

Subject:	Review of the Constitution		Status:	For Publication	
Report to:	Governance and Training Working Group Council		Date:	13 th June 2013 17 th July 2013	
Report of:	Director of Business		Portfolio Holder:	Customers, Legal and Licensing	
Key Decision:	No - reserved for Council	Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>	
Equality Impact Assessment:	Required:	No	Attached:	No	
Biodiversity Impact Assessment	Required:	No	Attached:	No	
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1.	RECOMMENDATIONS
	Members agree the following amendments to the Constitution:
1.1	Part 4 page 119 – section 4 at 2.52 - The authority will have in place a 3 year rolling capital expenditure and receipts programme, reviewed at least annually by Full Council.
1.2	Part 4 page 105 – section 3 at point 4 - Unless the majority of members present vote for the meeting to continue, any meeting which has not concluded its business within 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.
1.3	Part 4 page 186 – section 8 at points 13 14.1, 14.2 and 15 - changes as detailed at Appendix 3.
1.4	Part 2 page 15 - Article 4 - to remove the Integrated Performance Report and The Local Agenda 21 Strategy from the list of policies.
1.5	Part 3 Officer Delegation Scheme page 61 - Section 101 of the Local Government Act 1972 and section 15 of the Local Government Act 2000 and Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the framework of delegation. They provide that a Full Council and a Cabinet can arrange for the discharge of functions through a Committee, Sub-Committee or Officer of the authority, or any other local authorities. Committees can delegate to Sub-Committees or to Officers, and Sub-Committees can delegate to Officers, unless expressly prohibited.
1.6	Part 4 page 102 Cabinet Procedure Rules - The Cabinet will meet at least six times a year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.
1.7	Part 4 pages 53 - 60 Lancashire Police and Crime Panel - changes as detailed at Appendix 7.

2. PURPOSE OF REPORT

- 2.1 To consider the recommendations of the Governance Working Group and make changes to the Constitution as required.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following of the Council's corporate

priorities:

- Responsive Value for Money Services: This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation in this report involve risk considerations as set out below:

- Failure to maintain and follow an up-to-date Constitution risks legal proceedings being taken against the Council, and risks members of the community being dissatisfied with the action of the Council.

5. BACKGROUND AND OPTIONS

5.1 Members are asked to consider each change and reasons for change as identified in the individual appendices.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no material financial implications arising from the report.

7. MONITORING OFFICER

7.1 All legal implications are commented upon in the body of the report.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 There are no human resource implications arising from the report.

8.2 Consultation with Statutory Officers, Legal Officers, Council, Governance and Training Working Group and Committee and Member Services.

8.3 Governance and Training Working Group asked Council to approve all the recommendations with the addition of two further amendments to Appendix 3 as follows:

- 14.1 to say “to be taken” rather than “being taken”.
- 14.2 to say “a Cabinet function” rather than “an Cabinet function”.

These amendments have now been incorporated into Appendix 3.

9. CONCLUSION

9.1 The Council is required by law to implement a Constitution and it is in the interests of the Council to regularly review and update the document.

Background Papers

Document	Place of Inspection
The Constitution of the Council	www.rossendale.gov.uk/constitution

Financial Procedure Rules Page 119 – Part 4

Part 4 – section 4 at 2.52 of the Council’s Constitution currently states:

2.52 The authority is expected to have in place a Capital Strategy and Asset Management Plan (AMP). The AMP in particular should be review and updated at least annually and be based on a three year rolling programme.

The Council’s auditors have advised that this section should be updated to reflect current practice. The amended wording should be as follows:

Recommendation:

Members are recommended to agree the following amendments to this section:

2.52 The authority ~~is expected to~~will have in place a ~~Capital Strategy and Asset Management Plan (AMP). The AMP in particular should be review and updated at least annually and be based on a three year rolling programme.~~3 year rolling capital expenditure and receipts programme, reviewed at least annually by Full Council.

Committee Procedure Rules Page 105 – Part 4

Page 105 – Part 4 – section 3 at point 4 - The Duration of the Meeting section needs re-wording as it assumes that the meeting has started at 6.30pm. To ensure all scenarios are covered it should state the following:

4 Duration of Meeting

Unless the majority of members present vote for the meeting to continue, any meeting which has not concluded its business ~~by 9.30pm~~within 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Recommendation:

That members agree the following amendment to the Constitution in relation to the Committee Procedure Rules:

Unless the majority of members present vote for the meeting to continue, any meeting which has not concluded its business within 3 hours will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Access to Information Procedure Rules Page 186 – Part 4

Page 186 – Part 4 – section 8 at points 13 14.1, 14.2 and 15 – New legislation came into effect on 10th September 2012 which had implications for notification of key decisions being taken by Cabinet. [The Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012]

Under the new legislation there is no longer a requirement to have a Forward Plan which is published on a monthly basis, however, a notice of key decisions being taken by Cabinet must be published at least 28 days prior to the decisions being taken. (For ease of reference the title Forward Plan has continued to be used).

There is also no longer a requirement to have an annual notice published in the newspaper, but a notice should be published on the web site detailing dates during the year on which a notice will be published.

Recommendation:

That members agree the following amendment to the Constitution in relation to the Access to Information Procedure Rules:

13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken by Cabinet unless:

- a) a notice (called here a Forward Plan) has been published in connection with the matter in question;
- b) at least ~~five clear~~28 days have elapsed since the publication of the Forward Plan; and
- c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notices of meetings).

14. THE FORWARD PLAN

14.1 Period of Forward Plan

Forward plans will be prepared by the Leader ~~to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan and will identify key decisions to be taken at Cabinet meetings. The Forward Plan will be published 28 days prior to each Cabinet meeting.~~

14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Cabinet has reason to believe will be subject of a Key Decision to be taken by the Cabinet, officers, or under joint arrangements in the course of the discharge of a Cabinet function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- a) the matter in respect of which a decision is to be made;
- b) where the decision-maker is an individual, his or her name and title, if any and where the decision taker is a body, its name and details of membership;
- c) the date on which, or the period within which, the decision will be taken;

- d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- e) the means by which any such consultation is proposed to be undertaken;
- f) the steps any person might take who wishes to make representations to the Cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

The Forward Plan must be published at least ~~14 days before the start of the period covered~~28 days prior to each Cabinet meeting.

The Chief Executive will publish once a year a notice ~~in at least one newspaper circulating in the area~~, stating:

- a) that key decisions are to be taken on behalf of the Council;
- b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared ~~on a monthly basis~~28 days prior to each Cabinet meeting;
- c) that the plan will contain details of the key decisions to be made ~~for the four month period~~ following its publication;
- d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;
- e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;
- g) that other documents may be submitted to decision takers;
- h) the procedure for requesting details of documents (if any) as they become available; and
- i) the dates ~~on within each month year in the following year~~ on which each Forward Plan will be published and available to the public at the Council's offices.

Exempt information ~~need not be included in a~~will be identified on the Forward Plan ~~and confidential information cannot be included to show any reports that will be confidential~~.

15. GENERAL EXCEPTION

If a matter which is likely to be a key decision has not been included in the Forward Plan, then subject to Rule 16 (special urgency), the decision may still be taken if:

- a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan ~~and until the start of the first month to which the next Forward Plan relates~~; and
- b) the Chief Executive has informed the chairman of a relevant Overview and Scrutiny Committees, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made; and
- c) the Chief Executive has made copies of that notice available to the public at the offices of the Council; and
- d) at least three clear days have elapsed since the Chief Executive complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

Article 4 - The Full Council page 15 – part 2

Integrated Performance Report and Local Agenda 21 Strategy need removing from the list of policies for the following reasons:

The Local Agenda 21 Strategy is no longer in existence as it has been overtaken by other climate change policies/activity.

Overview and Scrutiny in June 2012 and Cabinet in September 2012 agreed that Overview and Scrutiny would have delegated authority to monitor/review the Quarterly Performance Reports and report any serious concerns to Cabinet as follows:

Overview and Scrutiny 25th June 2012:

Resolved:

- That the Cabinet be asked to approve that the Integrated Performance Report be presented just to the Performance Scrutiny Committee and that Cabinet be presented with an exception report if scrutiny felt it was necessary to review a particular service area.

Cabinet 5th September 2012:

Resolved:

- Cabinet agreed that the review of the Quarterly Performance Reports will be delegated to the Overview & Scrutiny Performance Committee, who will refer to the Cabinet where there are serious performance issues or areas of concerns as appropriate.
- Cabinet agreed to delegate to the Overview & Scrutiny Committee the review and changes of the Performance Indicators Set.

Recommendation:

That members agree the following amendment to the Constitution in relation to Article 4:

iii) **Policy**

a) *To approve or amend the Council's Policy Framework,*

The policy framework means the following plans and strategies:

- ~~Integrated Performance Report~~
- *Corporate Plan*
- *Community Involvement and Engagement Strategy*
- *Crime and Disorder Reduction Strategy*
- *Plans and Strategies which together comprise the Local Development Framework*
- *Housing Strategy*
- *Food Law Enforcement Service Plan*
- ~~Local Agenda 21 Strategy~~
- *Licensing Policy*
- *Gambling Policy*
- *Financial Strategy, including the Treasury Management*
- *Strategy and Annual Investment Strategy*

Part 3 Officer Delegation Scheme page 61 –

In September 2012 the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 came in which specified requirements for decisions being delegated to officers by Cabinet. Members are asked to ensure these regulations are also referenced here as they are relevant to this section.

Recommendation:

That members agree the following amendment to the Constitution in relation to the officer delegation scheme:

2.1 Section 101 of the Local Government Act 1972 and section 15 of the Local Government Act 2000 and Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 set out the framework of delegation. They provide that a Full Council and a Cabinet can arrange for the discharge of functions through a Committee, Sub-Committee or Officer of the authority, or any other local authorities. Committees can delegate to Sub-Committees or to Officers, and Sub-Committees can delegate to Officers, unless expressly prohibited.

Part 4 page 102 Cabinet Procedure Rules

The wording in this section needs bringing up to date to reflect the current number of Cabinet meetings.

Recommendation:

That members agree the following amendment to the Cabinet Procedure Rules – Frequency of Meetings:

2. Frequency of Meetings

The Cabinet will meet at least ~~eight-six~~ times a year at times to be agreed by the Leader. The Cabinet shall meet at the Council's main offices or another location to be agreed by the Leader.

Part 3 pages 53 - 60 Lancashire Police and Crime Panel

The wording in this section needs updating to correspond with the recent amendments to the terms of reference, panel arrangements and procedure rules.

Recommendation:

That members agree the following amendments to the Lancashire Police and Crime Panel section:

Lancashire Police and Crime Panel Terms of Reference

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

- 1) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- 2) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- 3) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Executive, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- 4) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- 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 Commissioner in connection with the discharge of his/her functions.
- 7) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- 8) To support the effective exercise of the Commissioner's functions.
- 9) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- 10) To appoint, if necessary, an Acting Police and Crime Commissioner.
- 11) To suspend the 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.

Lancashire Police and Crime Panel Panel Arrangements

1 General Principles

- 1.1 Lancashire County Council shall act as the ~~lead-host~~ authority ~~in establishing for~~ the Police and Crime Panel. The County Council will act as Secretary to the Panel and shall be responsible for ensuring that the necessary officer support is provided and that any necessary arrangements are made to promote the role of the Panel.
- 1.2 The Panel must be made up of a minimum of 15 councillors and 2 ~~co-opted~~ independent ~~co-opted~~ members.
- 1.3 The ~~composition constitution~~ of the Panel should take account of, as far as is practical, both political and geographical proportionality, as well as the necessary knowledge, skills and experience to discharge its functions effectively – “the balanced appointment” objective.

- 1.4 Additional members may be co-opted on to the Panel to enable the balanced appointment objective to be met, as long as the size does not exceed 20 and the Secretary of State approves the co-options. Additional Members may or may not be councillors.

2 Membership

- 2.1 The constituent councils on the Panel are the County Council, the two unitary authority councils and the twelve district councils in Lancashire.
- 2.2 The Panel's membership ~~of 15 Councillors~~ will be made up of one councillor from each constituent Council and the 2 independent co-opted members, plus any additional councillors from specific authorities in order to achieve "the balanced appointment objective".
- 2.3 All County Councillors and District Councillors are eligible to be members of the Panel.
- 2.4 All Councillors on the Panel will serve a term of 12 months.
- 2.5 Each constituent council may send a substitute member to meetings, as notified to the Secretary to the Panel, and this substitute member will be permitted to act as a substitute member with full voting rights at meetings of the Panel and any Task Groups appointed by the Panel. A substitute member must be from the same party as the member appointed by the constituent council. If the panel member is an independent councillor then any substitute must also be an independent councillor.

3. Independent Members

- 3.1 The Ppanel ~~shall have previously agreed to~~ co-opt two independent members onto the Panel for a term of four years (July 2006). ~~Any additional independent members co-opted onto the Panel shall serve a term of four years.~~
- 3.2 The lead authority will undertake the appointment-selection process on behalf of the Panel for co-opting independent members which will include a reasonable period of public advertisement for the positions. The closing date for the receipt of applications will not be less than two weeks from the date the advertisement is first placed.
- 3.3 Information packs will be prepared and sent to those requesting application forms.
- 3.4 The applications will be considered against agreed eligibility criteria and then the ~~C~~chairman and ~~Deputyvice-C~~chairman of the Ppanel and three other Ppanel members will be invited to meet to consider applications and interview candidates, in accordance with the "balanced appointment objective".
- 3.5 Following the interviews, the five members will make recommendations to the Panel about the appointments.
- 3.6 Additional members who are councillors will be appointed by the Panel for a 12 month term.

4 Vacancies

- 4.1 A vacancy on the Ppanel arises when a ~~C~~ounty ~~C~~councillor, a ~~D~~istrict ~~C~~councillor or an independent member ceases to be a member of the Panel for any reason.

- 4.2 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 section 3.

5 Resignation and Removal of Members

Arrangements to be decided. ~~—awaiting Home Office Regulations/Guidance~~

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6. Conditions for reappointment of members

- 6.1 Councillors may serve more than one 12 month term.
- 6.2 Co-opted members may be eligible to apply for a subsequent four year term but may not serve more than two consecutive four year terms.

7. Costs of the Panel

- 7.1 The costs of the Panel will be borne by the constituent councils. The Home Office has agreed to provide funding for administrative costs.
- 7.2 An annual lump sum allowance will be paid to each member of the Panel in recognition of their personal commitment and expenses arising in undertaking their role on the Panel. The allowance will be agreed annually by the Panel.
- 7.3 The lead authority will have responsibility for the financial arrangements to support the operation of the Panel, including the receipt of funds (whether paid by the Home secretary or otherwise) and the making of payments between the constituent councils and to panel members.

Lancashire Police and Crime Panel Procedure Rules

1 Chairman of the Police and Crime Panel

- 1.1 The ~~C~~chairman of the Panel will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.2 The ~~Deputy~~~~vice~~~~C~~chairman will be appointed by the Panel at its Annual meeting each year and will be drawn from amongst the councillors sitting on the Panel.
- 1.3 In the event of the resignation of the ~~C~~chairman or ~~Deputy~~~~vice~~~~C~~chairman or removal of ~~C~~chairman/~~Deputy~~~~vice~~ ~~C~~chairman, a new ~~C~~chairman/~~Deputy~~~~vice~~ ~~C~~chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the Panel.
- 1.4 The Panel will elect a councillor member to preside at a meeting if the ~~C~~chairman and ~~Deputy~~~~vice~~ ~~C~~chairman are not present.
- 1.5 The Panel may consider the removal of the ~~C~~chairman during the year if it is satisfied that he/she:
- has, without reasonable excuse, failed to carry out the duties for a continuous period of six months;
 - has acted improperly, recklessly or negligently in relation to his/her duties;

- c. is otherwise unable or unfit to perform his/her duties;
- d. or that the circumstances are such that they are exceptional and would warrant the removal of the chair eg. a conviction or caution in respect of a relevant criminal offence.

2 Meetings of the Police and Crime Panel

- 2.1 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. The Panel will determine the schedule of dates and times of its ordinary meetings each year, including a date for its Annual Meeting.
- 2.2 Extraordinary meetings of the Panel may also be called from time to time by the chairman or by four members of the Panel giving notice to the Secretary to the Panel.
- 2.3 An extraordinary meeting may also be called by the Secretary to the Panel if he/she considers that to be necessary.
- 2.4 Ordinary meetings of the Panel will:
 - receive any declarations of interest from members
 - approve the minutes of the last meeting
 - consider reports from officers and panel members
- 2.5 The Secretary to the Panel will give notice to the public of the time and place of any meeting in accordance with Access to Information requirements. At least five clear working days before a meeting, the Secretary shall send notice of the meeting to every Panel member. The notice shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available.
- 2.6 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).

3 Quorum

- 3.1 A meeting of the Panel cannot take place unless not less than one third of the whole number of its members is present.
- 3.2 In the event of a meeting being inquorate, it shall stand temporarily adjourned for 15 minutes and if, thereafter, there is still not a quorum the meeting shall stand finally adjourned. At the point of adjournment, or subsequently, the **C**hairman may agree arrangements for the meeting to be reconvened.

4 Work Programme

- 4.1 The Panel will set its own work programme and, in doing so, may wish to take into account the priorities defined by the Commissioner and the wishes of its members.
- 4.2 The work programme must include the functions described in the terms of reference for the Panel.

5 Agenda Items

Any member of the Panel shall be entitled to give notice to the Secretary of 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 meeting.

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6 Reports from Police and Crime Panel

- 6.1 Where the Panel makes a report to the Commissioner on the discharge of its functions, it must choose to publish the report or recommendations
- 6.2 The Panel must by notice in writing require the Commissioner, as appropriate, within one month of the date on which the Commissioner receives the report or recommendations to:
- a) Consider the report or recommendations;
 - b) Respond to the Panel indicating what (if any) action the 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 member, provide a copy of the response to the member.
- 6.3 If the Panel cannot unanimously agree on the terms of any report to the Commissioner then a report agreed by the majority of the Panel will be submitted for consideration together with a separate report prepared by the minority.

7 Police and Crime Commissioner and Officers Giving Account

- 7.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Commissioner's role.

As well as reviewing documentation, in fulfilling its scrutiny role it may require the Commissioner, and members of the 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.

- 7.2 Where the Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision the Secretary will inform them in writing giving, where practicable, reasonable 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 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 Panel require the Commissioner to attend ~~before the Panel a meeting~~, the Panel may (at reasonable notice) request the Chief Constable to attend 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.

8 Attendance by Others

The Panel may invite people other than those referred to in Paragraph 7 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.

9 Task Groups

- 9.1 Time limited task groups may be established from time to time by the ~~Police and Crime~~ Panel to undertake specific, task-based work.
- 9.2 Task groups may not co-opt other persons.
- 9.3 The special functions of the Panel specified in paragraph 9.4 below may not be discharged by a task group of the Panel.
- 9.4 In this paragraph 'special functions' means the functions conferred on the Panel by:
- Section 28(3) of Police Reform and Social Responsibility Act (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 of the Act (scrutiny of appointment of the Chief Constable).
- 9.5 The work undertaken by a task group will be scoped and defined by the Panel 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 ~~T~~erms of ~~R~~eference will be carried out in accordance with the procedure outlined at section 7 above.

10.1 Senior appointments

- 10.1.1 Where the Panel exercises its powers to review the Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner, the meetings held to confirm these appointments must be held in public.
- 10.1.2 The Panel will be notified by the Commissioner of the need for a confirmatory hearing in respect of proposed senior appointments. 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.
- 10.1.3 In relation 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 it receives notification from the Commissioner.
- 10.1.4 At a confirmatory hearing 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.
- 10.1.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel must make a recommendation on the appointment and has the power to veto the appointment.
- 10.1.6 Having considered the appointment, the Panel will be asked to either:

- 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).

10.1.7 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.

10.2 Appointment of an Acting Police and Crime Commissioner

10.2.1 The Panel must appoint a person to act as Commissioner if:

- a) no person holds the office of Commissioner;
- b) the Commissioner is incapacitated; or
- c) the Commissioner is suspended.

10.2.2 The person appointed as acting Commissioner must at the time of the appointment be a member of the Commissioner's staff.

10.2.3 In appointing a person as acting Commissioner in a case where the Commissioner is incapacitated, the 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 Commissioner;
- b) the termination by the 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 Commissioner is incapacitated, the Commissioner ceasing to be incapacitated, or
- d) in a case where the acting Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.

10.3 Proposed precept

10.3.1 The Commissioner will notify the Panel of the precept which he/she is proposing to issue for the financial year. The Panel must review the proposed precept and make a report to the Commissioner including recommendations.

10.3.2 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).

10.3.3 If the Panel vetoes the proposed precept the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reason and the Panel will require a response to the report and any such recommendations.

10.4 Complaints

- 10.4.1 Non-criminal complaints in relation to the 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.

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10.5 Suspension of the Police and Crime Commissioner

- 10.5.1 The Panel may suspend the 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.
- 10.5.2 The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events:
- a) the charge being dropped;
 - b) the Commissioner being acquitted of the offence;
 - c) the 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.
- 10.5.3 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.

10.6 Suspension and Removal of the Chief Constable

- 10.6.1 The Panel will receive notification from the Commissioner if he/she suspends the Chief Constable.
- 10.6.2 The Commissioner must 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.
- 10.6.3 The 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.
- 10.6.4 If the Commissioner is still proposing to call upon the Chief Constable to resign, he/she must notify the panel accordingly (the 'further notification').
- 10.6.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not he/she should call for the retirement or resignation. Before making any recommendation the Panel may consult Her Majesty's Chief Inspector of Constabulary and must hold a scrutiny hearing.
- 10.6.6 The scrutiny hearing is a Panel meeting held in private to which the 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. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.
- 10.6.7 The Panel must publish the recommendation it makes at 10.6.5 by any means the Panel considers appropriate and must send a copy to each of the constituent councils.

11. Rules of debate
The Panel to determine.

12. Public participation
The panel to determine.