c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

3.19 Costs of the recruitment process shall be met from within the existing budget approved by the Panel as set out in section 5. Costs will be minimised by targeting potential applicants through existing networks and advertising online through the national public appointments website, rather than advertisement in newspapers.

3.20 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Host Authority secretariat.

3.21 The Panel may terminate the appointment of a co-opted Member of the Panel by notice in writing if:

- a) he or she has been convicted of a criminal offence but not disqualified in accordance with 3.24(c);
- b) satisfied that the member is otherwise unable or unfit to discharge his functions as a member; or
- c) the co-optee has failed to attend two consecutive ordinary meetings of the Panel without the Panel's consent.

3.22 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that a replacement is sought as soon as possible.

3.23 Subject to the following exemptions (set out in 3.25-3.27), a person shall be disqualified from being appointed as or being a member of a Panel if—

- a) a bankruptcy order has been made against him or her or his or her estate has been sequestrated or he or she has made a composition or arrangement with, or granted a trust deed for, his creditors;
- b) he or she is subject to a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986, to a disqualification order under Part II of the Companies (Northern Ireland) Order 1989, to a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002 or to an order made under section 429(2)(b) of the Insolvency Act 1986(failure to pay under county court administration order); or
- c) he or she has within five years before the date of appointment or since appointment been convicted in the United Kingdom, the Channel Islands or the Isle of Man of an offence, and has had passed

on him or her a sentence of imprisonment (whether suspended or not) for a period of not less than three months.

- 3.24 Where a person is disqualified under paragraph 3.24(a) by reason that a bankruptcy order has been made against him or her or his or her estate has been sequestrated, the disqualification shall cease—
- a) unless the bankruptcy order is previously annulled or the sequestration of his estate is recalled or reduced, on his obtaining a discharge; and
  - b) if the bankruptcy order is annulled or the sequestration of his estate is recalled or reduced, on the date of that event.
- 3.25 Where a person is disqualified under paragraph 3.24(a) by reason of having made a composition or arrangement with, or granted a trust deed for, creditors and pays debts in full, the disqualification shall cease on the date on which the payment is completed, and in any other case it shall cease at the end of the period of five years beginning with the date on which the terms of the deed of composition or arrangement or trust deed are fulfilled.
- 3.26 For the purposes of paragraph 3.24(c) the date of a conviction shall be taken to be the ordinary date on which the period allowed for making an appeal or application expires or, if an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of its non-prosecution.

#### **4.0 Host Authority**

- 4.1 Buckinghamshire County Council shall act as Host Authority, providing scrutiny officer and other secretariat support as needed to enable the Panel to undertake its functions.
- 4.2 Any dedicated staff employed to support the Panel will be employed by the Host Authority, and as such their terms and conditions will be that of the Host Authority.
- 4.3 Buckinghamshire County Council may serve notice on the Panel at any point [after 30th April 2013] that it intends to terminate the arrangements to act as Host Authority. Such notice will come into effect after a period of six months unless otherwise otherwise agreed by the Panel and the Host Authority.

#### **5.0 Budget and Costs of the Panel**

- 5.1 An annual draft budget for the operation of the Panel shall be drawn up each year and approved by the Panel.
- 5.2 For the first year of operation (Up until April 2013), the Host Authority will provide a level of service to the Panel within the resources granted by the Home Office, excluding some of the on-costs which will be covered by the Host Authority.

5.3 In subsequent years, any costs approved in the annual budget by the Panel that are above the costs granted by the Home Office, or in the event of the cessation of the Home Office grant, shall be borne between the Authorities equally.

## **6.0 Allowances**

6.1 Each Authority has the discretion to pay its representatives on the Panel allowances. No allowance payments will be made by the Panel itself to elected members as no central government funding is available to support this. Any allowances payable to elected members shall be determined and borne by the appointing Authorities.

6.2 The Host Authority, on behalf of the Panel, may pay an allowance to cooptees if this is agreed as part of the annual budget approved by the Panel.

## **7.0 Promotion of the Panel**

7.1 The Panel shall be promoted and supported by the Host Authority through:

- a) The inclusion of dedicated webpages on the work of the Panel, with the publication of meeting agendas; minutes; and papers where those papers are public, in line with the rules of procedure and legal obligations under the Local Government Act 1972 [*exact wording to be finalised*]. All reports and recommendations made, with responses from the PCC will be published. Information on member attendance and other publications will be included.
- b) Media and communications support provided by the corporate communications team, this includes the issuing of press release where required.
- c) Clerking support to be provided for all public Panel meetings. This includes sending out agendas; minutes; procedural advice.
- d) Legal advice where required for the Panel to carry out its duties effectively.
- e) Independent policy advice to the Panel through a dedicated scrutiny officer, this includes written and oral briefings to Panel members.

7.2 The costs of the promotion work identified above will be identified as part of the annual budget approved by the Panel. Costs will be met as set out in section 5 above.

7.3 The Panel shall be promoted and supported by each Authority through:

- a) Ensuring that briefings take place for local stakeholders on the work of the Panel. This includes officer briefings to respective members in each authority to support the work of the Panel (executive/non-executive members including Panel member) on a regular basis to ensure that members are fully informed about local relevant matters.



- b) Information on each respective website about the work of the Panel and links to the main web-pages.
- c) Sharing of information on the work of the designated statutory Crime and Disorder Scrutiny Committee in order to ensure that the work programme of the Panel complements local scrutiny work and vice-versa.

## **8.0 Validity of Proceedings**

- 8.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

## **9.0 Rules of Procedure**

- 9.1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:
  - a) the appointment and removal of the Chairman
  - b) the formation of sub-committees
  - c) the making of decisions
  - d) substitutions
  - e) the circulation of information

INSERT SIGNATURE/EXECUTION CLAUSE