

Surrey Police and Crime Panel – DRAFT Constitution

The Panel is a Joint Committee under sections 101 and 102 of the Local Government Act 1972. The county and each of the eleven borough and district authorities across Surrey shall appoint one member as its representative on the Panel, and two independent persons will also be co-opted to the Panel. All members of the Police & Crime Panel may vote in proceedings of the Panel.

The twelve local authorities making up the Surrey Police and Crime Panel and adopting these constitutional arrangements are:

Elmbridge Borough Council
Epsom & Ewell Borough Council
Guildford Borough Council
Mole Valley District Council
Reigate & Banstead Borough Council
Runnymede Borough Council
Spelthorne Borough Council
Surrey County Council
Surrey Heath Borough Council
Tandridge District Council
Waverley Borough Council
Woking Borough Council

In the event that an authority fails to appoint a member, appointment of a member of that authority shall fall to the Secretary of State for the Home Office.

1.0 Terms of Reference

The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post-holder with a view to supporting the effective exercise of his/her functions.

- 1.1 To review the draft police and crime plan, or draft variation, given to the Panel by the Police & Crime Commissioner (PCC) and make a report and recommendations to the PCC, who must have regard to them.
- 1.2 To review the PCC's annual report and ask questions, make reports and recommendations at a public meeting, which the PCC must attend.
- 1.3 To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
- 1.4 To publish any reports or recommendations made to the PCC.
- 1.5 To require the PCC and members of their staff to attend the Police & Crime Panel to answer questions.
- 1.6 To hold a confirmation hearing to review, make a report and recommendation in respect of certain senior appointments made by the PCC.

- 1.7 To hold a confirmation hearing to review and make a report on the proposed appointment of the Chief Constable, with the power to veto the appointment by a two-thirds majority.
- 1.8 To hold a scrutiny hearing to review and report on the PCC's proposals to remove a Chief Constable.
- 1.9 To review the PCC's level of precept, with the power to veto the precept by a two-thirds majority.
- 1.10 To suspend the PCC on their being charged with certain criminal offences.
- 1.11 To appoint an acting PCC where the elected PCC is incapacitated, resigns or is disqualified.
- 1.12 To handle complaints about the conduct of the PCC and/or Deputy PCC and engage in informal resolution of such complaints, passing serious complaints to the Independent Police Complaints Commission (IPCC) as appropriate.
- 1.13 The Police and Crime Panel may not exercise any functions other than those conferred by the Police Reform and Social Responsibility Act 2011 (as outlined in paragraphs 1.1 – 1.12 above).

2.0 Panel Arrangements

Resources

- 2.1 All Home Office funding for the Panel will be received and administered by the host authority. The host authority for the first full year will be Surrey County Council.
- 2.2 The total costs of running the Panel shall be contained within the Home Office funding, although any local authority may provide additional funding or other resources to support the work of the Panel.
- 2.3 An annual budget report shall be submitted to the Panel by the host authority.
- 2.4 Constitutional and other specialist support will be provided by the host authority, together with the creation and maintenance of Police and Crime Panel webpages and administration of the payroll for member allowances. Additional services can be commissioned as needed, subject to funding being available. All constituent local authorities will be encouraged to provide a link from their websites to the Panel webpages, in order to promote the work of the Panel, and opportunities identified to promote with the public through existing resident newsletters and events as appropriate.
- 2.5 The host authority will be responsible for the payment of travelling expenses of members, in line with the host authority's allowance scheme. The proper officer of the host authority may, with the agreement of the Panel Chairman, authorise any Panel member to attend relevant conferences or training courses and for this

to be paid for at the subsistence rates available from the host authority, within available funding.

- 2.6 The Panel will meet approximately quarterly, with an annual meeting in June each year. Meetings may be held in any part of Surrey, but will usually be held at 10.30 a.m. at County Hall, Kingston-upon-Thames.
- 2.7 The host authority will be responsible for ensuring that agendas, summons and papers are sent out that comply with the requirements of the Local Government Act 1972. The notice of meeting and summons will be signed by the proper officer of the host authority.
- 2.8 The presumption is that all formal items will be considered in public except for those that meet the Part II confidentiality criteria of Schedule 100a of the Local Government Act 1972. Part I reports, agendas and minutes will be published on the dedicated webpages provided by the host authority, to which other authorities are invited to provide a link.
- 2.9 The press and public may be excluded from any part of a meeting when the Panel passes a resolution to that effect, when it considers that exempt information may be given or discussed and that it considers the public interest in keeping the information out of the public domain greater than the public interest in disclosing it. A Part I summary of any such discussions shall be included in the minutes.
- 2.10 Members are under an obligation not to disclose any confidential or exempt information that they obtain as a member of the Panel when it has been made clear to them that the information is not in the public domain.
- 2.11 Reports to the Panel must make reference to statutory or legal provisions to which the Panel must have regard.

Membership of the Panel

- 2.12 The Panel will be made up of twelve appointed members, one from each local authority in Surrey, and two independent members. All members of the Police and Crime Panel may vote in proceedings of the Panel.
- 2.13 All county, district and borough councillors are eligible to be members of the Police and Crime Panel. Appointments will be made at the relevant council's annual meeting, with the term of office agreed by that council.
- 2.14 Constituent authorities will strive to maintain political proportionality of the Panel as far as is practicable and will review the proportionality of all members of the twelve authorities on an annual basis, taking account of local authority elections across Surrey.
- 2.15 If necessary, the Panel can take steps, which could include co-opting additional members, to ensure that it is, and continues to be, balanced over time.

- 2.16 A vacancy on a Police and Crime Panel arises when an appointed or independent member reaches the end of their term of office, resigns or is removed from the membership of the panel.
- 2.17 Each council will fill vacancies for elected members in accordance with the arrangements in their constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in paragraphs 2.19 – 2.22 below.
- 2.18 Panel Members, both appointed and co-opted, may be re-appointed and may serve a maximum of eight years on the Panel.

Independent Co-opted Members

- 2.19 The Panel shall co-opt two independent members for a term of four years. Independent co-optees shall have full voting rights, but may not be members of the constituent authorities of the Panel.
- 2.20 The recruitment process for the independent co-optees will include a public advertisement, via Surrey's shared job website, for a period of at least 2 weeks. Information packs will be prepared and made available to interested parties, including the person specification for a Panel member outlining the skills, knowledge and experience required.
- 2.21 The applications will be considered against an agreed eligibility criteria, following which a nominated sub-group of the appointed Panel members will be invited to meet to consider applications and interview candidates.
- 2.22 Following the interviews, the sub-group will make recommendations to the Panel about membership.

Removal or Resignation of Appointed and Co-opted Members

- 2.23 Any member wishing to resign from the Panel should inform the Chairman of the Panel in writing. If the member wishing to resign is the Chairman, then they should inform the Vice-Chairman.
- 2.24 An appointed member can be removed from the Panel, and replaced by another councillor, by a formal council decision. Co-opted members can be removed from the Panel by a two-thirds majority vote of the Panel members.
- 2.25 If any Panel member, either appointed or co-opted, is absent from Panel meetings for a period of 6 months, a motion for removal from the Panel can be moved by another member of the Panel. If carried by a two-thirds majority vote, the Panel member will be removed and the vacancy filled by the appropriate process, depending on whether it is for an appointed or co-opted member.

Standards

- 2.26 Members of the Panel will be bound by the code of conduct of their respective authority.

2.27 Independent co-opted members of the Panel will be bound by the code of conduct of the host authority.

3.0 Rules of Procedure

Chairmanship

3.1 A Chairman and a Vice-Chairman will be elected annually, at the annual meeting in June. Nominations will be made at the meeting and voting will take place by a show of hands. A secret ballot can be requested by three Panel members.

3.2 A Chairman can be removed from office through a majority vote of no confidence called by any member of the Panel.

3.3 Any vacancy occurring in the Chairmanship or Vice-Chairmanship through removal or resignation can be filled at any meeting of the Panel and will be effective until the next annual meeting of the Panel.

3.4 In the absence of both Chairman and Vice-Chairman, a Chairman for a single meeting will be appointed by a simple majority of votes.

Decision-making

3.5 All decisions will be made by a simple majority of votes of Panel members present, unless otherwise specified by statute. The Chairman of the meeting will have a second or casting vote. All other Panel members will have one vote. Voting will be by a show of hands.

3.6 Any member can ask for the way in which they voted to be recorded in the minutes.

3.7 A recorded vote shall be undertaken if requested by three Panel members.

3.8 Any member can make a proposition or propose an amendment to a proposed resolution if backed by a seconder. Votes will be taken if consensus is not reached.

3.9 A meeting or debate can be adjourned at the request of the Chairman, including an adjournment of the meeting if the required quorum is not present (see paragraph 3.12 below).

3.10 The validity of a decision will not be affected by any vacancy in the Panel membership, provided that the quorum has been met.

3.11 The Panel will not usually review any decision it has taken during the six months following such a decision.

Committee Procedures

3.12 The quorum for the meetings of the Panel is half of the current number of members.

- 3.13 At the annual meeting in June, the first item of business will be the appointment of Chairman. The second item of business will be the appointment of Vice-Chairman. Items will then follow the pattern for ordinary meetings set out below.
- 3.14 At ordinary meetings of the Panel, the first item of business will usually be declarations of interests.
- 3.15 The second item of business at ordinary meetings of the Panel will be the approval of minutes, to be signed by the Chairman. No discussion will take place about the minutes other than on their accuracy.
- 3.16 An item for urgent matters will appear on each agenda. Urgent matters will be taken at the discretion of the Chairman when it appears that a matter is so urgent that it cannot wait until the next meeting of the Panel.
- 3.17 The Panel will hold an annual public meeting to scrutinise the Commissioner's annual report.
- 3.18 Written questions from the public can be submitted no later than seven days prior to the published date of the annual or any ordinary public meeting, for which the Commissioner will be invited to provide a written response by noon on the day before the meeting, which will be circulated to Panel members and the questioner.
- 3.19 A special meeting of the Panel can be convened at the request of the Chairman or on the request of one third of the members of the Panel, providing that proper notice can then be given. One use of this provision may be a confirmation hearing for a proposed appointment by the Police and Crime Commissioner.
- 3.20 Panel business will be indicated on the agenda, but the order of business can be varied at the Chairman's discretion.
- 3.21 The host authority will work with the Chairman in advance of meetings to identify items for the agenda and in setting the order of the business, including issues of confidentiality.
- 3.22 Any member may give notice of an item to be included on the agenda provided it is relevant to the business of the Panel, is agreed by the Chairman and is no less than seven working days in advance of the meeting.

Conduct of Meetings

- 3.23 On each item, the Chairman will invite members to speak in turn.
- 3.24 Any member speaking will be silent at the request of the Chairman.
- 3.25 Following a warning from the Chairman to a member about disruptive behaviour, the Chairman may ask the Panel to agree that the member no longer be heard if the behaviour continues.

- 3.26 The Chairman may order the removal of disruptive members of the public from a meeting, or clear the public gallery to enable Panel business to continue.
- 3.27 All mobile phones and other communication devices must not disrupt Panel meetings.
- 3.28 No visual or sound recording may be taken without the permission of the Chairman in advance of the meeting.

Sub-Committees and Working Groups

- 3.29 The Panel is empowered to establish sub-committees to fulfil any of its functions except those that by law may not be delegated. Sub-committees may not co-opt members.
- 3.30 The Panel is empowered to establish time-limited informal working groups that can undertake proactive work on the initiative of the Panel, or at the request of the Police and Crime Commissioner, with the agreement of the Panel. The working groups will be flexible and informal, but must report back to a formal, public meeting of the Panel.
- 3.31 Any sub-committee or working group established will have the discretion to appoint its own chairman.

Relationship with the Police and Crime Commissioner

- 3.32 The Panel will hold the elected Police and Crime Commissioner to account and will seek to work in a constructive manner with the post-holder.
- 3.33 The Police and Crime Commissioner will have a standing invitation to attend all meetings of the Panel. The Commissioner's staff will also be invited to attend appropriate meetings of the Panel, at the discretion of the Commissioner. The Panel may, however, require the Commissioner to attend for specific items.
- 3.34 The Police and Crime Commissioner may invite the Panel to undertake scrutiny of any issue within his or her remit, but it will be for the Panel to decide whether it will accept any such request.
- 3.35 The Panel may require certain reports from the Police and Crime Commissioner in accordance with statute, but may also request other reports from the Commissioner that it considers necessary in order to effectively undertake its business. As far as is practicable, the Commissioner will be given at least three weeks' notice, but a report may be requested at shorter notice in cases of urgency.
- 3.36 In the event of the Panel receiving a complaint about the conduct of the Police and Crime Commissioner, the issue will be examined by the proper officer of the host authority to establish that the complaint falls within the remit of the Panel. The Panel will establish a sub-committee to consider the complaint and to determine whether and through what mechanism the complaint should be investigated.

Other Relationships

- 3.37 The Panel will seek to avoid duplication of the work of Crime and Disorder Scrutiny Committees in its constituent authorities. The role of the Panel is to scrutinise the Commissioner and not the Responsible Authorities as defined by the Crime and Disorder Act 1998, including Surrey Police and local authorities.