

The Police and Crime Panel (PCP) for the Humberside Area

Rules of Procedure

1. General

- 1.1 These rules of procedure are made by the PCP in accordance with Schedule 6, paragraph 25 of the Police Reform and Social Responsibility Act 2011.
- 1.2 The PCP will be conducted in accordance with these Rules. The rules should be read having regard to the Panel Arrangements.

2. Chair of the Police and Crime Panel

- 2.1 The chair of the PCP will be appointed at the PCP's AGM and will be drawn from amongst all the members of the PCP, including independent members.
- 2.2 The deputy chair will be appointed at the AGM and will be drawn from amongst all the members of the PCP, including independent members.
- 2.3 In the event of the chair and deputy chair being absent from a PCP meeting, the PCP will appoint a member to act as chair for that meeting.
- 2.4 In the event of the resignation of the chair/deputy chair or removal of chair/deputy chair, a new chair/deputy chair will be appointed and will be drawn from amongst all the members of the PCP. Other than at the PCP's AGM, the chair and deputy chair may only be removed from office if a PCP member has given notice to the PCP Secretariat at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that the chair or deputy chair be removed from office. At the subsequent meeting, removal will only be confirmed if at least two-thirds of the persons, who are members of the PCP at the time the decision is made, vote in favour of it.

3. Meetings of the Police and Crime Panel

- 3.1 The PCP shall meet at least four times per year to carry out its functions.
- 3.2 The PCP Secretariat will give notice to the public of the time and place of any meeting of the PCP. At least 5 clear working days before meetings, the Secretariat will circulate to PCP members the agenda for the meeting setting out the date, time and place for the meeting and specifying the business to be transacted. The agenda and minutes of PCP meetings will be published on the web.
- 3.3 An extraordinary meeting may be called by the PCP by resolution, by the chair, or by any four members of the PCP signing a requisition presented to the PCP Secretariat.

- 3.4 All members of the PCP may vote in proceedings of the PCP. The validity of the proceedings of the PCP is not affected by a vacancy in the membership of the PCP, or a defect in appointment.

4. Quorum

- 4.1 A meeting of the PCP cannot take place unless at least one half of the whole number of its members is present. In any period during which there are vacancies amongst the membership, the calculation of half shall be based on the number of members in office on the day of the meeting.

5. Work Programme

- 5.1 The PCP will be responsible for setting its own work programme taking into account the priorities defined by the PCC and taking into account the views of other agencies and partnerships.
- 5.2 The work programme must include the functions described in section 2 of the Panel Arrangements.
- 5.3 Any member of the PCP shall be entitled to give notice to the PCP Secretariat, that he or she wishes an item relevant to the functions of the PCP to be included on the agenda for a PCP meeting

6. Sub-Committees and Task and Finish Groups

- 6.1 Sub-committees and time limited task and finish groups may be established from time to time by the PCP to undertake specific task based work and report back to the PCP.
- 6.2 The special functions of the PCP may not be discharged by a sub-committee of the PCP or a task and finish group.
- 6.3 "Special functions" means the following functions:
- (i) review of the Police and crime plan
 - (ii) review of the annual report
 - (iii) review of senior appointments
 - (iv) review and potential veto of the proposed precept
 - (v) review and potential veto of the appointment of a Chief Constable
- 6.4 The work undertaken by a sub-committee or task and finish 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.
- 6.5 A sub-committee or task and finish group may not co-opt members, but they shall be able to invite others to assist it with its work.

6.6 Sub-committees and task and finish groups need not be politically balanced, if the PCP agrees to this.

7. Reports from the Police and Crime Panel

7.1 Where the PCP makes a report or recommendations to the PCC, it will publish the report or recommendation on the web.

7.2 The PCP must by notice in writing require the PCC, as appropriate, within a reasonable period of the date on which he or she receives the report or recommendations to:

- (i) consider the report or recommendations
- (ii) respond to the PCP indicating what (if any) action the PCC proposes to take
- (iii) where the PCP has published the report or recommendations, publish the response

7.3 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).

8. Police and Crime Commissioner and Officers Giving Account

8.1 The PCP may scrutinise and review decisions made or actions taken in connection with the PCC's role. As well as reviewing documentation, in fulfilling its role it may require the PCC and members of the Commissioner's staff, to attend before the PCP (at reasonable notice) to answer any questions which appear to the PCP to be necessary in order to carry out its functions.

8.2 Where the PCC, or a member of the PCC's staff, is required to attend the PCP, the chair of the PCP will inform them in writing, giving reasonable notice of the meeting. The notice will state the nature of the item for which he or she is required to attend to give account and whether any papers are required for production for the PCP. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.

8.3 Where, in exceptional circumstances, the PCC is unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the chair of the PCP.

8.4 If the PCP requires the PCC to attend before the PCP, the PCP may, by giving reasonable notice request the Chief Constable to attend before the PCP on the same occasion to answer any questions which appears to the PCP to be necessary in order for it to carry out its functions.

9. Attendance by Others

The PCP may invite people, other than those referred to previously, 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 PCP and officers in other parts of the public sector and may invite such people to attend. The PCP may not invite officers of the Constabulary, other than the Chief Constable to attend meetings, without the prior agreement of the Chief Constable.

10. Special Functions

10.1 The special functions of the PCP are those functions referred to in paragraphs 11-15, below, and which are conferred on the PCP in relation to:

- (i) the review of the Police and crime plan as required by Section 28(3) of the Act
- (ii) the review of the annual report as required by Section 28 (4) of the Act
- (iii) the review of senior appointments in accordance with paragraphs 10 and 11 of Schedule 1 of the Act
- (iv) the review and potential veto of the proposed precept in accordance with Schedule 5 of the Act
- (v) the review and potential veto of appointment of the Chief Constable Part 1 the Act

10.2 The special functions shall be undertaken having regard to the requirements of the Act and regulations in each case.

10.3 The issuing of reports and recommendations by the PCP in relation to the Special Functions outlined above will be carried out in accordance with paragraph 7 above.

11. Police and Crime Plan

11.1 The PCP 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.

11.2 The PCP must:

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

12. Annual Report

12.1 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 PCP for consideration.

- 12.2 The PCP must comment upon the annual report of the PCC, and for that purpose must:
- (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the annual report
 - (ii) require the PCC to attend the meeting to present the annual report and answer such questions about the annual report as the members of the PCP think appropriate
 - (iii) make a report or recommendations on the annual report to the PCC

13. Proposed Precept

- 13.1 The PCP will receive notification from the PCC of the precept which the PCC is proposing to issue for the coming financial year. The PCP must arrange for a public meeting of the PCP to be held as soon as practicable after the PCP receives the proposed precept and make a report including recommendations.
- 13.2 Having considered the precept, the PCP must:
- (i) support the precept without qualification or comment or
 - (ii) support the precept and make recommendations, or
 - (iii) veto the proposed precept (by the required majority of at least two-thirds of the persons who are members of the PCP at the time when the decision is made)
- 13.3 If the PCP vetoes the proposed precept, the report to the PCC must include a statement that the PCP has vetoed the proposed precept and give reasons for that decision. The PCC will require a response to the report and any such recommendations.

14. Appointment of Chief Constable

- 14.1 The PCP must review the proposed appointment by the PCC of the Chief Constable.
- 14.2 The PCP will receive notification of the proposed appointment from the PCC, which will include:
- (i) the name of the candidate
 - (ii) the criteria used to assess suitability of the candidate
 - (iii) why the candidate satisfies the criteria
 - (iv) the terms and conditions proposed for the appointment
- 14.3 Within three weeks of the receipt of notification, the PCP must consider and review the proposed appointment and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period shall not include the "post election period", being any

period between the date of poll at the ordinary election of the PCC and the date of declaration of acceptance of office of the PCC.

- 14.4 Before reporting and recommending under paragraph 14.3 above, the PCP must convene a public meeting ("confirmation hearing") of the PCP where the candidate must attend, either in person, or by telephone, or video link and answer questions relating to the appointment.
- 14.5 The PCP must publish the report on the web and send copies to each of the local authorities and by any other means the PCP considers appropriate.
- 14.6 The PCC may accept or reject the PCP's recommendation as to whether or not the candidate should be appointed and must notify the PCP accordingly.
- 14.7 The PCP has the power to veto the appointment of a candidate, by a required majority of at least two-thirds of the persons who are members of the PCP at the time when the decision is made.
- 14.8 A confirmation hearing as in paragraph 14.4 must be held before an appointment is vetoed.
- 14.9 If the PCP vetoes the appointment under paragraph 14.7, the report referred to at paragraph 14.3 above must include a statement to that effect.
- 14.10 If the PCP vetoes an appointment the PCC must not appoint that candidate as Chief Constable.

15. Senior Appointments

- 15.1 The PCP must review the proposed appointments by the PCC of the PCC's Chief Executive, Chief Finance Officer and Deputy PCC.
- 15.2 The PCP shall receive notification of the proposed appointments from the PCC including:
 - (i) the name of the candidate
 - (ii) the criteria used to assess suitability of the candidate
 - (iii) why the candidate satisfies the criteria
 - (iv) the terms and conditions proposed for the appointment
- 15.3 Within three weeks of the receipt of notification, the PCP must consider and review the proposed appointment and report to the PCC, with a recommendation as to whether the candidate should be appointed. The three week period will not include the post-election period.
- 15.4 Before reporting and recommending under 15.3 above, the PCP must convene a public confirmation hearing of the PCP where the candidate

must attend, either in person, or by telephone, or video link and answer questions relating to the appointment.

- 15.5 The PCP must publish the report on the web and send copies to each of the local authorities and by any other means the PCP considers appropriate.
- 15.6 The PCC may accept or reject the PCP's recommendation and must notify the PCP accordingly.

16. Appointment of an Acting Police and Crime Commissioner

- 16.1 The PCP must appoint a person to be acting Commissioner if:
- (i) no person holds the office of PCC
 - (ii) the PCC is incapacitated (i.e. unable to fulfil the functions of the PCC) which is a matter for the PCP to determine, or
 - (iii) the PCC is suspended
- 16.2 In the event that the PCP has to appoint an acting Commissioner, it will meet to determine the process for appointment which will comply with these rules of procedure and any legal requirements.
- 16.3 The PCP may appoint a person as acting Commissioner, only if the person is a member of the PCC's staff at the time of the appointment.
- 16.4 In appointing a person as acting Commissioner in a case where the PCC is incapacitated, the PCP must have regard to any representations made by the PCC in relation to the appointment.
- 16.5 The appointment of an acting Commissioner will cease to have effect upon the earliest of the following:
- (i) the election of a person as PCC
 - (ii) the termination by the Panel, or by the acting Commissioner, of the appointment of the acting Commissioner
 - (iii) in a case where the acting Commissioner is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated, or
 - (iv) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended
- 16.6 Where the acting Commissioner is appointed because the PCC is incapacitated or suspended, the acting Commissioner's appointment does not terminate because a vacancy occurs in the office of PCC.

17. Complaints

- 17.1 Serious complaints which involve allegations, which may amount to a criminal offence by the PCC or senior office holders, are dealt with by the Independent Police Complaints Commission (the 'IPCC').

17.2 The PCP may however be involved in the informal resolution of certain other complaints against the PCC and deputy PCC, where they are not being investigated by the IPCC or cease to be investigated by the IPCC.

17.3 On receipt of a complaint which falls within its remit, the PCP will meet to consider the complaint and will seek informal resolution of a complaint by encouraging, facilitating, or otherwise assisting in the resolution of the complaint other than by legal proceedings.

18. Suspension of the Police and Crime Commissioner

18.1 The PCP may suspend the PCC if it appears to the PCP that:

- (i) the Commissioner is charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence and
- (ii) the offence is one which carries a maximum term of imprisonment exceeding two years

18.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:

- (i) the charge being dropped
- (ii) the PCC being acquitted of the offence
- (iii) the PCC 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
- (iv) the termination of the suspension by the PCP

18.3 In this section, references to an offence which carries a maximum term of imprisonment exceeding two years would be:

- 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

19. Suspension and Removal of the Chief Constable

19.1 The PCP will receive notification if the PCC suspends the Chief Constable.

19.2 The PCC must also notify the PCP 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.

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

19.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the PCP accordingly.

- 19.5 Within six weeks from the date of receiving the further notification, the PCP 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 PCP may consult the Her Majesty's Inspection of Constabulary and must hold a scrutiny hearing.
- 19.6 The scrutiny hearing which must be held by the PCP, is a PCP meeting 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 can be by attending in person, or participating by telephone, or video link.
- 19.7 The PCP must publish the recommendation it makes on the web and by sending copies to each of the local authorities and by any other means the PCP considers appropriate.
- 19.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
- (i) at the end of six weeks from the PCP having received notification if the PCP has not by then given the PCC a recommendation, as to whether or not she/he should call for the retirement or resignation, or
 - (ii) the PCC notifies the PCP of a decision about whether she/he accepts the PCP's recommendations in relation to resignation, or retirement
- 19.9 The PCC must consider the PCP's recommendation and may accept or reject it, notifying the PCP accordingly.
- 19.10 In calculating the six week period, the post election period is ignored.

20. Decision-making and Rules of Debate

20.1 Principles of Decision-making

These principles will underpin the way the PCP makes its decisions:-

- (i) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- (ii) The presumption that whenever possible, all decisions made by the PCP should be made in public
- (iii) Decisions will be clear about what they aim to achieve and the results that can be expected

20.2 Voting

- 20.2.1 All matters to be considered by the PCP shall be decided by a majority of the members of the PCP present and voting at the meeting. This will be done following the moving of a motion by any member of the PCP. A simple majority is required to confirm a decision, except in the specific circumstances of the PCP seeking to veto the PCC's proposed

precept, or the PCC's proposed appointment of a Chief Constable, or as otherwise specified in these rules of procedure.

20.2.2 Voting will normally be by show of hands, but any member may demand a recorded vote and if one quarter of the members present signifies its support, such a vote will be taken.

20.2.3 In the event of a tie in voting, the chair shall have a second, or casting vote

20.3 Rules of Debate

The rules of debate of the PCP shall be governed by the rules relating to meetings of local authority committees.

21. **Minutes**

The PCP will agree, as a true record, the minutes of the proceedings at the next meeting. The only part of the minutes that can be discussed is their accuracy and any question as to their accuracy must be raised by motion.

22. **Members' Conduct**

22.1 Speaking

When a member speaks at PCP meetings, he/she must address the meeting through the chair.

22.2 Chair Requiring Silence

When the chair so indicates during a debate, any member speaking at the time must stop and the meeting must be silent.

22.3 Member not to be heard further

22.3.1 If a member persistently disregards the ruling of the chair by behaving improperly, or offensively, or deliberately obstructs business, the chair may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

22.3.2 If the member continues to behave improperly after such a motion has been carried, the chair may adjourn the meeting for a specified period, or move that the member leaves the meeting. If seconded, the motion will be voted on without discussion. If the member continues to behave improperly, the chair may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

22.4 General disturbance

If there is a general disturbance making orderly business impossible, the chair may adjourn the meeting for as long as he/she considers necessary.

23 Disturbance by the public

23.1 Removal of member of the public

If a member of the public interrupts proceedings, the chair will warn the person concerned. If he/she continues to interrupt, the chair will order his/her removal from the meeting room.

23.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the chair may call for that part to be cleared.

24. Suspension and Amendment of Procedure Rules

24.1 Suspension

These rules may be suspended by motion on notice, or without notice if at least one half of the whole number of members of the PCP are present. Suspension can only be for the duration of the meeting. A motion to suspend any of these rules must specify the rule to be suspended and must be moved in terms limited to an explanation of the reasons for the suspension. It will be seconded in formal terms only and will be put to the PCP without debate. No suspension may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2011, relevant regulations, statutory guidance or the Panel Arrangements.

24.2 Amendment

The rules of procedure shall not be amended unless notification of a proposed amendment is received by the PCP Secretariat, at least 10 working days prior to a PCP meeting. A report on the implications of the proposed amendment shall be considered by the PCP and the amendment shall require the agreement of at least two-thirds of the persons, who are members of the PCP at the time when the decision is made, vote in favour of it. No amendment may be considered by the PCP which does not comply with the Police Reform and Social Responsibility Act 2012, relevant regulations or statutory guidance or Panel Arrangements.

25. Adjournment of Panel Meetings

When the PCP adjourns, whether by resolution, or by decision of the chair, the adjournment will by decision taken at that time, be to a date, time and place specified, provided that where this is not practicable and a meeting is adjourned for an unspecified period and/or to an unspecified place, all members of the PCP will be notified of the new date, time and place when these have been determined.

26. Interpretation

26.1 The ruling of the chair as to the construction, or application of these rules, or as to the proceedings of the PCP, will be final for the purposes of the meeting at which it is given.

26.2 If there is any conflict in interpretation between these rules and the Act, or regulations made under the Act, the Act and regulations will prevail.