

STAFFORDSHIRE POLICE, FIRE AND CRIME PANEL

PROCEDURE RULES

1 CHAIRMAN OF THE POLICE, FIRE AND CRIME PANEL

1.1 The chairman of the Police, Fire and Crime Panel will be appointed at the first meeting in each municipal year and will be drawn from amongst the members of the Panel.

1.2 The vice-chairman will be appointed at the first meeting in each municipal year and will be drawn from amongst the members of the Panel.

1.3 In the event of the resignation of the chairman or removal of chairman, a new chairman will be appointed at the next meeting and will be drawn from amongst the members of the Panel.

1.4 The panel will elect a person to preside at a meeting if the Chairman and Vice Chairman are not present.

2 MEETINGS OF THE POLICE, FIRE AND CRIME PANEL

2.1 There shall be a minimum of four ordinary meetings of the Police, Fire and Crime Panel held in public in each municipal year to carry out the special functions of the Panel.

2.2 Extraordinary meetings may be called from time to time to carry out 'special functions' which cannot be accommodated in the agendas for Ordinary meetings.

2.3 An Extraordinary meeting may be called by:

- the chairman or
- four members of the panel or
- The Monitoring Officer to the Panel

2.4 Ordinary meetings will take place on dates and times decided by the Panel.

2.5 Ordinary meetings of the Panel will:

- (i) receive any declarations of interest from members
- (ii) approve the minutes of the last meeting
- (iii) consider reports from officers and Panel members

2.6 The Host Authority shall give at least 5 clear working days notice of any meeting by posting details of the meeting at the County Buildings, Stafford (the designated office) and on the websites of each constituent Authority.

3 QUORUM

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

4 WORK PROGRAMME

4.1 The Police, Fire and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police, Fire and Crime Commissioner. In setting the work programme the Police, Fire and Crime Panel will also take into account the wishes of its members.

4.2 The work programme must include the 'special functions' described in the terms of reference for the Panel.

5 AGENDA ITEMS

Any member of the Police, Fire and Crime Panel shall be entitled to give notice to the Secretary to the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available Ordinary meeting.

6 REPORTS FROM POLICE, FIRE AND CRIME PANEL

6.1 Where the Police, Fire and Crime Panel makes a report to the Police, Fire and Crime Commissioner, it may publish the report or recommendations.

6.2 The Police, Fire and Crime Panel must by notice in writing require the Police, Fire 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, Fire and Crime Panel indicating what (if any) action the Police, Fire and Crime Commissioner proposes to take.
- c) Where the Police, Fire and Crime Panel has published the report or recommendations, publish the response.
- d) Where the Police, Fire and Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.

6.3 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).

6.4 If the Police, Fire and Crime Panel cannot unanimously agree on one single final report to the Police, Fire and Crime Commissioner then one separate report, supported by a minimum of 2 members of the Panel, may be prepared and submitted for consideration along with the majority report.

7 POLICE, FIRE AND CRIME COMMISSIONER AND OFFICERS GIVING ACCOUNT

7.1 The Police, Fire and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police, Fire and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police, Fire and Crime Commissioner 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.

7.2 Where the Police, Fire and Crime Commissioner, 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.

7.3 Where, in exceptional circumstances, the Police, Fire 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.

7.4 If the Police, Fire and Crime Panel require the Police, Fire and Crime Commissioner to attend before the panel, the panel may (at reasonable notice) request the Chief Constable, the Chief Fire Officer or other members of the Commissioner's staff 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.

8 ATTENDANCE BY OTHERS

The Police, Fire 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.

9 SUB-COMMITTEES AND TASK GROUPS

9.1 Time limited task groups may be established from time to time by the Police, Fire and Crime Panel to undertake specific task-based work.

9.2 The special functions of the Police, Fire and Crime Panel may not be discharged by a sub-committee of the Panel or a task group.

9.3 In this paragraph 'special functions' means the functions conferred on a Police, Fire 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 (Scrutiny of Precept (Police and Crime function))
- e) Part 1 of Schedule 8 of Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).
- f) Part 2 of Schedule 8 of the Police Reform and Social Responsibility Act (suspension and removal of Chief Constable)
- g) Schedule 1/A1 Section 3 of the Policing and Crime Act 2017 (scrutiny of Fire and Rescue Plan)
- h) Schedule 1/A1 Section 5 of the Policing and Crime 2017 (scrutiny of the Fire and Rescue Statement)
- i) Schedule 1/A1 Section 11 of the Policing and Crime Act 2017 (review of appointment of Chief Finance Officer (Fire and Rescue Function))
- j) The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 (Appointment and Dismissal of Chief Fire Officer)
- k) Schedule 1/A1 Section 12 of the Policing Act 2017 (Fire and Rescue function))

9.4 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.

10 CARRYING OUT 'SPECIAL FUNCTIONS'

Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at (6).

10.1 Senior appointments

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

10.1.2 The procedure followed by the Panel for the appointments listed at 10.1.1 above will be in accordance with Process Note 1 attached.

10.2 Appointment of an Acting Police, Fire and Crime Commissioner

10.2.1 The Police, Fire and Crime Panel must appoint a person to act as Police, Fire and Crime Commissioner if:

- a) no person holds the office of Police, Fire and Crime Commissioner
- b) the Police, Fire and Crime Commissioner is incapacitated, or
- c) the Police, Fire and Crime Commissioner is suspended.

10.2.2 The Police, Fire and Crime Panel may appoint a person as acting commissioner only if the person is a member of the Police, Fire and Crime Commissioner's staff at the time of the appointment.

10.2.3 In appointing a person as acting commissioner in a case where the Police, Fire and Crime Commissioner is incapacitated, the Police, Fire and Crime Panel must have regard to any representations made by the Commissioner in relation to the appointment.

10.2.4 The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as Police, Fire and Crime Commissioner;
- b) the termination by the Police, Fire and Crime Panel, or by the acting commissioner, of the appointment of the acting commissioner;
- c) in a case where the acting commissioner is appointed because the Police, Fire and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or in a case where the acting commissioner is appointed because the Police, Fire and Crime Commissioner is suspended, the Commissioner ceasing to be suspended.

10.3 Suspension of Chief Constable or Chief Fire Officer

10.3.1 The Panel is required to be notified by the Police, Fire and Crime Commissioner if he/she decides to suspend the Chief Constable or the Chief Fire Officer

10.4 Police, Fire and Crime Commissioner – Call for Resignation or Retirement of the Chief Constable

10.4.1 The Police, Fire and Crime Panel must meet, in private, to review and make recommendations on any proposal by the Police, Fire and Crime Commissioner to call for the resignation or retirement of the Chief Constable. The Procedure followed will be in accordance with Process Note 3 attached.

10.5 Police, Fire and Crime Commissioner – Proposal to dismiss the Chief Fire Officer

10.5.1 The Police, Fire and Crime Panel must meet, in private, to review and make recommendations on any proposal by the Police, Fire and Crime Commissioner to dismiss the Chief Fire Officer. The Procedure followed will be in accordance with Process Note 4 attached.

10.6 Proposed Precept

10.6.1 The Police, Fire and Crime Panel is required to consider the Proposed Precepts for both the Police and Crime function and the Fire and Rescue function. The procedure followed by the Panel will be in accordance with Process Note 2 attached.

10.7 Complaints

10.7.1 Criminal and non-criminal complaints in relation to the Police, Fire and Crime Commissioner or other office holders should be dealt with and/or delegated in accordance with the 2011 Act and the [Elected Local Policing Bodies \(Complaints and Misconduct\) Regulations 2012](#) (as updated in Schedule 1 of The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017) [local arrangements are detailed in the Panel's agreed procedure]¹

10.8 Suspension of the Police, Fire and Crime Commissioner

10.8.1 A Police, Fire and Crime Panel may suspend the Police, Fire 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.

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

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

10.8.3 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.Procedure at Meetings

11.1 Quorum not present

If the quorum of one third of the members is not achieved prior to the start of a meeting the meeting will be cancelled by the Chairman and re-arranged for a date/time to be notified to all members

Where the meeting has started, and the number of Members present reduces to less than the one third required for a quorum the Chairman will adjourn the meeting indicating the date and/or time on which the Panel will resume. Where the Chairman does not give a date and/or time for a resumption, all business not completed will be considered at the next Ordinary meeting.

11.2 Minutes of the previous meeting

The minutes of the previous meeting will be circulated with the agenda. There will be no motions or discussion on the Minutes, except on their accuracy, and any question of their accuracy will be raised by motion. If there are no questions, or once any questions have been dealt with, the Chairman will sign the Minutes.

11.3 Rules of Debate

During the debate on a report, Members may speak on any particular aspect of the report, whether or not they move anything in relation to it, and their remarks will be confined to the subject matter of the report in question.

No motion or amendment will be discussed unless it has been proposed and seconded.

When seconding a motion or amendment a Member may, if they then declare their intention to do so, reserve their right to speak until a later period of the debate.

Members will confine their speeches to the question under discussion or to a personal explanation or a point of order. No Member may question another Member's motives or use offensive expressions to any Member or Officer.

The proposer of a motion or amendment will have a right of reply immediately before it is put to the vote. A Member exercising a right of reply will not introduce any new matters.

All amendments must be moved and seconded and no second or following amendment can be moved until the previous amendment has been dealt with. Any number of amendments may be proposed and the Chairman may allow discussion (but not voting) on a number of amendments if deemed appropriate.

If an amendment is lost, another amendment may be moved on the original motion. If the amendment is carried, the motion as amended will become the motion upon which any further amendment may be moved.

An amendment or other motion may be amended or withdrawn by the proposer with the consent of the seconder.

A Member who has not spoken on the motion under discussion, may, at the conclusion of another Member's speech, move without comment:

- "That the question be put",
- "That the debate be adjourned",
- "That the meeting proceed to the next business", or
- "That the meeting be adjourned".

If such a motion is seconded the Chairman will, if in his opinion the question before the meeting has been sufficiently discussed, put the motion to the vote. If it is carried then the meeting will proceed to the next business or the meeting will stand adjourned as the case may be.

11. 4 Voting

Voting will, in the first instance be determined by voice 'yes' or 'no', but the Chairman may and, if the decision is challenged must, take a show of hands.

A named vote will be taken (ie the names for and against the motion or amendment will be recorded in the Minutes) if requested by 5 members present at a meeting. The Secretary will call the name of each Member

present who will then vote 'yes' or 'no'. There is no requirement for Members to participate in named votes and they can abstain.

Regardless of whether a named vote is taken, any member may request that their vote, or abstention from voting, be recorded in the minutes.

11.5 Chairman's second/casting vote

Where there are equal votes cast for a motion or amendment the Chairman or the person presiding may exercise a second or casting vote.

11.6 Reconsideration of previous decisions

No motion or amendment may be proposed which would bring about the reconsideration of a decision made by the Panel in the previous 6 months unless such motion or amendment is prompted and evidenced by new significant information not previously known to the panel.

11.7 Cancellation of meetings

The Secretary is authorised to cancel a meeting either prior to or following the issue of an agenda if it is considered expedient to do so. Before exercising this authority, the Secretary will consult with the Chairman, or in his/her absence, the Vice-Chairman. Any outstanding business will be held over to the next scheduled meeting or on a date to be arranged

11.8 Rules to apply to Sub-Committees/Task Groups

Apart from the requirements for a quorum, this section (Section 11) shall apply to proceedings at meetings of sub-committees and Task Groups except section. The quorum for a sub-committee or Task Group shall be 2.

12. Public participation

12.1 Scope

These rules apply to all formally convened meetings of the Panel, Sub-Committees and Task Groups.

Responsibility for the application of these rules shall rest with the Host Authority

The application of these rules shall not be in conflict with other legislative requirements eg The General Data Protection Regulations 2018, The Data Protection Act 1998 and the Freedom of Information Act 2000.

12.2 Summary of Public's Rights

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at, and available to the public, at the County

Buildings, Stafford (the designated office) and posted on the Host Authority's website

12.3 Right to attend

Members of the public may attend all meetings subject only to the exceptions in these rules.

12.4 Questions from the Public

12.4.1 The Agenda for Ordinary meetings of the Panel shall include the opportunity for members of the public to ask questions of the Panel members on issues under the purview of the Panel.

12.4.2 Anyone living or working within the area of the constituent authorities will be entitled to ask questions

12.4.3 A questioner can submit up to 2 questions per Panel either in their own right or on behalf of one organisation.

12.4.4 Notice of questions must be received by the Host Authority no later than 15 clear working days before the Ordinary Panel meeting is held.

12.4.5 Questions may not:

- Require the disclosure of exempt or confidential information
- Repeat a question asked at a Panel meeting in the previous 6 months
- Be defamatory, frivolous or offensive

12.4.6 In circumstances where a questioner is unable to attend personally or be represented at the Panel meeting at which his/her question is to be considered, the answer will be presented to the Panel and forwarded in writing to the questioner.

12.5 Availability of Information

The Host Authority will make copies of the agenda and reports open to the public available for inspection at the County Buildings, Stafford (the designated office) and available to constituent authorities for posting on their websites, at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda will be open to inspection from the time the item was added. Any reports completed after the agenda has been dispatched will be made available to the public as soon as it is supplied to members.

12.6 Supply of copies

- The Host Authority will supply copies of:
- Any agenda and reports which are open to public inspection.

- Any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- If the Secretary thinks fit, copies of any other documents supplied to members in connection with an item

to any person on payment of a charge for postage and any other reasonable costs.

12.7 Access to Agendas and Minutes

The Panel will, for six years after a meeting, make available copies of the following:-

- The minutes of the meeting (or records of decisions taken, together with reasons except those minutes of proceedings which were not open to the public or which disclose exempt or confidential information;
- The agenda for the meeting; and
- The reports relating to items when the meeting was open to the public.

12.8 Background papers

12.8.1 Every report shall include a list of those documents (called background papers) relating to the subject matter of the report which:

- Disclose any facts or matters on which the report or an important part of the report is based; and
- Which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in paragraph 12.9 below)

12.8.2 The Panel will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

12.9 Exclusion of Access by the Public to Meetings

12.9.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

Meaning of confidential information

- a) information furnished to the Panel by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
- b) information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.

12.9.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information (as defined by Section 100I (1) of the Local Government Act 1972, and by Schedule 12A to that Act. (as amended)) would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

12.10 Exclusion of Access by the Public to Reports

If the Secretary thinks fit, the Panel may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with the section above, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

12.11 Record of Decisions

After any formally convened meetings of the Panel, Sub-Committees or Task Groups whether held in public or private, the Secretary will produce a record of every decision taken at that meeting as soon as practicable. The record will

- include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.
- and
- be publically available.

(Revised Draft as at 03 07 18)