

## **Norfolk Police and Crime Panel**

### **Panel Arrangements**

#### **1. 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 force 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 relevant local authorities (county, city, district and borough councils) in each police force area to establish and maintain a Police and Crime Panel (PCP) for its police force area. It is the responsibility of the local authorities for the police force area to agree to the making of arrangements for the PCP ('Panel Arrangements').
- 1.4 Each local authority and each Member of the PCP must comply with the Panel Arrangements.
- 1.5 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.
- 1.6 The PCP is responsible for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.7 The PCP is a joint committee of the local authorities in Norfolk.

#### **2. Functions of the Police and Crime Panel**

- 2.1 The functions of the PCP must be exercised with a view to supporting the effective exercise of the functions of the PCC for Norfolk
- 2.2 The PCP must:-
  - (i) review the draft police and crime plan, or draft variation given to the PCP by the PCC, and
  - (ii) make a report or recommendation on the draft plan or variation to the PCC

- 2.3 The PCP must
- (i) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP is sent the PCC's annual report
  - (ii) ask the PCC, at that meeting, such questions about the annual report as the members of the PCP think appropriate
  - (iii) review the annual report, and
  - (iv) make a report or recommendations on the annual report to the PCC

- 2.4 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of:-

- (i) the PCC's chief executive
- (ii) the PCC's chief finance officer
- (iii) a deputy PCC

The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed.

- 2.5 The PCP must respond to any proposal by the PCC to call upon the Chief Constable to retire or resign, by making a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation.

- 2.6 The PCP must review and make a report and may make recommendations on the precept which the PCC proposes to issue for the financial year.

- 2.7 The PCP must hold a confirmation hearing to review the proposed appointment by the PCC of a Chief Constable. The PCP must make a report to the PCC and the report must include a recommendation as to whether or not the candidate should be appointed or must include a statement that the PCP has vetoed the appointment.

- 2.8 The PCP must:-

- (i) review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions; and
- (ii) make reports or recommendations to the PCC with respect to the discharge of the PCC's functions

- 2.9 The PCP must publish any reports or recommendations made by it to the PCC and must determine the manner in which such reports or recommendations are to be published.

- 2.10 The PCP must send copies of any reports or recommendations it makes to the PCC, to each local authority (county, city, district and borough councils) in Norfolk.
- 2.11 The PCP must fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities given to the PCP by the Act.
- 2.12 The PCP must appoint an Acting PCC in the circumstances set out in the Act.
- 2.13 The PCP may not exercise any functions other than those conferred by the Act.

### **3. Operating Arrangements**

- 3.1 The PCP is a joint committee of the county, city, borough and district councils in Norfolk.
- 3.2 Norfolk County Council shall be the lead authority in establishing and maintaining the PCP and shall secure the administrative, secretarial and professional support necessary to enable the PCP to fulfil its functions.
- 3.3 The PCP shall consist of a minimum of 10 councillors and two co-opted independent members. The membership of the PCP can be increased up to a maximum size of 20 by co-opting up to 8 additional councillors, but any proposal by the PCP to increase above the initial membership of 12 would be subject to the approval of the Secretary of State
- 3.4 The local authorities will co-operate to provide the PCP with additional officer support for research, training and development, or where particular expertise would assist the PCP.
- 3.5 The local authorities will co-operate to ensure that the role of the PCP is promoted internally and externally and that members and officers involved in the work of the PCP are given support and guidance in relation to the PCP's functions.
- 3.6 The PCP 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 PCP should exercise, or refrain from exercising functions so as to encourage, maintain or improve working relationships and limit or prevent the overlapping or conflicting exercise of functions.

### **4. Financial Arrangements**

- 4.1 The funding provided by the Home Office to support the work of the PCP will be received by the County Council as lead authority. The PCP will seek to operate within the limit of the Home Office funding. Any additional expenditure by the PCP above the funding provided by the Home Office will require the prior agreement of all the constituent

local authorities and, if approved, will be apportioned between the local authorities on the basis of the number of members each has on the PCP.

- 4.2 The Home Office funding includes a specified sum per member per annum to cover their expenses. Each local authority will pay the expenses of its own representatives and seek reimbursement from the County Council at the end of each financial year, up to a maximum of the specified sum.
- 4.3 The local authorities will establish a joint independent remuneration panel to consider whether a special responsibility allowance should be paid to the Chairman of the PCP and if so, what the level of that SRA should be. If the councils subsequently decide that an SRA will be paid, the cost will be apportioned between the councils on the basis of the number of members each has on the PCP. The independent remuneration panel shall be convened by the lead authority, with its membership to be drawn from the independent remuneration panels for each local authority.

## **5. Membership – Appointed Members**

- 5.1 All county, city, borough and district councillors within Norfolk are eligible to be members of the PCP.
- 5.2 Appointment of elected members to the PCP shall be made by each local authority at its annual general meeting or as soon as possible thereafter, in accordance with its procedures. Appointments shall be made with a view to ensuring that the “balanced appointment objective” is met so far as is reasonably practicable. The balanced appointment objective is the objective that the local authority members of a PCP (when taken together):-
  - (i) represent all parts of the police area;
  - (ii) represent the political make-up of the relevant authorities (when taken together)
  - (iii) have the skills, knowledge and experience necessary for the PCP to discharge its functions effectively
- 5.3 The PCP’s membership will be one councillor appointed by each of the city, borough and district councils and three councillors appointed by the county council, with the county council as far as possible picking up the requirement to ensure the required balance across the county. Terms of office will be to the next annual general meeting of the respective councils.
- 5.4 The PCP membership shall, as far as possible, be politically balanced in relation to the overall political balance amongst all city, borough, district and county councillors in Norfolk. The lead authority will facilitate discussions between the local authorities in order to enable the authorities to fulfil their duty to secure (as far as reasonably

practicable) that the appointed membership meets the balanced appointment objective.

- 5.5 The PCP shall review at its AGM whether or not the balanced appointment objective is being met and if it concludes that it is not, the PCP shall determine what action is needed to meet the objective.
- 5.6 All members of the PCP may vote in proceedings of the PCP.
- 5.7 Each local authority may appoint a named member to be a substitute for its representative(s) on the PCP. Notice of a substitution must be given by the relevant PCP member to the PCP Secretary, before the start of the meeting concerned. The named substitute must be a member of the same council and same political group as the PCP member being substituted. Appointed representatives should use the substitution facility only on rare occasions, in recognition of the importance of building up knowledge and expertise so that the PCP can operate effectively.
- 5.8 In all other respects, the appointment of substitutes shall be governed by the rules relating to substitution set out in section 4 of appendix 10 of the County Council Constitution.

## **6. Membership – Independent Members**

- 6.1 The PCP shall co-opt two independent members onto the PCP. For the first two co-options, one shall be appointed for a term of four years and one for a term of three years. Thereafter the appointments will be for four-year terms. There shall be no restriction on the overall time period that an independent member may serve on the PCP. A member of any of the relevant local authorities may not be a co-opted member of the PCP where the number of co-opted members is two.
- 6.2 The following may not be co-opted Members of the PCP:
  - a) the PCC for the Police Area.
  - b) a member of staff of the Police and Crime Commissioner 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.
- 6.3 The recruitment process for co-opting independent members should include a reasonable period of open and public advertising for the positions. The closing date for the receipt of applications should be at least two weeks from the date the advertisement is first placed. The PCP shall also invite relevant organisations, as it considers appropriate, to nominate candidates for consideration as part of the recruitment process.

- 6.4 The recruitment process will be carried out in accordance with the following principles:-
- (i) Appointments will be made on merit of candidates whose skills, experience and qualities are considered best to secure the effective functioning of the PCP
  - (ii) The selection process will be fair, objective and impartial and consistently applied to all candidates who will be assessed against the same pre-determined criteria
  - (iii) The selection process will be conducted transparently with information about the requirements for the appointments and the process being publicly advertised and made available
- 6.5 Information packs shall be prepared and sent to those requesting them. The PCP shall appoint a selection panel to consider applications and interview candidates.
- 6.6 Following the interviews, the selection panel will make recommendations to the PCP about the appointment of the independent members and the PCP will make a decision as to which candidates to co-opt. In order to be co-opted, each candidate shall require the support of a majority of the appointed members of the PCP present at the meeting at which the decision is made. Independent member co-options shall be subject to annual endorsement at the PCP's AGM. If a majority of appointed members present at the AGM vote against endorsing an independent member's co-option, the independent member's co-option shall be terminated.
- 6.7 A co-opted independent member may be re-appointed for a further period, without open recruitment, if the majority of Panel Members agree. This could only be done once, for a maximum period of four years, having considered whether the re-appointment would allow the PCP to meet its Balanced Appointment Objective.
- 6.8 At the end of the re-appointment period, should an individual still wish to continue in the role, they would need to re-apply through open recruitment.

## **7. Casual Vacancies**

- 7.1 A vacancy on a PCP arises when a local authority or independent member resigns from the membership of the PCP or is removed from the post by their local authority or, in the case of the independent members, is removed from their post by the PCP.
- 7.2 Each local authority will fill vacancies for elected members in accordance with the arrangements in its constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 6 of these Rules.

## **8. Resignation of Appointed Members**

Appointed Members of the PCP who wish to resign shall do so by notifying in writing, the PCP secretary and the appropriate officer in their local authority.

## **9. Resignation of Independent Members**

Independent Members of the PCP who wish to do so shall resign by notifying in writing the PCP secretary.

## **10. Removal of Appointed Members**

Each local authority shall have the right to change its appointed member at any time and shall give notice to the PCP secretary but must ensure that the change does not affect the political balance requirement.

## **11. Removal of Independent Members**

Other than at the PCP's AGM, an independent member may only be removed from office if an appointed member has given notice to the PCP secretary at least 10 working days prior to an ordinary meeting of the PCP, of his or her intention to propose a motion that an independent member's co-option be terminated. At the subsequent meeting, termination will only be confirmed if 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 termination.

## **12. Amendments to Panel Arrangements**

12.1 Changes to the Panel Arrangements can only be made with the collective approval of all the local authorities in Norfolk. The PCP may propose amendments to the Panel Arrangements and any such proposals will be referred to the local authorities and will only be implemented if they are approved by all the local authorities.

12.2 The only exception to the requirement for the approval of the local authorities is if the PCP wishes to increase the number of co-opted members. The PCP may resolve that that the PCP is to have the number of co-opted members specified in the resolution, provided that the total membership of the PCP, including that number of co-opted members, would not exceed 20. Any such resolution must be referred to the Secretary of State and will only be implemented if the Secretary of State gives approval.

## **13. Interpretation**

The conduct of the PCP and the content of these Panel 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 Panel Arrangements, the requirements of the legislation will prevail.

#### **14. Promotion of the Panel**

14.1 The Panel Arrangements shall be promoted by:

- (i) The establishment and maintenance by the lead authority of a website including information about the role and work of the PCP, its membership, all non-confidential PCP and sub-committee meeting papers, press releases and other publications; and,
- (ii) The issuing of regular press releases about the panel and its work; and,
- (iii) The local authorities will include information about the PCP on their websites, and will also include a link to the PCP website.

14.2 Support and guidance shall be provided to executive and non-executive members and officers of the local authorities in relation to the functions of the PCP as follows:

- a) by the provision of briefing sessions for members and relevant officers of the authorities before the election of the PCC, and on a regular basis thereafter; and,
- b) by the provision of written briefing notes for members and relevant officers of the authorities as appropriate.