

**WILTSHIRE AND SWINDON POLICE AND CRIME PANEL
TERMS OF REFERENCE**

- 1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the panel by the Police and Crime Commissioner.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 4) To review and make a report on the proposed appointment of the Chief Constable.
- 5) To review and make a report and recommendation (as necessary) on the proposed precept.
- 6) To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint an Acting Police and Crime Commissioner if necessary.
- 11) To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

(Note: The functions of the Panel specified below are subject to the introduction of regulations which are not currently available and the content of the rules may therefore need to change.)

WILTSHIRE AND SWINDON POLICE AND CRIME PANEL PROCEDURE RULES

1 CHAIRMAN OF THE POLICE AND CRIME PANEL

- 1.1 The chairman of the Police and Crime Panel will be appointed in June of each year or at the first meeting of the panel following the appointment of members to the panel by constituent councils. The chairman will be drawn from amongst the councillors sitting on the panel.
- 1.2 The vice-chairman will be appointed in June of each year or at the first meeting of the panel following the appointment of members to the panel by constituent councils and will be drawn from amongst the councillors sitting on the panel.
- 1.3 In the event of the resignation of the chairman or removal of the chairman, a new chairman will be appointed and will be drawn from amongst the councillors sitting on the panel.
- 1.4 The chairman may be removed by the agreement of a majority of the whole membership of the panel and in that event the panel will appoint a replacement chairman from amongst the councillors sitting on the panel.
- 1.5 The panel will elect a person to preside at a meeting if the Chair and Vice Chair are not present.

2 MEETINGS OF THE POLICE AND CRIME PANEL

- 2.1 There shall be a minimum of four ordinary meetings of the Police and Crime Panel held in public in each municipal year to carry out the functions of the panel. In addition, extraordinary meetings may be called from time to time.
- 2.2 An extraordinary meeting may be called by the chairman or by four members of the panel.
- 2.3 An extraordinary meeting may also be called by the Monitoring Officer to the panel.
- 2.4 Ordinary meetings will take place in accordance with a programme decided by the panel, and will start at the time decided by the panel.
- 2.5 Ordinary meetings of the panel will:
 - (a) receive any declarations of interest from members
 - (b) approve the minutes of the last meeting
 - (c) consider reports from officers and panel members

- 2.6 Panel members will be notified of the time and place at least 5 clear working days before an ordinary meeting, and as soon as known in the event of an extraordinary meeting. Public notice of Panel meetings will be given in accordance with the normal arrangements for local authority meetings.

3 QUORUM

- 3.1 A meeting of the Police and Crime Panel cannot take place unless one third of the whole number of its members is present.

4 VOTING

- 4.1 Voting will normally be by a show of hands.
- 4.2 All panel members may vote in the proceedings of the panel.
- 4.3 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.
- 4.4 Any member may request a recorded vote and, if one quarter of the members present signifies its support, such a vote will be taken.
- 4.5 In the event of a tie in voting, the Chairman shall have a second or casting vote

5. WORK PROGRAMME

- 5.1 The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner. In setting the work programme the Police and Crime Panel will also take into account the wishes of its members.
- 5.2 The work programme must include the functions described in the terms of reference for the panel.

6 AGENDA ITEMS

- 6.1 The Panel agenda will be issued to Panel members at least 5 clear working days before the meeting. It will also be published on the panel's website and by sending copies to each of the authorities and by any other means the panel considers appropriate.
- 6.2 Any member of the Panel shall be entitled to give notice to the Head of democratic Services at Wiltshire Council 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.

- 6.3 Items will be rejected where they do not relate to a matter for which the panel has a responsibility for, require confidential information to be disclosed or are deemed improper or inappropriate for the meeting. The Chairman will take this decision, and their decision is final

7 REPORTS FROM POLICE AND CRIME PANEL

- 7.1 Where the Police and Crime Panel makes a report to the Police and Crime Commissioner, it may publish the report or recommendations.
- 7.2 The Police and Crime Panel must by notice in writing require the Police and Crime Commissioner, as appropriate, within one month of the date on which it receives the report or recommendations to:
- a) Consider the report or recommendations.
 - b) Respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take.
 - c) Where the Police and Crime Panel has published the report or recommendations, publish the response.
 - d) Where the Police and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- 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).
- 7.4 If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

8 POLICE AND CRIME COMMISSIONER AND OFFICERS GIVING ACCOUNT

- 8.1 The Police and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that commissioner's staff, to attend before the panel (at reasonable notice) to answer any questions which appear to the panel to be necessary in order to carry out its functions.
- 8.2 Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend the panel under this provision the chairman will inform them in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for

production for the panel. 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 Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the chairman of the panel.
- 8.4 If the Police and Crime Panel require the Police and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable to attend before the panel on the same occasion to answer any questions which appears to the panel to be necessary in order for it to carry out its functions.

9 ATTENDANCE BY OTHERS

- 9.1 The Police and Crime Panel may invite people other than those referred to above 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 panel and officers in other parts of the public sector and may invite such people to attend.

10 SUB-COMMITTEES AND TASK GROUPS

- 10.1 Sub Committees or time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- 10.2 The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the panel or a task group.
- 10.3 In this paragraph 'special functions' means the functions conferred on a Police and Crime Panel by:
- a) Section 28(3) of Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan).
 - b) Section 28 (4) of Police Reform and Social Responsibility Act (scrutiny of annual report)
 - c) Paragraphs 10 and 11 of Schedule 1 of Police Reform and Social Responsibility Act (review of senior appointments).
 - d) Schedule 5 of Police Reform and Social Responsibility Act (issuing precepts)
 - e) Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).
- 10.4 The work undertaken by a sub-committee or task 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.

11 CARRYING OUT 'SPECIAL FUNCTIONS'

Reports and recommendations made in relation to the special functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at Section 7.

11.1 Police and crime plan

11.1.1 The panel 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.

11.1.2 The panel must

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

11.2 Annual report

11.2.1 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 panel for consideration.

11.2.2 The panel must comment upon the annual report of the PCC, 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
- b) require the PCC to attend the meeting to present the annual report and answer questions about the annual report as the members of the panel think appropriate
- c) make a report or recommendations on the annual report to the PCC.

11.3 Senior appointments

11.3.1 The panel has powers to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The panel is required to hold public confirmation hearings for these posts.

11.3.2 The panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

11.3.3 With regards to the appointment of the Chief Constable, the panel is required to hold a hearing within the period of three weeks from the day on which the panel receives notification from the Police and Crime Commissioner.

- 11.3.4 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the panel is required to review the proposed appointment and make a report to the commissioner on the appointment.
- 11.3.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- 11.3.6 Having considered the appointment, the panel will be asked to either:
- support the appointment without qualification or comment;
 - support the appointment with associated recommendations, or
 - veto the appointment of the Chief Constable (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).¹
- 11.3.7 If the panel vetoes the appointment of the candidate, the report to the commissioner must include a statement that the panel has vetoed the appointment with reasons.

11.4 Appointment of an Acting Police and Crime Commissioner

- 11.4.1 The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:
- no person holds the office of Police and Crime Commissioner
 - the Police and Crime Commissioner is incapacitated, or
 - the Police and Crime Commissioner is suspended.
- 11.4.2 The Police and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
- 11.4.3 In appointing a person as acting commissioner in a case where the Police and Crime Commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the commissioner in relation to the appointment.
- 11.4.4 The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:
- the election of a person as Police and Crime Commissioner;
 - the termination by the Police and Crime Panel, or by the acting commissioner, of the appointment of the acting commissioner;
 - in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or

¹ Note: this section may have to be varied in the light of Home Office Regulations expected in March on the exercise of the veto.

- d) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.

11.5 Proposed precept

11.5.1 The Police and Crime Commissioner will notify the Police and Crime Panel of the precept which the commissioner is proposing to issue for the financial year. The panel must review the proposed precept and make a report including recommendations.

11.5.2 Having considered the precept, the Police and Crime Panel will either:

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

11.5.3 If the panel vetoes the proposed precept², the report to the commissioner must include a statement that the panel has vetoed the proposed precept with reasons. The panel will require a response to the report and any such recommendations.

11.6 Complaints

11.6.1 Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the Act and the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#)

11.7 Suspension of the Police and Crime Commissioner

11.7.1 A Police and Crime Panel may suspend the Police and Crime Commissioner if it appears to the panel that:

- a) the commissioner has been 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.

11.7.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped
- b) the Police and Crime Commissioner being acquitted of the offence
- c) the Police and Crime Commissioner 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 Police and Crime Panel.

² Note: this section may have to be varied in the light of Home Office Regulations expected in March on the exercise of the veto.

- 11.7.3 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.

11.8 Suspension and removal of the Chief Constable

- 11.8.1 The panel will receive notification if the PCC suspends the Chief Constable.
- 11.8.2 The PCC must also notify the panel 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.
- 11.8.3 The PCC must provide the panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
- 11.8.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the panel accordingly (the 'further notification').
- 11.8.5 Within six weeks from the date of receiving the further notification the panel 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 panel may consult the chief inspector of constabulary, and must hold a scrutiny meeting.
- 11.8.6 The scrutiny hearing which must be held by the panel is a panel 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.
- 11.8.7 The panel must publish the recommendation it makes on its website and by sending copies to each of the authorities, and by any other means the panel considers appropriate.
- 11.8.8 The PCC may not call upon the Chief Constable to retire or 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 PCC a recommendation as to whether or not she/he should call for the retirement or resignation, or
 - b) the PCC notifies the panel of a decision about whether she/he accepts the panel's recommendations in relation to resignation or retirement.
- 11.8.9 The PCC must consider the panel's recommendation and may accept or reject it, notifying the panel accordingly.

11.8.10 In calculating the six week period, the period between the day of the poll at an ordinary election of a PCC and the day on which the PCC delivers a declaration of acceptance of office shall be ignored.

12 PUBLIC PARTICIPATION

12.1 Members of the public are able to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting. A maximum of 30 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.

12.2 Questions must be put in writing to the Head of Democratic Services at Wiltshire Council no later than 5 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.

12.3 The questioner is able to ask one supplementary question after receiving a response. There is usually no debate on questions; however this is at the Chairman's discretion.

12.4 Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.

13. DECISION-MAKING AND RULES OF DEBATE

13.1 Principles of Decision-making

These principles will underpin the way the Police and Crime Panel makes its decisions:-

- a) Appropriate consultation will have been carried out and decisions will take account of its results and any professional advice given by officers
- b) The presumption that whenever possible, all decisions made by the PCP should be made in public and ensure open, fair and honest administration
- c) Decisions will be clear about what they aim to achieve and the results that can be expected
- d) Due respect for human rights will be shown and provision given to equality of opportunity
- e) Decisions will be efficient, effective and economic, and obtain best value
- f) Determination of decisions will be at the lowest level commensurate with their importance
- g) Decisions will produce action that is proportionate to the desired outcome, and state the reasons for the action
- h) All options considered and discarded when making a decision will be recorded

13.2 Rules of Debate

The rules of debate of the Police and Crime Panel shall be governed by the rules relating to meetings of Council committees (section 102 to 106 of part 4 of the Council Constitution).

14. MINUTES

The Chairman will sign 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.

15. MEMBERS' CONDUCT

15.1 Speaking

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

15.2 Chairman Requiring Silence

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

15.3 Member not to be heard further

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

15.3.2 If the member continues to behave improperly after such a motion has been carried, the Chairman 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 Chairman may give such direction as he/she considers appropriate for the removal of the member and the restoration of order.

16. DISTURBANCE

16.1 If there is a disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she considers necessary, or if occurring in a part of the meeting room open to the public may call for that part to be cleared

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

17 SUSPENSION AND AMENDMENT OF PROCEDURE RULES

17.1 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 is 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.

17.2 Amendment

The Rules of Procedure shall not be amended unless notification of a proposed amendment is received by the Head of Democratic Services at Wiltshire Council 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.

18. ADJOURNMENT OF PANEL MEETINGS

When the PCP adjourns, whether by resolution or by decision of the Chairman, 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.

19. INTERPRETATION

19.1 The ruling of the Chairman 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.

19.2 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.

General Note: Various functions of the PCP are subject to Regulations that are not yet available and the content of the Rules may therefore need to change before the final version is determined