

North Yorkshire Police, Fire and Crime Panel

15 January 2019

Changes to the Panel's Rules of Procedure

1 Purpose of Report

- 1.1 To ask the Panel to agree the updated Rules of Procedure as provided at Appendix 1:

2 At the Panel meeting of 15th November 2018, it was agreed that changes would be made to the Panel's Rules of Procedure to:

(a) reflect the extension of the Panel's remit to include scrutiny of the performance of the Police, Fire and Crime Commissioner's functions in respect of governance of the fire and rescue service; and

(b) amend the Panel's quorum requirement to become one third of the Panel's whole membership (currently 4 members).

3 The Rules of Procedure have been updated and are provided at Appendix 1 for agreement by the Panel.

4 As discussed on 15th November 2018, the Panel also requires updates to be made to its Arrangements following the extension in scrutiny remit. Legal guidance is currently being sought regarding the process for updating and agreeing these and Panel will be updated further at the next Panel meeting.

5 Recommendations

- 5.1 The Panel is recommended to agree the revised Rules of Procedure provided at Appendix 1.

Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council

7 January 2019

Background Documents:

Appendix 1 - Draft Panel Rules of Procedure (as at 7 January 2019)

North Yorkshire Police, Fire and Crime Panel
Rules of Procedure (Draft as at 7 January 2019)

1.0 General

- 1.1 These Rules of Procedure have been established under the provisions of Schedule 6, paragraph 25, of the Police Reform and Social Responsibility Act 2011 and have been amended in accordance with the provisions of Schedule 1 of the Policing and Crime Act 2017.
- 1.2 The Panel will be conducted in accordance with the Rules. The Rules should be read having regard to the Panel Arrangements.
- 1.3 The Rules shall not be amended unless notification of a proposed amendment is received by the Chairman and the Lead Authority not less than fifteen working days prior to a Panel meeting, a report on the implications of the amendment shall be considered by the Panel and the amendment shall require agreement of three quarters of the current Membership of the panel. No amendment may be considered by the Panel which does not comply with the governing legislation, relevant regulations or statutory guidance.
- 1.4 If there is any conflict in interpretation between these Rules and the governing legislation or regulations, then the governing legislation and regulations will prevail.

2.0 Appointment of the Chairman of the Panel

- 2.1 The Chairman of the Panel will be appointed in July of each year by the Panel from amongst the Appointed Members sitting on the panel. The Panel shall determine the means by which the Chairman shall be appointed.
- 2.2 The Deputy Chairman will be appointed in July of each year from Appointed Members sitting on the Panel and the Panel shall determine the means by which the Deputy Chairman shall be appointed. The Deputy Chairman will preside in the absence of the Chairman and if neither are present the Panel will appoint a Chairman from among the remaining Appointed Members for the purposes of that meeting.
- 2.3 In the event of the resignation or removal of the Chairman a new Chairman will be appointed by the Panel at its next meeting from the Appointed Members.
- 2.4 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 the Appointed Members.

3.0 Panel Meetings

- 3.1 The Panel will meet in public at least four times per year to carry out its functions.
- 3.2 Extraordinary meetings may be also called from time to time as the Panel considers necessary.
- 3.3 An extraordinary meeting may be called by:
- a) the Chairman, or
 - b) any four Members of the Panel giving notice in writing to the Chairman and the Panel Secretariat.
- 3.4 The Panel shall have power to determine the location of its meetings.
- 3.5 Members of the Public shall be able to ask questions or make a statement to the Panel at each meeting, provided that the total time allowed for public questions shall not exceed 30 minutes, and no question or statement shall be allowed more than three minutes.

4.0 Quorum

- 4.1 A meeting of the Panel cannot take place unless one third of the whole number of its Members is present.

5.0 Voting

- 5.1 Voting will be by show of hands and by simple majority unless the governing legislation, regulations made thereunder or these Rules require otherwise.
- 5.2 The Chairman will have a casting vote.
- 5.2 All Panel Members may vote in proceedings of the Panel.

6.0 Work Programme

- 6.1 The Panel will be responsible for setting a programme for its work and in doing so shall have regard to:
- a) the requirement to properly undertake the functions and responsibilities of the Panel as set out in the governing legislation;
 - b) the priorities defined by the Police, Fire and Crime Commissioner ('PFCC'); and
 - c) the views of Panel Members and advisers as to appropriate work to be undertaken.

7.0 Panel Agenda

- 7.1 The Panel agenda will be issued to Panel Members at least 5 clear days before the meeting. It will also be published on the Panel's web site and by

sending copies to each of the Authorities, and by any other means the Panel considers appropriate.

- 7.2 Any Member of the Panel shall be entitled to give notice to the Panel Secretariat 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.

8.0 Sub-Committees and Task Groups

- 8.1 The Panel may set up Sub-Committees from its membership to undertake specified functions of the Panel.
- 8.2 Sub-Committees and Task Groups may not undertake the Special Functions referred to at paragraph 11 below.
- 8.3 Task Groups may also be established from time to time by the Panel undertake specific task based work.
- 8.4 The work to be undertaken by a Sub-Committee or Task Group will be defined beforehand, together with the timeframe within which the work is to be completed and the outcome reported to the Panel.
- 8.5 A Sub-Committee of the Panel may not co-opt Members.

9.0 Panel Reports - General

- 9.1 Reports and recommendations made by the Panel in relation to its functions will be carried out in accordance with the procedure outlined in this paragraph.
- 9.2 Where the Panel makes a report to the PFCC it will publish the report or recommendations on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 9.3 The Panel may require the PFCC within 20 working days (or within such other period as is indicated in these Rules) of the date on which s/he receives the Panel's report or recommendations to:
- a) consider the report or recommendations;
 - b) respond to the Panel indicating what (if any) action the PFCC proposes to take;
 - c) where the Panel has published the report or recommendations, publish the response from the PFCC in the same manner;
 - d) where the Panel has provided a copy of the report or recommendations to a Panel Member, provide a copy of the response to the Panel Member.
- 9.4 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).

10.0 Scrutiny and Review

- 10.1 The Panel must scrutinise and review decisions made or actions taken by the PFCC in the discharge of his/her duties, and make reports or recommendations to the PFCC with respect to the discharge of those duties.
- 10.2 The Panel will publish all reports or recommendations made in relation to the discharge of the PFCC's duties on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 10.3 The Panel may, in discharging this function, review documentation and require the PFCC, and members of the PFCC's staff, to attend before the Panel at reasonable notice to answer questions which appear to the Panel to be necessary in order to carry out its functions.
- 10.4 Where the PFCC, or a member of the PFCC's staff, is required to attend the Panel in accordance with this provision, the PFCC will be given at least 15 working days written notice of the requirement to attend, and the notice shall:
 - a) state the nature of the item in respect of which s/he is required to attend;
 - b) whether any papers are required to be produced to the Panel; and
 - c) where it is necessary to produce a report, sufficient time will be given to allow for its preparation of that report.
- 10.5 Where, in exceptional circumstances, the PFCC is unable to attend on the required date, then an alternative date for attendance shall be arranged following consultation with the Chairman.
- 10.6 A member of the PFCC's staff attending a meeting of the Panel shall not be required to disclose any advice given to the PFCC by that person.
- 10.7 The Panel may require the PFCC to respond in writing to any report or recommendation of the Panel as set out in paragraph 9.3 above.
- 10.8 If the Panel requires the PFCC to attend before the Panel, the Panel may also (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.
- 10.9 In undertaking its functions, the Panel may invite persons other than those referred to above to attend Panel meetings, to address the meeting, discuss issues of local concern and/or answer questions. This may, for example and not exclusively, include residents, stakeholders, councillors who are not members of the Panel and officers from other parts of the public sector.

11.0 Special Functions

- 11.1 The Special Functions of the Panel, are those functions referred to at paragraphs 12-16, below, and which are conferred on the Panel in relation to:

- a) the review of the Police and Crime Plan and Fire and Rescue Plan;
- b) the review of the Annual Report and Fire and Rescue Statement;
- c) the review of senior appointments;
- d) the review and potential veto of the proposed precept; and
- e) the review and potential veto of appointment of the Chief Constable and Chief Fire Officer.

11.2 The Special Functions shall be undertaken having regard to the requirements of the governing legislation and regulations in each case.

11.3 The issuing of reports and recommendations by the Panel in relation to the Special Functions outlined above will be carried out in accordance with paragraph 9 above.

12.0 Police and Crime Plan and the Fire and Rescue Plan

12.1 The Panel is a statutory consultee on the development of the PFCC's Police and Crime Plan and draft Fire and Rescue Plan and will receive a copy of the draft plans, or a draft of any variation to them, from the PFCC. The PFCC may also choose to present a combined Police, Fire and Crime Plan to the Panel.

12.2 The Panel must:

- a) hold a public meeting to review the draft Plans (or a variation to them), and
- b) report or make recommendations on the draft Plans which the PFCC must take into account.

13.0 Annual Report and Fire and Rescue Statement

13.1 The PFCC must produce an Annual Report and Fire and Rescue Statement about the exercise of his/her functions in the financial year and progress in delivering on the priorities set out in the Police and Crime Plan, and the Fire and Rescue Plan.

13.2 The Annual Report and Fire and Rescue Statement must be sent to the Panel for their consideration.

13.3 The Panel must comment upon the Annual Report and Fire and Rescue Statement, 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 or Fire and Rescue Statement;
- b) require the PFCC to attend the meeting to present the reports to the Panel and answer such questions about the Annual Report and the Fire and Rescue Statement as the Members of the Panel think appropriate; and

- c) make a report or recommendations on the Annual Report and Fire and Rescue Statement to the PFCC.

14.0 Proposed precept

14.1 The Panel will receive notification from the PFCC of the precepts which the PFCC is proposing to issue for the coming financial year for both policing and fire and rescue services. The Panel must arrange for a public meeting of the Panel to be held as soon as practicable after the Panel receives the precept proposals and make a report including recommendations.

14.2 Having considered the proposals, the Panel must:

- a) support the precept without qualification or comment; or
- 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).

14.3 If the Panel vetoes a precept proposal, the report to the PFCC must include a statement that the Panel has vetoed the proposed precept and give reasons for that decision. The Panel will require a response from the PFCC to the report and any such recommendations.

15.0 Senior Appointments

15.1 The Panel has powers to review the PFCC's proposed appointments of Chief Constable, Chief Fire Officer, Chief Executive Officer of the Office of the PFCC, Chief Financial Officer to the PFCC and the Deputy PCC.

15.2 The Panel shall receive notification of the proposed appointments from the PFCC including:

- a) the name of the candidate;
- b) the criteria used to assess suitability of the candidate,
- c) why the candidate satisfies the criteria; and
- d) the terms and conditions proposed for the appointment

15.3 Within three weeks of the receipt of notification the Panel must consider and review the proposed appointment and report to the PFCC 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 an appointment, the Panel must convene a public confirmation hearing of the Panel where the candidate must attend, either in person or by telephone or video link and answer questions relating to the appointment.

15.5 In relation to the appointment of a candidate for the position of Chief Constable or Chief Fire Officer, the Panel also has the power to veto the

appointment 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.

- 15.6 The Panel must publish the report on its web site and by sending copies to each of the Authorities, and by any other means the Panel considers appropriate.
- 15.7 Where the Panel has exercised its veto – in the case of a proposed appointment for Chief Constable or Chief Fire Officer – then the PFCC must not appoint that candidate. In relation to other proposed senior appointments, the PFCC may accept or reject the Panel's recommendation, and must notify the Panel accordingly.
- 16.0 Appointment of an Acting Police, Fire and Crime Commissioner**
- 16.1 The Panel must appoint a person to be acting PFCC if:
- a) no person holds the office of PFCC;
 - b) the PFCC is incapacitated (i.e. unable to fulfil the functions of PFCC) which is a matter for the Panel to determine; or
 - c) the PFCC is suspended.
- 16.2 In the event that the Panel has to appoint an acting PFCC it will meet to determine the process for appointment which will comply with these Rules of Procedure and any legal requirements.
- 16.3 The Panel may appoint a person as acting PFCC only if the person is a member of the PFCC's staff at the time of the appointment.
- 16.4 In appointing a person as acting PFCC in a case where the PFCC is incapacitated, the Panel must have regard to any representations made by the PFCC in relation to the appointment.
- 16.5 The appointment of an acting PFCC will cease to have effect upon the earliest of the following:
- a) the election of a person as PFCC;
 - b) the termination by the Panel, or by the acting PFCC, of the appointment of the acting PFCC;
 - c) in a case where the acting PFCC is appointed because the PFCC is incapacitated, the PFCC ceasing to be incapacitated; or
 - d) in a case where the acting PFCC is appointed because the PFCC is suspended, the PFCC ceasing to be suspended.
- 16.6 Where the acting PFCC is appointed because the PFCC is incapacitated or suspended, the acting PFCC's appointment does not terminate because a vacancy occurs in the office of PFCC.

17.0 Complaints

- 17.1 The Panel has formally delegated the initial handling of all complaints received regarding the PFCC or Deputy PCC to a nominated Lead Officer.
- 17.2 Serious complaints which involve allegations which may amount to a criminal offence by the PFCC or senior office holders are dealt with by the Independent Office for Police Conduct (the 'IOPC'). The Lead Officer will determine when a complaint must be referred to the IOPC.
- 17.3 The Panel may however be involved in the informal resolution of certain other complaints against the PFCC and Deputy PCC, where they are not being investigated by the IOPC or cease to be investigated by the IOPC.
- 17.4 Informal resolution of a complaint may require the Panel to encourage, facilitate, or otherwise assist in the resolution of the complaint otherwise than by legal proceedings. This process will normally be undertaken via a nominated sub-committee of three Panel members.
- 17.5 The Panel's full procedure for the handling of complaints received against the PFCC and Deputy PCC can be found on the Panel's web site.

18.0 Suspension of the Police, Fire and Crime Commissioner

- 18.1 The Panel may suspend the PFCC if it appears to the Panel that:
- a) the PFCC is 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.
- 18.2 The suspension of the PFCC ceases to have effect upon the occurrence of the earliest of these events:
- a) the charge being dropped;
 - b) the PFCC being acquitted of the offence;
 - c) the PFCC 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 Panel.
- 18.3 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.

19.0 Suspension and Removal of the Chief Constable or Chief Fire Officer

- 19.1 If the PFCC suspends the Chief Constable or Chief Fire Officer from duty they must notify the Panel of the suspension.
- 19.2 A Commissioner must not call upon a Chief Constable to retire or the Chief Fire Officer to 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 PFCC a recommendation as to whether or not they should call for the retirement or resignation; or
 - b) the PFCC notifies the Panel of a decision as to whether they accept the Panel's recommendations in relation to resignation or retirement.
- 19.3 The PFCC must notify the Panel in writing of their proposal to call upon the Chief Constable or Chief Fire Officer to retire or resign together with a copy of the reasons given to the Chief Constable/Chief Fire Officer and any representation from the Chief Constable/Chief Fire Officer in relation to that proposal.
- 19.4 Within six weeks from the date of receiving the further notification, the Panel must make a recommendation in writing to PFCC as to whether or not they should call for the retirement or resignation. Before making any recommendation, the Panel may consult the chief inspector of constabulary/fire and rescue, and must hold a scrutiny meeting.
- 19.5 The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the PFCC and Chief Constable/Chief Fire Officer are entitled to attend to make representations in relation to the proposal to call upon them to retire or resign. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
- 19.6 The Panel must publish the recommendation it makes by sending copies to each of the councils, and by any other means the Panel considers appropriate.
- 19.7 The Commissioner must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.