



# HERTFORDSHIRE POLICE AND CRIME PANEL

## PROJECT PLANNING WORKING PAPER

### DRAFT PANEL ARRANGEMENTS

Gavin Miles, Head of Legal Services  
Broxbourne Borough Council

**WP/12/02**

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#### HERTFORDSHIRE POLICE AND CRIME PANEL - PANEL ARRANGEMENTS

This Agreement is dated the        day of        2012.

The Agreement is made between the following:

1. Broxbourne Borough Council
2. Dacorum Borough Council
3. East Hertfordshire District Council
4. Hertsmere Borough Council
5. North Hertfordshire District Council
6. St Albans City & District Council
7. Stevenage Borough Council
8. Three Rivers District Council
9. Watford Borough Council
10. Welwyn Hatfield Borough Council
11. Hertfordshire County Council

In the Agreement the above Authorities are referred to together as 'the Authorities'.

## **1.0 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 local authorities in each police force area to establish and maintain a Police and Crime Panel ('the Panel') for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 Hertfordshire is a multi authority police force area ('the police force area'). The Authorities, as the relevant local authorities within the area must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel (to be known as the Hertfordshire Police and Crime Panel) must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.
- 1.7 The Panel 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 Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships (including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.
- 1.8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
- 1.9 The Panel is a joint committee of the Authorities.
- 1.10 The Authorities agree the Panel Arrangements.

## **2.0 Functions of the Police and Crime Panel**

- 2.1 The Panel may not exercise any functions other than those conferred by the Act.
- 2.2 The functions of the Panel set out at paragraphs 2.3 - 2.8 below may not be discharged by a Committee or Sub-Committee of the Panel.

- 2.3 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and must:
  - a) review the draft Police and Crime Plan (and a variation to it); and,
  - b) report or make recommendations on the draft Plan which the PCC must take into account.
- 2.4 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 is sent an Annual Report under Section 12 of the Act;
  - b) ask the PCC at that meeting such questions about the Annual Report as the Members of the Panel think appropriate;
  - c) review the Annual Report; and,
  - d) make a report or recommendations on the Annual Report to the PCC.
- 2.5 The Panel must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act, and will have a right of veto in respect of the precept in accordance with the Act and Regulations made thereunder.
- 2.6 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of a Chief Constable by the PCC in accordance with the requirements set out in Schedule 8 of the Act and will have a right of veto in respect of the appointment in accordance with the Act and Regulations made thereunder.
- 2.7 The right of veto in paragraphs 2.5 and 2.6 will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
- 2.8 The Panel must review, make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act.
- 2.9 The following functions must also be undertaken by the Panel but may be delegated to a Sub-Committee of the Panel:
- 2.10 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
- 2.11 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.

2. 12 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel will determine and must also send copies to the Authorities.
2. 13 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions necessary for the Panel to undertake its functions, provided that such questions shall not:
- a) relate to advice provided to the PCC by his/her staff;
  - b) in the view of the PCC:
    - i) be against the interests of national safety;
    - ii) jeopardise the safety of any person; or,
    - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or,
  - c) be prohibited by any other enactment.
2. 14 If the Panel requires the PCC to attend the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any question which appears to the Panel to be necessary in order for it to carry out its functions.
2. 15 The Panel may require the PCC to respond in writing to a report or recommendation from the Panel to the PCC.
2. 16 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.
2. 17 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

### **3. 0 Membership**

#### **3. 1 General**

3. 2 Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Host Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:
- a) represent all parts of the police force area;
  - b) represent the political make-up of the Authorities; and,
  - c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.

- 3.3 In appointing co-opted Members who are not elected members of any of the Authorities the Panel must secure, so far as is reasonably practicable that the appointed and co-opted Members of the Panel, together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.4 The Panel shall consist of eleven Members one appointed by each of the Authorities.
- 3.5 The Panel shall also include two independent Members co-opted by the Panel.
- 3.6 The Panel may also resolve to co-opt further Members with the agreement of the Secretary of State provided that the number of co-opted Members included in the Membership of the Panel shall not exceed 9.
- 3.7 Authorities may appoint a named substitute Member in the event that their Appointed Member is unable to attend a meeting.

### **3.8 Appointed Members**

- 3.9 The Authorities shall each nominate an elected member to be a Member of the Panel. If a nominated Member agrees to the appointment the Authority may appoint the Member as a Member of the Panel.
- 3.10 If any of the Authorities has an elected Mayor and Cabinet form of executive the Mayor must be the member nominated by those authorities.
- 3.11 If a member nominated by any of the Authorities declines the nomination the Authority must immediately take steps to nominate another member.
- 3.12 In the event that an Authority does not appoint a Member in accordance with these requirements, the Secretary of State must appoint a Member to the panel from the defaulting authority in accordance with the provisions in the Act.
- 3.13 an appointed Member shall be a Member of the Panel for so long as the nominating Authority chooses unless s/he ceases to be an elected Member, or is removed by their Authority.
- 3.14 An Authority may decide in accordance with their procedures to remove their appointed Member from the Panel at any point and on doing so shall give notice to the Head of Support Services at the Host Authority.
- 3.15 An appointed Member may resign from the Panel by giving written notice to the Head of Support Services at the Host Authority on behalf of the Panel and to the proper officer at their Authority.
- 3.16 In the event that any appointed Member resigns from the Panel, or is removed from the Panel by an Authority, the Authority shall immediately take steps to nominate and appoint an alternative Member to the Panel.
- 3.17 Members appointed to the Panel may be re-appointed to the Panel when their term of appointment ends.

### **3. 18 Co-opted Members**

3. 19 The following may not be co-opted Members of the Panel:
- a) the PCC for the Police Area.
  - b) a member of staff of the PCC 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.
3. 20 An elected member of any of the Authorities may not be a co-opted Member of the Panel where the number of co-opted Members is two.
3. 21 If the Panel has three or more co-opted Members an elected member of any of the Authorities may be a co-opted Member of the Panel provided that at least two of the other co-opted Members are not elected members of any of the Authorities.
3. 22 A co-opted Member shall be a Member of the Panel for four years.
3. 23 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
- a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
  - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same pre determined criteria; and,
  - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.
3. 24 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Head of Support Services at the Host Authority on behalf of the Panel.
3. 25 The Panel must from time to time decide whether the Panel should exercise its power to change the number of co-opted Members of the Panel to enable the balanced appointment objective to be met, or be more effectively met, and if so, it must exercise that power accordingly.
3. 26 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision at any time for the reasons set out below and on doing so shall give written notice to the co-opted Member:

- a) if the co-opted Member has been absent from the Panel for more than three months without the consent of the Panel;
- b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;
- c) if the co-opted Member is deemed to be incapacitated by physical or mental illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel; or,
- d) if the co-opted Member's membership of the Panel no longer achieves the meeting of the balanced appointment objective.

3. 27 In the event that a co-opted Member resigns from the Panel or is removed from the Panel following a decision of the Panel, the Panel shall ensure that at least two independent co-opted Members remain appointed to the Panel, and in the absence of two such Members shall make arrangements to ensure that two co-opted Members are appointed.

3. 28 Co-opted Members appointed to the Panel may be re-appointed for a further term of four years provided that the balanced appointment objective is met by that re-appointment.

#### **4. 0 Budget and Costs of the Panel**

4. 1 The costs of the panel are intended to be kept within the level of grant paid to the host authority by the Home Office or from any other source.

4.2 For the first year and a half of operation (up to April 2014) the Host Authority will provide a level of service to the Panel within the resources granted by the Home Office

4. 3 A draft annual budget for the operation of the Panel shall be drawn up by the Host Authority in December 2013 and each December thereafter for consideration by the panel, and if the budget exceeds the anticipated level of grant shall be referred for approval by the Authorities at the Hertfordshire Leaders' meeting. All costs will be contained within the budget.

4.4 If the annual costs of the Panel in the budget approved by the Hertfordshire Leaders' meeting cannot be contained within the grant paid to the host authority, the excess shall be borne between the Authorities equally. If there should be a surplus which is not required to be repaid to the grant funding source the surplus shall be paid to the Authorities equally.

#### **5. 0 Host Authority**

5. 1 A Host Authority for the Panel shall be determined by mutual agreement of the Authorities for the Panel and shall provide such administrative and other support as will be necessary to enable the Panel to undertake its functions. The Host Authority may be changed by agreement of the Authorities providing 12 months notice expiring on 31 March in any year is given. Any change shall be evidenced by Memorandum signed by all the Authorities and annexed to this Agreement and include details of the person for service pursuant to clauses 3.13 and 3.14.

## **6.0 Rules of Procedure**

The Panel shall determine its Rules of Procedure which shall include arrangements in relation to the:

- a) the appointment and removal of the Chairman;
- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and,
- e) the circulation of information.

## **7.0 Allowances**

- 7.1 Members shall be entitled to claim expenses incurred as a result of membership of the Panel in accordance with the allowances appendix as amended from time to time by the Panel. No other allowance is payable under these arrangements.

## **8.0 Promotion of the Panel**

- 8.1 The Panel arrangements shall be promoted by:

- a) the establishment and maintenance of a dedicated open-access website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
- b) the issuing of regular press releases about the Panel and its work; and,
- c) the Authorities will each include information about the Panel on their websites, and will also include a link to the Panel website.

- 8.2 Support and guidance shall be provided to executive and non-executive elected members and officers of the Authorities in relation to the functions of the Panel as follows:

- a) by the provision of initial briefing sessions for elected members and relevant officers of the Authorities before the election of the PCC, and the provision of annual briefing sessions thereafter; and,
- b) by the provision of written briefing notes for elected members and relevant officers of the Authorities at least three times per year.

## **9.0 Validity of Proceedings**

- 9.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

- 9.2 The conduct of the Panel and the content of these 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 arrangements, the requirements of the legislation will prevail.



**EXECUTED AS A DEED BY THE AUTHORITIES AS FOLLOWS:**

THE COMMON SEAL OF  
THE COUNCIL OF THE  
BOROUGH OF BROXBOURNE  
was hereto affixed in the presence of

.....  
Chief Executive Officer

COMMON SEAL of  
DACORUM BOROUGH COUNCIL  
was hereunto affixed in the presence of:-

.....  
Authorised Signatory

THE COMMON SEAL of  
East Hertfordshire District Council  
was hereunto affixed by order

.....  
Authorised Signatory

THE COMMON SEAL of  
HERTFORDSHIRE COUNTY COUNCIL  
was hereunto affixed in the presence of

.....  
Authorised Signatory

THE COMMON SEAL of  
Hertsmere Borough Council

was hereunto affixed by order

.....  
Authorised Signatory

THE COMMON SEAL of  
North Hertfordshire District Council  
was hereunto affixed by order

.....  
Authorised Signatory

THE COMMON SEAL of  
ST. ALBANS CITY AND DISTRICT COUNCIL  
In the presence of

.....  
Authorised Signatory

The COMMON SEAL of  
STEVENAGE BOROUGH COUNCIL  
hereunto in the presence of

.....  
Authorised Signatory

THE COMMON SEAL of  
Three Rivers District Council  
was hereunto affixed by order

.....  
Authorised Signatory

THE COMMON SEAL of  
Watford Borough Council  
was hereunto affixed by order

.....  
Authorised Signatory

THE COMMON SEAL of  
Welwyn Hatfield Borough Council  
was hereunto affixed in the  
presence of

.....  
Authorised Signatory