

## **NORTH WALES POLICE AND CRIME PANEL**

### **TERMS OF REFERENCE**

1. To review and produce a report or make a recommendation on the draft North Wales Police and Crime Plan, or draft variation to the North Wales Police and Crime Plan, provided to the North Wales Police and Crime Panel ("Panel") by the North Wales Police and Crime Commissioner ("PCC").
2. To review and put questions to the PCC at a public meeting of the Panel, and produce a report or make a recommendation (as necessary) on the annual report.
3. To hold a confirmation hearing and review, produce a report and make a recommendation (as necessary) in respect of proposed senior appointments made by the PCC.
4. To review and produce a report on the proposed Chief Constable.
5. To review and produce a report and make a recommendation (as necessary) on the proposed precept.
6. To review, support and/or scrutinise decisions made, or other action taken by the PCC in connection with the discharge of the PCC's functions (as defined by the *Police Reform and Social Responsibility Act 2011* and subsequent amendments).
7. To produce reports or make recommendations to the PCC with respect to the discharge of the PCC's functions (as defined by the *Police Reform and Social Responsibility Act 2011* and subsequent amendments).
8. To support the effective exercise of the functions of the PCC.
9. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel under the *Police Reform and Social Responsibility Act 2011*.
10. To appoint an Acting PCC if necessary.
11. To suspend the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

# NORTH WALES POLICE AND CRIME PANEL

## RULES OF PROCEDURE

### Table of Contents

<i>Section 1: Overview</i> .....	4
<b>1. Introduction and General Operating Arrangements</b> .....	4
<i>Section 2: Membership of the North Wales Police and Crime Panel</i> .....	4
<b>2. Membership: Elected Members</b> .....	4
<b>3. Membership: Independent Co-opted Members</b> .....	5
<b>4. Membership: Resignation, Removal, Disqualification and Vacancies</b> .....	6
<b>5. Membership: Review</b> .....	7
<b>6. Code of Conduct</b> .....	7
<b>7. Indemnity</b> .....	7
<b>8. Payment of Expenses</b> .....	7
<i>Section 3: Meeting Arrangements</i> .....	8
<b>9. Appointment of Chair and Vice Chair</b> .....	8
<b>10. Meetings of the Panel</b> .....	8
<b>11. Quorum</b> .....	9
<b>12. Voting</b> .....	9
<b>13. Work Programme</b> .....	9
<b>14. Reports of the Panel</b> .....	9
<b>15. Police and Crime Commissioner and Officers giving account</b> .....	10
<b>16. Attendance by others/Public Participation</b> .....	10
<b>17. Sub-Committees and Task Groups</b> .....	10
<b>18. Memorandum of Understanding (MoU)</b> .....	11
<b>19. Carrying out 'special functions'</b> .....	11
<b>20. Police and Crime Plan</b> .....	11

<b>21.</b>	<b>Annual Report.....</b>	<b>11</b>
<b>22.</b>	<b>Senior Appointments .....</b>	<b>11</b>
<b>23.</b>	<b>Appointment of an Acting Police and Crime Commissioner.....</b>	<b>12</b>
<b>24.</b>	<b>Proposed Precept.....</b>	<b>12</b>
<b>25.</b>	<b>Complaints.....</b>	<b>13</b>
<b>26.</b>	<b>Suspension of the Police and Crime Commissioner .....</b>	<b>13</b>
<b>27.</b>	<b>Suspension or removal of the Chief Constable.....</b>	<b>14</b>
<b>28.</b>	<b>Rules of Debate .....</b>	<b>15</b>
<b>29.</b>	<b>Disturbance by the Public</b>	<b>18</b>

## Section 1: Overview

### **1. Introduction and General Operating Arrangements**

- 1.1 Conwy County Borough Council shall act as the Host Authority in establishing the North Wales Police and Crime Panel (“Panel”).
- 1.2 The Panel shall comprise of ten councillor members (“Elected Members”) and three independent co-opted members (“Co-opted Members”). Any reference herein to both types of members shall be referred to as “Members”.
- 1.3 Conwy County Borough Council (“Host Authority”) shall provide the required support services for the effective operation and discharge of duties of the Panel.
- 1.4 Due to the legal status of Police and Crime Panels in Wales being that of a free-standing body of individuals, in accordance with the *Police Reform and Social Responsibility Act 2011* (“Act”), they are the responsibility of the Home Secretary.
- 1.5 Whilst the Panel is not a joint committee, certain provisions of enactments which apply to Local Authority joint committees or their members apply to the Panel by virtue of the *Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012*.
- 1.6 All costs incurred in relation to the hosting of the Panel shall be the responsibility of the Home Secretary.

## Section 2: Membership of the North Wales Police and Crime Panel

### **2. Membership: Elected Members**

- 2.1. Elected Members membership of the Panel is regarded as a voluntary public appointment.
- 2.2. The Host Authority shall make appropriate arrangements, as set out in the Panel Arrangements, for the establishment of the membership of the Panel.
- 2.3. All councillors in the six Local Authorities in the North Wales Police Force Area are eligible for nomination to become Elected Members of the Panel.
- 2.4. The Panel shall consist of ten Elected Members.
- 2.5. The allocation of Elected Members of the Panel per Local Authority has been established to reflect the population residing within each Local Authority area in North Wales.
- 2.6. The Elected Members of the Panel shall consist of the following number by Local Authority area:
  - Conwy County Borough Council                      2 Members
  - Flintshire County Council                              2 Members
  - Gwynedd Council    2 Members
  - Wrexham County Borough Council                      2 Members
  - Denbighshire County Council                              1 Member
  - Isle of Anglesey County Council                              1 Member
- 2.7. The Elected Members of the Panel shall, as far as practical, reflect the political balance and community demographic of North Wales.

- 2.8. Following the Local Government Election, the Host Authority shall make recommendations for the achievement of the political balance of the Panel through the application of the *d'hondt* methodology.
- 2.9. The recommendation of the Host Authority shall include the following information:
- A table using the *d'hondt* methodology that confirms the allocation of the number of seats on the Panel for each Local Authority in North Wales by reference to population. The population figures will be those used by the Welsh Government in determining the Revenue Support Grant Settlement of the relevant year.
  - A table using *d'hondt*, which confirms the seats for each political grouping across North Wales as a whole.
  - A table showing the proportions for each political party across North Wales as a whole as related to each Local Authority.
  - A summary table of the total of the political groupings for each Local Authority and the relevant proportions for each grouping in each Local Authority.
  - The recommended allocation of seats on the Panel by county and political grouping.
- 2.10. The recommendations of the Host Authority shall be communicated by e-mail to the Chief Executive of each Local Authority (no later than 5 working days following the publication of the Local Government Election results). The Chief Executive of each Local Authority shall have 10 working days to provide evidence to the Host Authority if they cannot support the recommendation.
- 2.11. The Annual General Meeting of each Local Authority shall determine the nominated members of the Panel from each county. The Term of Office of the nominated members shall be agreed by each county, with a minimum planned term of one municipal year.
- 2.12. If membership of the Panel cannot be agreed, in accordance with the *Police Reform and Social Responsibility Act 2011*, the Home Secretary will nominate members of Local Authorities to the Panel.
- 2.13. The Host Authority will be responsible for notifying the Home Secretary of the elected membership of the Panel.
- 2.14. All Members of the Panel may vote in proceedings.
- 2.15. An Elected Member who is disqualified from being elected as, or being, a member of a Local Authority will be disqualified from being an Elected Member of the Panel.

### **3. Membership: Independent Co-opted Members**

- 3.1. The Panel shall co-opt 3 independent members ("Co-opted Members") onto the Panel. Co-opted Members term of office shall be until 31st October of the same year as the next ordinary Police and Crime Commissioner election. The selection process for Co-Opted Members shall include a reasonable period for advertising the positions. To reflect the geographical area that the Panel represents, as far as practical, adverts shall be placed through mediums which have equality of access for residents within North Wales. The Panel will not target areas within the North Wales Police Force Area for recruitment purposes but treat the whole area with parity.
- 3.2. A closing date for applications will be a minimum of 2 weeks after the date of the first advert.
- 3.3. Information packs will be prepared and made available to those who request an application form.

- 3.4. The application form will be the same used by the Host Authority in recruiting to ordinary vacancies.
- 3.5. The applications will be considered by the Chair, Vice Chair and one other Member against an agreed eligibility criteria and shortlisted accordingly.
- 3.6. The eligibility criteria (**Appendix A**) will be publically available, and only amended in future if the role of the Panel is amended either locally or through legislation, or if the operational effectiveness of the Panel is compromised due to skill or knowledge gaps, or, in accordance with the *Equality Act 2010* if the Panel does not adequately reflect the demographics of North Wales.
- 3.7. If no applications are received or if all applications received fall below the minimum eligibility criteria, the vacancies shall be re-advertised in accordance with section 3.
- 3.8. The Chair, Vice Chair and one other Member of the Panel will interview those shortlisted.
- 3.9. Following the interviews, the Chair, Vice Chair and one other Member will make recommendations to the Panel. In making those recommendations, the Chair, Vice Chair and one other Member of the Panel shall consider the balance of the Panel, in accordance with the *Equalities Act 2010* and the skills required to enhance the Panel.
- 3.10. The Host Authority and the Chair of the Panel will be responsible for notifying the Home Secretary of the decision to co-opt Members.
- 3.11. A person may not be a Co-opted Member of the Panel if the person is any of the following:
  - Member of the staff of the Office of the Police and Crime Commissioner;
  - Member of North Wales Police civilian staff;
  - Member of Parliament;
  - Member of the National Assembly for Wales;
  - Member of the Scottish Parliament;
  - Member of the European Parliament;
  - Member of a Local Authority within the North Wales Police Force Area.

#### **4. Membership: Resignation, Removal, Disqualification and Vacancies**

- 4.1 Any Member may resign at any time, by giving notice in writing to the Chair of the Panel and their nominating Local Authority (if appropriate).
- 4.2 Any Member may be removed by the Home Secretary at any time, and the Home Secretary will remove any Member at the request of their nominating Local Authority at any time.
- 4.3 A Co-opted Member can be removed from office through a majority vote of the Panel present, provided the Member has been given no less than four weeks notice of a proposal to remove, and provided the Member has an opportunity to make representations about the proposal. Examples of reasons for removal of office include (but are not limited to) being absent from 3 consecutive meetings without consent from the Panel or being convicted of a criminal offence.
- 4.4 A vacancy on the Panel arises when a Member resigns, retires or is disqualified from the membership of the Panel.
- 4.5 Each Local Authority will fill vacancies for Elected Members in accordance with the arrangements in their constitution and section 2. Vacancies for Co-opted Members will be filled in accordance with the selection process outlined in section 3.

## **5. Membership: Review**

- 5.1. The Panel shall review the appropriateness of the membership between February and March each year, in line with the provisions within the *Police Reform and Social Responsibility Act 2011* and *The Police and Crime Panel (Nominations, Appointments and notifications) Regulations 2012*.
- 5.2. The review of the membership will consider the continued requirement for the political balance of the Panel.

## **6. Code of Conduct**

- 6.1. All Elected Members, including co-opted (councillor) Members, shall observe the Code of Conduct in force for their respective Local Authority. Co-opted Members shall observe the Host Authority's Code of Conduct.
- 6.2. Members shall observe any protocols agreed by the Panel.
- 6.3. The Public Services Ombudsman for Wales has authority to investigate complaints against Elected Members of the Panel.

## **7. Indemnity**

- 7.1. *Schedule 6, Part 3, paragraph 19 of the Police Reform and Social Responsibility Act 2011* includes a provision which confirms that all relevant liabilities relating to the Panel established by the Home Secretary are liabilities of the Home Secretary and accordingly are not liabilities of any Member of the Panel.

## **8. Payment of Allowances and Expenses**

- 8.1 Panel Members will receive a daily rate fee in recognition of the time devoted to their work associated with and in attending meetings. Payments are made via a daily fee of £198.00 (£99.00 for a half day), which are capped at a maximum of the equivalent of 7 full days a year.
- 8.2 Panel Members will also be entitled to claim travel allowances for approved duties. The rates of travel will be at the HMRC rates of mileage.
- 8.3 Panel Members will need to complete a timesheet in recognition of their time associated with and in attending meetings, which shall be submitted to the Host Authority, together with any claims for travel and subsistence (which must be supported by receipts).
- 8.4 Approved duties are defined as attendance at a meeting of the Panel or of any sub-committee of the Panel, a duty undertaken for the purpose of or in connection with the discharge of the Panel's functions and attendance at any training or developmental event approved by the Panel.
- 8.5 Members can claim for other forms of travel (bus, train & taxi) and appropriate receipts showing the actual expense incurred must accompany claims. Members should always be mindful of choosing the most cost effective method of travel. Subsistence for overnight accommodation and meals are available to Panel Members whilst undertaking an approved duty. The rates of subsistence shall be the same as determined by the Host Authority.

- 8.6 The expenses of the Members shall be published on an annual basis and made available through the website of the Host Authority, Panel and that of the OPCC.
- 8.7 Details of the expenses shall also be provided to the six Local Authorities in North Wales for the purposes of transparency and to ensure that there is no duplication of payment by Local Authorities.

### Section 3: Meeting Arrangements

#### **9. Appointment of Chair and Vice Chair**

- 9.1 The Chair of the Panel will be appointed at the first meeting of the municipal year of the Panel and will be drawn from amongst the Elected Members of the Panel in the first year of the Panel and selected from all the Members thereafter.
- 9.2 The Vice Chair of the Panel will be appointed at the first meeting of the municipal year of the Panel and will be drawn from amongst the Elected Members of the Panel in the first year of the Panel and selected from all the Members thereafter.
- 9.3 In the event of the resignation of the Chair or removal of the Chair, a new Chair will be appointed at the next meeting and will be drawn from amongst the Members of the Panel.
- 9.4 In the event of the resignation of the Vice Chair or removal of the Vice Chair, a new Vice Chair will be appointed at the next meeting and will be drawn from amongst the Members of the Panel.

#### **10 Meetings of the Panel**

- 10.1 All Panel meetings will be held in public unless there is a statutory requirement to meet in private.
- 10.2 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.
- 10.3 The Panel shall if possible, hold an annual meeting between the 1 April and the 30 June each year or unless otherwise provided for by statutory regulation. The first item of business on the agenda for the annual meeting shall be the appointment of a Chair and Vice Chair for the year ahead.
- 10.4 At least five clear days before a meeting, the Proper Officer will send/email a summons to every Member of the Panel. The summons will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such reports that are available.
- 10.5 The Panel agenda will be published on the Panel's website at least five clear days before the meeting and the website of the PCC. Electronic copies of the agenda will also be sent to the Office of the Police and Crime Commissioner ("OPCC") and the six Local Authorities in North Wales.
- 10.6 The Panel agenda will be published in both English and Welsh, as will other related work of the Panel which is published.
- 10.7 An extraordinary meeting may be called by the Chair, by four Members of the Panel or by the Monitoring Officer (Chief Executive) of the OPCC through the Chair of the Panel.

- 10.8 Ordinary meetings of the Panel will:
- Receive any declarations of interest from Members
  - Approve the minutes of the last meeting
  - Consider reports from the PCC, officers and Members
  - Consider matters identified within the Panel's Terms of Reference, Rules of Procedure and perform other statutory duties of the Panel
- 11. Quorum**
- 11.1 A meeting of the Panel cannot take place unless one third of the whole membership is present (minimum of 4 Members of the Panel).
- 12. Voting**
- 12.1 Voting will be by majority unless regulations made under the *Police Reform and Social Responsibility Act 2011* requires otherwise or requirements are identified within the Panel's Rules of Procedure.
- 12.2 All Members may vote in proceedings of the Panel, unless they have declared an interest in relation to the matter requiring a vote.
- 13. Work Programme**
- 13.1 The work programme must include the functions described in the Terms of Reference of the Panel.
- 13.2 The Panel will approve an annual work programme, which will take into account the priorities defined by the PCC. In setting the work programme the Panel will also take into account the wishes of its Members.
- 13.3 So far as practicable the Panel shall consult with the OPCC in detailing its work programme, in order to ensure the appropriateness of timelines and make best use of public resources.
- 14. Reports of the Panel**
- 14.1 Where the Panel produce a report to the PCC, it must publish the reports or recommendations.
- 14.2 The Panel must, by notice in writing, require the PCC, as appropriate, within one month of the date on which it receives the report or recommendations to:
- Consider the report or recommendations.
  - Respond to the Panel indicating what (if any) action the PCC proposes to take.
  - Where the Panel has published the report or recommendations, publish the response.
  - Where the Panel have provided a copy of the report or recommendations to a Member, provide a copy of the response to the Member.
- 14.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the *Local Government Act 1972* (as amended).

## **15. Police and Crime Commissioner and Officers giving account**

- 15.1 The Panel may scrutinise and review decisions made or actions taken in connection with the PCC's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the PCC and staff of the OPCC 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.
- 15.2 Where the PCC or a staff member from the OPCC is required to attend the Panel under this provision, the Chair will inform in writing giving, where practical, 15 days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 15.3 Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chair.
- 15.4 If the Panel require the PCC to attend before the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any questions which appears to the Panel to be necessary in order for it to carry out its functions.
- 15.5 The role of the Panel is to hold the PCC to account. The PCC is responsible for the scrutiny of the Chief Constable. In accordance with section 15.4 the Panel must give consideration prior to requesting the Chief Constables attendance, to ensure that the request is made in accordance with the Panel's role and responsibility.

## **16. Attendance by others/Public Participation**

- 16.1 The Panel may invite people other than those referred to above to address it, discuss issues of concern and/or answer questions. It may wish to hear from residents, stakeholders or councillors who are not members of the Panel and officers in other parts of the public sector and may invite such people to attend to contribute to a subject under discussion.

## **17. Sub-Committees and Task Groups**

- 17.1 Time limited task groups may be established from time to time by the Panel to undertake specific task based work.
- 17.2 The special functions of the Panel may not be discharged by a sub-committee of the Panel or task group
- 17.3 In this paragraph 'special functions' means the function conferred on a Panel by:
- *Section 28(3) of the Police Reform and Social Responsibility Act 2011* (scrutiny of the Police and Crime Plan)
  - *Section 28(4) of the Police Reform and Social Responsibility Act 2011* (scrutiny of annual report)
  - *Paragraphs 10 and 11 of Schedule 1 of the Police Reform and Social Responsibility Act 2011* (review of senior appointments)
  - *Schedule 5 of the Police Reform and Social Responsibility Act 2011* (issuing precepts)

- *Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act 2011* (scrutiny of appointment of the Chief Constable)
- 17.4 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.

## **18. Memorandum of Understanding**

- 18.1 N/A

## **19. Carrying out ‘special functions’**

- 19.1 Reports and recommendations made in relation to the functions outlined in the Terms of Reference will be carried out in accordance with the procedure outlined in section 14 (reports of the Panel).

## **20. Police and Crime Plan**

- 20.1 The Panel is a statutory consultee on the development of the PCC’s Police and Crime Plan (“Plan”) and will receive a copy of the draft Plan, or a draft variation to it, from the PCC.
- 20.2 The Panel must:
- Hold a public meeting to review the draft Plan (or a variation to it)
  - Report or make recommendations on the draft Plan which the PCC must take into account.

## **21. Annual Report**

- 21.1 The PCC must produce an annual report about the exercise of their functions in the financial year. The report must be sent to the Panel for consideration.
- 21.2 The Panel must comment upon the annual report and for that purpose must:
- Arrange for a public meeting of the Panel to be held as soon as practical after the Panel receives the annual report
  - Require the PCC to attend the meeting to present the annual report and answer questions about the annual report as the Members of the Panel think appropriate
  - Make a report or recommendation on the annual report to the PCC

## **22. Senior Appointments**

- 22.1 The Panel has powers to review the PCC’s proposed appointments of the Chief Constable, the Chief Executive, Chief Finance Officer and Deputy PCC. The Panel is required to hold public confirmation hearings for these posts.
- 22.2 The Panel will be notified of the need for a confirmation hearing in respect of proposed senior appointments made by the PCC. This will be held at the next available meeting of the Panel unless the appointment timescales requires an earlier hearing, in which case an extraordinary meeting will be arranged.

- 22.3 With regards to the appointment of the Chief Constable, the Panel is required to hold a hearing within a period of three weeks from the day which the Panel receives notification from the PCC.
- 22.4 Confirmation hearings will be held in public, where the candidate is requested to appear for the purposes of answering questions relating to the appointment. Following the hearing, the Panel is required to review the proposed appointment and make a report to the PCC on the appointment.
- 22.5 For a confirmation hearing for the proposed appointments of the Chief Constable, in addition to the requirement to review and report, the Panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.
- 22.6 Having considered the appointment, the Panel will be asked to either:
- Support the appointment without qualification or comment;
  - Support the appointment with associated recommendations; or
  - 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).
- 22.7 If the Panel vetoes the appointment of the candidate, the report must include a statement that the Panel has vetoed the appointment with reasons.

### **23. Appointment of an Acting Police and Crime Commissioner**

- 23.1 The Panel must appoint a person to act as PCC if:
- No person holds the office of the PCC;
  - The PCC is incapacitated; or
  - The PCC is suspended.
- 23.2 The Panel may appoint a person as Acting PCC only if the person is a member of the PCC's staff at the time of appointment.
- 23.3 In appointing a person as Acting PCC in a case where the PCC is incapacitated, the Panel must have regard to any representations made to the PCC in relation to the appointment.
- 23.4 The appointment of an Acting PCC ceases to have effect upon the occurrence of the earliest of these events:
- The election of a person as PCC;
  - The termination by the Panel, or by the Acting PCC of the appointment of acting PCC;
  - In a case where the Acting PCC is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated; or
  - In a case where the Acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

### **24. Proposed Precept**

- 24.1 The PCC will notify the Panel of the precept which the PCC is proposing to issue for the financial year. The Panel must review the proposed precept and make a report including recommendations.
- 24.2 Having considered the precept, the Panel will either:
- Support the precept without qualification or comment;
  - Support the precept and make recommendations; or

- 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).
- 24.3 If the Panel vetoes the proposed precept, the report to the PCC must include a statement that the Panel has vetoed the proposed precept with reasons. The Panel will require a response to the report and any such recommendations.
- 24.4 If the Panel vetoes the proposed precept, a further meeting of the Panel must be held no later than 14 days after the decision is made. At this meeting the PCC must respond to the Panel statement, and the statement and precept will be considered by the Panel in line with section 24.2.

## **25. Complaints**

- 25.1 The North Wales Police and Crime Panel (“the Panel”) has statutory responsibilities as to the handling and determination of certain complaints made against the PCC and DPCC. All complaints are dealt with in line with the Complaints Procedure.
- 25.2 The Panel has delegated its functions to the Lead Officer/Legal Advisor (“Lead Officer”) to determine the type of complaint in consultation with the Complaints Sub Committee and Chief Executive of the Office of the Police and Crime Commissioner (OPCC); namely a complaint for local resolution by the Panel or whether the complaint should be considered a ‘Conduct Matter’ or ‘Serious Complaint’ and referred to the IOPC for determination. (Note: On receipt of a complaint, which the Lead Officer considers to be a Conduct Matter or a Serious Complaint, then the Complaints Sub Committee and the Chief Executive of the OPCC will be advised and the complaint will be referred to the IOPC no later than the end of the day, following the day on which it becomes clear that the Complaint or Conduct Matter is one that should be referred to the IOPC.)
- 25.3 The strategy for managing complaints for local resolution and the Panel’s final resolution of complaints has been delegated to the Complaints Sub Committee, the membership of which includes the Chair, Vice-Chair and one Co-opted Independent Member; the Lead Officer will provide advice and support to the Complaints Sub Committee as required. The Chief Executive of the OPCC will be consulted on the strategy for local resolution.
- 25.4 Information about the submission of complaints in relation to the PCC or DPCC will be published on the PCP website.

## **26. Suspension of the Police and Crime Commissioner**

- 26.1 A Panel may suspend the PCC if it appears to the Panel that:
  - The PCC has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence and
  - The offence is one which carries a maximum term of imprisonment exceeding two years.
- 26.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:
  - The charge being dropped:
  - The PCC being acquitted of the offence:

- The PCC being convicted of the offence but not being disqualified under *section 66 of the Police Reform and Social Responsibility Act 2011* by virtue of the conviction: or
  - The termination of the suspension by the Panel.
- 26.3 In this section, references to an offence which carries a maximum term of imprisonment exceeding two years are references to:
- An offence which carries such a maximum term in the case of a person who has attained the age of 18 years; or
  - An offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

## **27. Suspension or removal of the Chief Constable**

- 27.1 The Panel will receive notification if the PCC suspends the Chief Constable.
- 27.2 The PCC must also notify the Panel in writing of their 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.
- 27.3 The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for their resignation or retirement.
- 27.4 If the PCC is still proposing to call upon the Chief Constable to resign, they must notify the Panel accordingly (the 'further notification').
- 27.5 Within six weeks from the date of receiving the further notification, the Panel must make a recommendation in writing to the PCC as to whether they should call for the retirement or resignation. Before making any recommendation, the Panel may consult their Chief Inspector of Constabulary and must hold a scrutiny hearing.
- 27.6 The scrutiny hearing, which must be held by the Panel, is a Panel meeting in private to which the PCC and Chief Constable are entitled to attend to make representation 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 by participating by telephone or video link.
- 27.7 The Panel must publish the recommendation it makes on the website of the Panel with links from the six Local Authorities in North Wales to that page. Copies of the recommendation will be sent to each of Local Authority, and by any other means the Panel considers appropriate. The Panel recommendation will also be published on the website of the OPCC.
- 27.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
- At the end of six weeks from the Panel having received notification if the Panel has not by then given the PCC a recommendation as to whether or not he/she should call for the retirement or resignation; or
  - The PCC notifies the Panel of a decision about whether he/she accepts the Panel's recommendations in relation to resignation or retirement.
- 27.9 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 27.10 In calculating the six week period, the post election period is ignored.

## **28. Rules of debate**

- 28.1 No speeches until motion seconded: No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.
- 28.2 Right to require motion in writing: Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.
- 28.3 Secunder's speech: When seconding a motion or amendment, a Member may reserve his/her speech until later in the debate.
- 28.4 Content and length of speeches: Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chair.
- 28.5 When a Member may speak again: A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- to speak once on an amendment moved by another Member;
  - to move a further amendment if the motion has been amended since he/she last spoke;
  - if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
  - in exercise of a right of reply;
  - on a point of order; or
  - by way of personal explanation.
- 28.6 Amendments to motions:
- An amendment to a motion must be relevant to the motion and will either be to refer the matter to an appropriate body or individual for consideration or reconsideration, to leave out words, to leave out words and insert or add others; or to insert or add words as long as the effect is not to negate the motion.
  - Only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the meeting shall have disposed of every amendment previously moved but notice of any number of amendments may be given. Excepting that the Chair may permit two or more amendments to be discussed (but not voted on) together if he/she considers that would facilitate the proper conduct of the Panel's business.
  - If an amendment is not carried, other amendments to the original motion may be moved.
  - If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
  - After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.
- 28.7 Alteration of motion:
- A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.

- A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
  - Only alterations which could be made as an amendment may be made.
- 28.8 Withdrawal of motion: A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.
- 28.9 Right of reply:
- The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
  - If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
  - The mover of the amendment has no right of reply to the debate on his/her amendment.
- 28.10 Motions which may be moved during debate: When a motion is under debate, no other motion may be moved except the following procedural motions:
- to withdraw a motion;
  - to amend a motion;
  - to proceed to the next business;
  - that the question be now put;
  - to adjourn the debate;
  - to adjourn the meeting;
  - to exclude the public and press in accordance with the Access to Information Rules; and
  - to not hear further a Member named, if he/she persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business or to exclude them from the meeting if he/she continues to behave improperly after such a motion is carried.
- 28.11 Closure motions:
- A Member may move, without comment, the following motions at the end of a speech of another Member:
    - to proceed to the next business;
    - that the question be now put;
    - to adjourn the debate; or
    - to adjourn the meeting.
  - If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply for not more than 3 minutes and then put the procedural motion to the vote. If that motion is carried, the original motion shall lapse.
  - If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply for not more than 3 minutes before putting his/her motion to the vote.
  - If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably

be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

28.12 Point of order: A Member may raise a point of order at any time. The Chair will hear him/her immediately.

28.13 Personal explanation: A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

28.14 Welsh Language:

- In all proceedings of the Panel the Welsh language and the English language shall have the same status and validity.
- All persons shall have the right when addressing the Panel to speak in either Welsh or English.

## **29 Disturbance by the Public**

29.1 Removal of member of the public

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If he/she continues to interrupt, the Chair will order his/her removal from the meeting room.

29.2 Clearance of part of meeting room

If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

29.3 General disturbance

If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.

## Appendix A - Eligibility Criteria Co-opted Members of the Police and Crime Panel

### Competencies:

- Strategic thinking:
  - The ability to rise above detail and see problems from a wider, forward thinking perspective
- Scrutiny and Challenge:
  - The ability to rigorously scrutinise and challenge constructively, using appropriate data and evidence
- Openness to change:
  - Challenging accepted views in a constructive way
- Analytical ability:
  - interpreting and questioning complex material including financial, statistical and performance information
- Communication:
  - Explaining situations clearly, together with a willingness to listen to and represent the views of all sections of the community on policing issues.
- Effective time management:
  - Identifying priorities and making the most productive use of one's own time and others time

### Personal Skills & Qualities:

- Respect for others:
  - Capacity to treat all people fairly, with respect and valuing diversity
- Integrity
  - Embracing high standards of conduct and ethics
- Enthusiasm and drive:
  - Willingness to learn and develop to enhance one's knowledge and understanding
- Team working:
  - Playing an effective role through listening, persuading and showing respect for the views of others
- Self confidence:
  - Seek out and listen to the views of others and play an active part in discussions and debates

All Panel Members are expected to carry out their responsibilities in accordance with the Nolan Principles of standards of conduct in public life.

Panel Members will be expected to attend all meetings of the Panel (approximately 4-6 per year) and any sub-committees or groups to which they are appointed, as well as any relevant learning and development activities.