



BEDFORDSHIRE POLICE AND CRIME PANEL

PANEL PROCEDURE RULES

1. General

- 1.1 These Procedure Rules (“the Rules”) are made by the Bedfordshire Police and Crime Panel (“the Panel”) pursuant to paragraph 25 of Schedule 6 to the Police Reform and Social Responsibility Act 2011 (“the Act”).
- 1.2 The Panel will operate in accordance with the Rules. The Rules should be read having regard to the Panel Arrangements.
- 1.3 The Rules may not be amended, except to incorporate specific statutory requirements over which the Panel has no discretion, unless notification of a proposed amendment has been received by the Panel Chair and the Chief Officer for Legal and Democratic Services at Bedford Borough Council not less than 20 working days prior to the Panel meeting. A report on the implications of the proposed amendment will be considered by the Panel and the amendment will require the agreement of a simple majority of Panel Members present and voting. No amendment may be approved by the Panel which does not comply with the Act, relevant Regulations or other relevant local authority law or, without any good reason, and any statutory guidance.
- 1.4 In the event of any conflict in interpretation between the Rules and any legal requirements, the legal requirements will prevail.

2. Chair and Vice Chair of the Panel

- 2.1 The Chair of the Panel will be elected at the first meeting of the Panel in each Municipal Year, and will hold that position until the first meeting of the next Municipal Year.
- 2.2 The Vice Chair will be appointed at the first meeting of the Panel in each Municipal Year, and will hold that position until the first meeting of the next Municipal Year.
- 2.3 The Vice Chair will preside in the absence of the Chair of the Panel. If neither are present, the Panel will elect a Chair for the purposes of the meeting concerned.
- 2.4 In the event of the resignation or removal of the Chair, a new Chair will be appointed at the next meeting.

- 2.5 The Chair may be removed by agreement of a majority of the whole membership of the Panel and, in that event, the Panel will elect a replacement Chair.
- 2.6 When considering the election of the Chair of the Panel (at Rules 2.1 and 2.4 above) the Panel shall have regard to the political affiliation of the Police and Crime Commissioner.

3. Meetings of the Panel

- 3.1 There shall be a minimum of four ordinary meetings of the 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.
- 3.2 An extraordinary meeting may be called by:
 - (a) the Panel Chair; or
 - (b) four Members of the Panel giving notice in writing to the Chair and Chief Officer for Legal and Democratic Services, Bedford Borough Council; or
 - (c) the Chief Executive of Bedford Borough Council (as the Host Authority).
- 3.3 The Panel shall have power to determine the location of its meetings.

4. Quorum

- 4.1 A meeting of the Police and Crime Panel cannot take place unless at least one quarter of the whole number of its Members is present.

5. Voting

- 5.1 Voting will be by show of hands and by simple majority unless the Law or these Rules require otherwise.
- 5.2 The Chair will have a casting vote.
- 5.3 All Panel Members may vote in proceedings of the Panel.

6. Work Programme

- 6.1 The Panel will be responsible for setting its own work programme taking into account the requirement properly to undertake its functions and responsibilities as set out in the Act and Regulations made thereunder, and the priorities defined by the Police and Crime Commissioner. In setting its work programme the Panel will also take into account the wishes of its Members.
- 6.2 The work programme must include the functions described in the Terms of Reference for the Panel.

7. Panel Agenda Items

- 7.1 Agendas and reports for Panel meetings will be issued to Panel Members at least 5 clear working days before the date of each meeting and will also be sent to the press and published on the Panel's web pages. Any Member of Police and Crime Panel shall be entitled to give notice to the Chief Officer for Legal and Democratic Services, Bedford Borough Council that she/he wishes an item relevant to the functions of the Panel to be included on the agenda for the next available Panel meeting. Subject to the requirement in paragraph 1.3 of these Rules for 20 days' notice of amendments to the Panel's Procedure Rules, any such notice must be received no later than 10 clear working days before the date of the Panel meeting.

8. Arrangements for Questions by Members of the Public

- 8.1 The Agenda for ordinary meetings of the Panel shall include the opportunity for members of the public to ask questions of the Panel's Chairman on issues within the remit of the Panel. The public questions agenda item shall last no more than 15 minutes unless the Chair of the meeting extends this period.
- 8.2 Questions should be received in writing or by electronic mail by the Lead Authority for the Panel at least 4 working days prior to the meeting. Questions received with shorter notice will only be dealt with at the meeting with the discretion of the Chair.
- 8.3 Anonymous questions will not be accepted. By submitting a question the questioner accepts that their name may be referred to publicly during the meeting.
- 8.4 A questioner may submit one question at each ordinary Panel meeting, limited to a maximum of 100 words. In addition to their main question, questioners may ask one supplementary question with a maximum of 100 words which must relate to the subject matter of their main question and/or also make a brief statement which must be directly related to their question(s) and/or the response(s).
- 8.5 Members of the public may ask questions relating to any matters in connection with which the Panel has powers or duties. Questions must be directed to Panel Members and not to the Police and Crime Commissioner or his/her staff.
- 8.6 The final decision as to whether a question will be allowed is for the Chief Officer for Legal and Democratic Services in consultation with the Chair of the Panel.
- 8.7 Questioners must ordinarily attend the meeting to put their question and receive their answer. However, in circumstances where a questioner is unable to attend personally, the Chair may use his/her discretion to read the question to the Panel during the meeting and the answer will be forwarded in writing to the questioner.

- 8.8 Any eligible question which cannot be dealt with during public question time will be dealt with by a written answer.
- 8.9 All written answers will be copied to all Panel Members and will be appended to the formal minutes of the meeting.
- 8.10 The Chairman, in responding to any question, may answer the question, may decline to do so, may decide to reply at a later date or in writing or may refer the question to an appropriate person or body.

9. Disclosures of Interest at Meetings

Disclosable Pecuniary Interests

- 9.1 Subject to paragraphs 9.2 to 9.4 below, where a Panel Member has a disclosable pecuniary interest in any business of the Panel and attends a meeting at which that business is considered she/he will declare to the meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.
- 9.2 Paragraph 9.1 only applies where the Panel Member concerned is, or ought reasonably to be, aware of the existence of that interest.
- 9.3 Where a Panel Member has a disclosable pecuniary interest in any business of the Panel, they must, having disclosed that interest in accordance with paragraph 9.1 above, withdraw from the room where the meeting considering the business is being held.

Other Conflicts of Interest

- 9.4 Any Panel Member (Local Authority or Co-opted) who is required by their Local Authority's Code of Conduct to disclose any locally defined interests or who considers they have any other conflict of interest (which does not constitute a disclosable pecuniary interest) in any item of business to be considered by a meeting of the Panel at which they are present, shall disclose to the meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent but shall not be required to leave the meeting, unless the business being considered could result in the Panel submitting to the Police and Crime Commissioner a recommendation which would have an impact on the financial position of any third party to which the conflict of interest relates.

10. Reports from the Panel

- 10.1 Where the Panel makes a report to the Police and Crime Commissioner, it will publish the report or recommendations on its website and send copies to the Chief Executive of each Constituent Authority. The Panel may also use any other means of publication it considers appropriate.
- 10.2 The Panel will, by notice in writing, require the Police and Crime Commissioner, as appropriate, within one month of the date on which she/he receives a report or recommendations (or within such other

statutory timescale that applies) to:

- (a) consider the report or recommendations;
- (b) respond to the Panel including what (if any) action the Police and Crime Commissioner proposes to take;
- (c) where the Panel has published the report or recommendations, publish the response;
- (d) where the Panel has provided a copy of the report or recommendations to a Panel Member, provide a copy of the response to that Panel Member.

10.3 The publication of Panel reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information set out in the Local Government Act 1972 (as amended).

10.4 If the Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate minority report may be prepared and submitted to the Police and Crime Commissioner for consideration along with the majority report.

11. Police and Crime Commissioner and Officers giving Account

11.1 The 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 the Panel may require the Police and Crime Commissioner, and members of the Commissioner's staff, to attend before it (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.

11.2 Where the Police and Crime Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under Procedure Rule 11.1, the Panel Secretariat will inform him/her in writing giving, where practical, at least 15 days' notice of the meeting. The notice will state the nature of the item in respect of which attendance to give account is required, 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.

11.3 Where, in exceptional circumstances, the Police and Crime Commissioner or, as appropriate, the member of his/her staff concerned, is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chair of the Panel.

11.4 If the Panel requires the Police and Crime Commissioner to attend before it, the Panel may (at reasonable notice) also request the Chief Constable to attend before it 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.

12. Attendance by Others

12.1 The Panel may invite people other than those referred to in paragraph 11 above to address it, discuss issues of local concern and/or answer questions. This may, for example, include residents, stakeholders or Councillors who are not Members of the Panel and Officers in other parts of the public sector.

13. Sub-Committees and Task Groups

13.1 Subject to Procedure Rule 13.2, the Panel may from time to time establish sub-committees and/or time limited task groups to undertake specific task based work.

13.2 The special functions of the Panel (which are listed in Procedure Rule 13.3 below) may not be discharged by a Sub-Committee of the Panel or a Task Group.

13.3 In this Procedure Rule “special functions” means the functions conferred on a Police and Crime Panel by:

- Section 28(3) of the Act (scrutiny of Police and Crime Plan);
- Section 28(4) of the Act (scrutiny of annual report);
- Paragraphs 10 and 11 of Schedule 1 of the Act (review of senior appointments);
- Schedule 5 of the Act (issuing precepts);
- Part 1 of Schedule 8 to the Act (scrutiny of appointment of the Chief Constable).

13.4 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.

13.5 Where the Panel has delegated a function to a Sub-Committee, that Sub-Committee may further delegate that function to an Officer of the Panel’s Host Authority, unless the Panel has directed otherwise.

14. Carrying out “Special Functions”

14.1 The Panel’s “special functions” (as set out in Procedure Rule 13.3) will be carried out in accordance with the requirements of the Act and relevant Regulations in each case.

14.2 Subject to 14.1 the issuing of reports and recommendations in relation to the Panel’s special functions will be carried out in accordance with Procedure Rule 10 above.

Police and Crime Plan

14.3 The Panel is a statutory consultee on the development of the Police and Crime Commissioner’s Police and Crime Plan and will receive a copy of the draft of that Plan or a draft of any variation to it from the Police and

Crime Commissioner.

- 14.4 On receipt of a draft Police and Crime Plan (or variation to it) the Panel will hold a public meeting to review the draft Plan or variation and will report or make recommendations on the draft or variation, which the Police and Crime Commissioner must take into account.

Annual Report

- 14.5 The Police and Crime Commissioner must produce an Annual Report about the exercise of their 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.
- 14.6 The Panel will comment on the Annual Report and for that purpose will:
- (a) hold a public meeting as soon as practicable after it has received the Annual Report;
 - (b) require the Police and Crime Commissioner to attend the meeting to present their Annual Report and answer such questions about it as Panel Members consider appropriate; and
 - (c) may make a report or recommendations on the Plan to the Police and Crime Commissioner.

Senior Appointments

- 14.7 The Panel is required 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.
- 14.8 The Panel will be notified of the need for a Confirmation Hearing in respect of proposed senior appointments to be 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.
- 14.9 The Panel will hold a hearing within the period of three weeks from the day on which the Panel receives notification in writing from the office of the Police and Crime Commissioner of a senior appointment. This three week period does not include any relevant post-election period.
- 14.10 Confirmation 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.
- 14.11 For a Confirmation Hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel is required to make a recommendation on the appointment and has the power to veto the appointment.
- 14.12 Having considered the appointment, the Panel will be asked either to:-

- (a) support the appointment without qualification or comment;
- (b) support the appointment with associated recommendations; or
- (c) 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).

14.13 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 and set out the Panel's reasons for doing so.

14.14 Where the Panel has vetoed the proposed appointment of the Chief Constable it will review and report on the proposed appointment of any reserve candidate notified by the Commissioner, and will do so within 3 weeks of receipt of that notification. Before making that report the Panel will hold a Confirmation Hearing (see paragraph 14.10 of these Rules).

14.15 The Panel's report will include a recommendation as to whether or not the reserve candidate should be appointed and will be published.

14.16 If, following receipt of the Panel's report and recommendation the Commissioner decides to propose another person for appointment as Chief Constable, that person is to be regarded as a reserve candidate and the Panel will review and report on their proposed appointment in accordance with the requirements of paragraphs 14.14 and 14.15 above.

Appointment of an Acting Police and Crime Commissioner

14.17 The Panel must appoint a person to act as Police and Crime Commissioner if:-

- (a) no person holds the office of Police and Crime Commissioner;
- (b) the Police and Crime Commissioner is incapacitated (i.e. unable to fulfil the functions of that role); or
- (c) the Police and Crime Commissioner is suspended.

14.18 If the Panel is required to appoint an Acting Police and Crime Commissioner, it will meet to determine the process to be followed in making that appointment, which will comply with these Rules and any legal requirements.

14.19 The Panel may appoint a person as Acting Police and Crime Commissioner only if the person is a Member of the Police and Crime Commissioner's staff at the time of the appointment.

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

14.21 The appointment of an Acting Police and Crime Commissioner will cease to have effect upon the occurrence of the earliest of the following events:-

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

14.22 Where the Acting Police and Crime Commissioner is appointed because the Police and Crime Commissioner is incapacitated or suspended, that appointment does not terminate because a vacancy occurs in the office of Police and Crime Commissioner.

Proposed Precept

14.23 The Police and Crime Commissioner will notify the Panel by 1 February each year of the precept which she/he is proposing to issue for the financial year. The Panel must review the proposed precept and make a report including recommendations by 8 February of the relevant financial year.

14.24 Having considered the precept, the 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).

14.25 If the Panel vetoes the proposed precept, the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept and set out its reasons for doing so. The Panel will require a response to the report and any recommendations it makes.

14.26 Where, having made a report to the Commissioner in accordance with paragraph 14.24 above the Panel receives notification of a revised precept the Panel shall, by 22 February in the relevant financial year, review the revised precept and make a report (the second report) on it to the Commissioner.

14.27 The Panel's second report may:

- (a) indicate whether the Panel accepts or rejects the revised precept; and
- (b) make recommendations, including recommendations as to the precept that should be issued for the subsequent financial year.

15. Complaints

15.1 The Panel may consider non-criminal complaints in relation to the Police and Crime Commissioner or other office holders through a hearing. If the Panel so decides, this may be conducted by a Sub-Committee following the Procedure Rules in paragraph 13 above.

16. Suspension of the Police and Crime Commissioner

16.1 The Panel may suspend the Police and Crime Commissioner if it appears to the Panel that:

- (a) the Police and Crime 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.

16.2 Any suspension of the Police and Crime Commissioner will cease to have effect upon the occurrence of the earliest of the following 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 Act by virtue of the conviction; or
- (d) the termination of the suspension by the Panel.

16.3 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.

17. Suspension and Removal of the Chief Constable

17.1 The Panel will receive notification if the Police and Crime Commissioner suspends the Chief Constable.

17.2 The Police and Crime Commissioner 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.

17.3 The Police and Crime Commissioner 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.

17.4 If, following the representations referred to in Procedure Rule 16.3 the Police and Crime Commissioner still proposes to call upon the Chief

Constable to resign, she/he must notify the Panel accordingly (the 'further notification').

- 17.5 Within six weeks from the date of receiving the further notification referred to in Procedure Rule 17.4, the Panel must make a recommendation in writing to the Police and Crime Commissioner as to whether or not she/he should call for the retirement or resignation of the Chief Constable. Before making any such recommendation the Panel may consult the Chief Inspector of Constabulary, and must hold a scrutiny hearing.
- 17.6 The scrutiny hearing which must be held by the Panel is a Panel meeting from which the public shall be excluded and which the Police and Crime Commissioner 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.
- 17.7 Following the scrutiny hearing, the Panel must publish the recommendation it makes on its web pages and send copies to each of the Constituent Authorities. The Panel may use any other means it considers appropriate to publish its recommendation.
- 17.8 The Police and Crime Commissioner 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 of the Police and Crime Commissioner's proposal to call upon the Chief Constable to retire or resign, if the Panel has not by then given the Police and Crime Commissioner a recommendation as to whether or not she/he should call for the Chief Constable's retirement or resignation; or
 - (b) the Police and Crime Commissioner notifies the Panel of a decision about whether she/he accepts the Panel's recommendations in relation to calling for the Chief Constable's resignation or retirement.
- 17.9 The Police and Crime Commissioner must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 17.10 In calculating the six week period, the post-election period must be ignored.

(Note: The Panel authorises the Chief Officer for Legal and Democratic Services, Bedford Borough Council (the Host Authority for the Panel) to amend its Procedure Rules so that they comply with any further legal requirements over which the Panel has no discretion, subject to such amendments being notified promptly to Panel Members.)

Revised August 2020