

## **Sussex Police and Crime Panel – Constitutional Documents**

The Panel is a joint Committee under section 101 and 102 of the Local Government Act 1972. Each of the 15 borough, county, district, and unitary authorities across Sussex shall appoint one member as its representative on the Panel and may nominate a single named substitute member. The term of office will be determined by a member's own local authority and membership of the Panel ceases if that member ceases to be a member of the appointing local authority. Two independent persons will also be co-opted to the Panel. Their term of office shall be one year, renewable up to five years by the Panel. After this time the positions will be re-advertised. There is no maximum term of office for any member or co-opted member of the Panel. The Panel shall have the ability to appoint substitute Independent Co-opted Members. Any substitute Independent Co-opted Member will be subject to the same terms of recruitment, appointment and membership as applies for full Independent Co-opted Members.

The 15 local authorities making up the Sussex Police and Crime Panel and adopting these constitutional arrangements are:

Adur District Council  
Arun District Council  
Brighton and Hove City Council  
Chichester District Council  
Crawley Borough Council  
Eastbourne Borough Council  
East Sussex County Council  
Hastings Borough Council  
Horsham District Council  
Lewes District Council  
Mid Sussex District Council  
Rother District Council  
Wealden District Council  
West Sussex County Council  
Worthing Borough Council

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

### **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 within Sussex.

1. To review and make reports or recommendations on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner which the Commissioner must take into account, and to publish the reports or recommendations.
2. To review, put questions to the Police and Crime Commissioner at a public meeting, and make reports or recommendations (as necessary) on the

Commissioner's annual report, and to publish the reports or recommendations.

3. To hold a public confirmation hearing and review, make reports and recommendations (as necessary) in respect of proposed senior appointments (Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner) made by the Police and Crime Commissioner and to publish the reports or recommendations.
4. To hold a public confirmation meeting to review and make reports on the proposed appointment of the Chief Constable including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports.
5. Upon receiving written notification from the Commissioner of his/her intention to call upon the Chief Constable to retire or resign to make recommendations to the Commissioner as to whether or not such resignation or retirement should be called for.
6. To consult the Chief Inspector of Constabulary (where necessary) and hold a private meeting which the Chief Constable and Commissioner may attend to make representations about the requirement to resign or retire and to publish the recommendations made to the Commissioner.
7. To review and make reports and recommendations (as necessary) on the proposed precept including, if necessary, the use of the power of veto by a two thirds majority of the current membership of the Panel and to publish the reports or recommendations.
8. To review or scrutinise decisions or proposals made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions, which may be in the form of reports or recommendations to the Commissioner which must be published.
9. To fulfil functions in relation to complaints about the Commissioner on conduct matters, in accordance with the responsibilities accorded to the panel by the Police Reform and Social Responsibility Act 2011.
10. To appoint an Acting Police and Crime Commissioner if necessary, where the Commissioner is incapacitated, resigns or is disqualified or suspended.
11. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom, the Channel Islands or Isle of Man with an offence that carries a maximum term of imprisonment exceeding two years.
12. To delegate, to the extent that it wishes to do so and so far as permitted by law, areas of work to a sub-committee or working group.
13. To require the Commissioner and his or her staff to attend meetings to give evidence in accordance with statute when deemed necessary for the Panel to discharge its functions.

14. Following a requirement made by the Panel for the Commissioner to attend a meeting, it may request the attendance of the Chief Constable at that meeting to answer questions which the Panel feels are necessary for the discharge of its functions.
15. To require the Commissioner to respond in writing within a specific timescale to any report or recommendation made by the Panel to the Commissioner.
16. To undertake any other such functions as are conferred upon the Panel by the Police Reform and Social Responsibility Act 2011 and any subsequent regulations made under the Act.

## **Panel Arrangements**

### *Resources*

1. *All Home Office funding for the Panel will be received and administered by the Host Authority.*
2. *Any authority wishing to take on or relinquish the role of Host Authority must give at least six months' notice to the Panel, to expire on either 1 April or 1 October in any given year.*
3. 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.
4. An annual budget report shall be submitted to the Panel by the host authority.
5. Constitutional and other specialist support will be provided by the host authority, together with creation and maintenance of a website, issuing press releases (with the agreement of the Chairman), 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 website.
6. The host authority will be responsible for the payment of travelling expenses of members, either the price of a second class public transport ticket (receipts must be provided) or a car mileage rate at the level paid by the host authority to its own members for travel expenses. Additional expenses and allowances may be payable by a member's own authority. 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.
7. The host authority will provide an attendance list at each meeting or informal meeting of the Panel or any sub-committees or working groups. All members should sign the register when attending and this will be used to evidence travel expense claims.

8. The host authority will organise at least one training session on an annual/two yearly basis, to coincide with appointments to the Panel and will provide advice and guidance to any new member appointed.
9. Meetings may be held in any part of Sussex, but will usually be held at 10.30 a.m. at County Hall, Lewes. Meetings will be webcast when funding allows.
10. 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.
11. The presumption is that all formal items will be considered in public except for those that meet the Part II confidentiality criteria of Schedule 101A of the Local Government Act 1972. Part I reports, agendas and minutes will be published on the dedicated webpage provided by the host authority, to which other authorities are invited to provide a link.
12. 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.
13. 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.
14. Reports to the Panel must make reference to statutory or legal provisions to which the Panel must have regard.

#### *Additional Local Authority Members*

- 15a. Subject to the agreement of the Home Secretary, Brighton and Hove City Council – as a unitary authority – shall be granted one additional co-opted local authority seat on the Panel to address geographical imbalance. The nomination of a member for this seat by Brighton and Hove City Council shall, so far as possible, support the Panel in meeting the balanced appointment objective. This member will have a one-year period of office.
- 15b. Subject to the agreement of the Home Secretary, an additional local authority member may be appointed from each of the county councils on the agreement of the Panel, to address any perceived imbalance in political proportionality. This will be considered at the annual meeting. Such members will have a one-year period of office.
16. 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 15 authorities on an annual basis, taking account of local authority elections across Sussex.

17. An additional appointed local authority 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 the proposal and has the opportunity to make representations to the Panel.
18. If an additional appointed member ceases to be a member of the Panel, the Panel will seek a replacement member from the same local authority for the remainder of the term.

#### *Independent Co-opted members*

19. Two independent co-opted persons will be co-opted for a one year term, which can be renewed by the Panel annually for up to five years before the position must be re-advertised. They will have full voting rights. They may not be members of the constituent authorities of the Panel. They will be appointed through public advert and interviews conducted by members of the Panel within arrangements agreed by the Panel.
20. An independent 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.
21. If an independent co-opted member ceases to be a member through removal, resignation or some other means, the Panel will seek a replacement member through the process as described in paragraph 18 above. The new appointment will be for the remainder of the term.

#### *Standards*

22. Members, including independent co-opted members, will be bound by the code of conduct of the host authority.

#### *Urgent Action*

23. If, in the view of the host authority's Proper Officer, a decision within the Panel's remit is sufficiently urgent that it cannot wait for the next meeting of the Panel and it is not in the public interest that the matter should be delayed, then the host authority's Proper Officer may decide the matter in consultation with Chairman of the Panel. The action taken will be reported to the next meeting of the Panel. This paragraph does not empower the Proper Officer to take any decision on a matter which is reserved by law to the Panel.
24. A register shall be maintained by the host authority of every decision taken under paragraph 22 above.

### **Rules of Procedure**

#### *Chairmanship*

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 members.

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

5. All decisions will be made by a simple majority of votes of members present unless otherwise specified by statute, the Panel Arrangements or these Rules of Procedure. The Chairman of the meeting will have a second or casting vote in the event of a tied vote. All other Panel members will have one vote. Voting will be by a show of hands.
6. Any member can ask for the way in which they voted to be recorded in the minutes.
7. A recorded vote shall be undertaken if requested by any member.
8. Any member can make a proposition or propose an amendment to a proposed resolution if backed by a seconder. Votes will be taken unless consensus is reached.
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.
10. The validity of a decision will not be affected by any vacancy in the Panel membership, provided that the quorum has been met.
11. The Panel will not usually review any decision it has taken during the six months following such decision

#### *Committee Procedures*

12. The quorum for the meetings of the Panel is 10 members.
13. At the Annual Meeting, the first item of business will be appointment of Chairman. The second item of business will be appointment of Vice-Chairman. Items will then follow the pattern for ordinary meetings set out below.
14. At ordinary meetings of the Panel, the first item of business will usually be declaration of interests.

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.
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.
17. The Panel will hold an annual public meeting to scrutinise the Commissioner's annual report. Business will follow that of an ordinary meeting, but with a public question time immediately following the approval of the minutes. The maximum time for the question time shall be 45 minutes unless the Panel agrees to an extension.
18. **Public question time will follow approval of the minutes at each ordinary meeting of the Panel. Members of the public wishing to ask a question of the Commissioner or the Panel in person will need to submit their question no later than two weeks prior to the date of the meeting, and will be allowed a supplementary question, based on the response.**
19. Written questions from the public can be submitted two weeks in advance of the published date of the annual public meeting or any ordinary meeting of the Panel, for which the Commissioner or Panel Chairman will be invited to provide a written response by noon on the day before the meeting. The response will be circulated to Panel members and the questioner.
20. 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 Commissioner.
21. Panel business will be indicated on the agenda, but the order of business can be varied at the Chairman's discretion.
22. 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.
23. 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 eight working days in advance of the meeting.

#### *Conduct of Meetings*

24. On each item, the Chairman will invite members to speak in turn.
25. Any member speaking will be silent at the request of the Chairman.
26. 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.

27. 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.
28. All mobile phones and other communication devices must not disrupt Panel meetings.
29. No visual or sound recording may be taken without the permission of the Chairman in advance of the meeting.

#### *Sub-Committees and working groups*

30. 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.
31. 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 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. A working group may co-opt additional members, who will be able to claim travel expenses within available resources.
32. Any sub-committee or working group established will have the discretion to appoint its own chairman.

#### *Relationship with Commissioner*

33. 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.
34. The Commissioner will have a standing invitation to attend all meetings of the Panel which may be withdrawn on any occasion at the discretion of the Chairman. The Commissioner's staff may also be invited by the Chairman 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.
35. The 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.
36. The Panel may require certain reports from the 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. The Commissioner usually will be given at least three weeks' notice, but a report may be requested at shorter notice in cases of urgency.
37. In the event of the Panel receiving a complaint about the conduct of the Commissioner, or of a conduct issue otherwise coming to the attention of the Panel, the initial handling is delegated to the Proper Officer of the Host Authority. The Proper Officer shall determine whether or not the complaint



falls within the remit of the Panel, and whether it is deemed to be serious, under the Police Reform and Social Responsibility Act 2011.

38. Where a complaint falls within the remit of the Panel, but is judged to be non-serious, the Panel will establish a working group to consider the need for, and to undertake, informal resolution of the complaint. The working group, having a quorum of 3, will have up to 5 members. The membership will be rotated and the working group will strive to include 1 minority party member and 1 independent member.

39. *The Panel shall receive a schedule of complaints at each quarterly meeting.*

#### *Other relationships*

40. 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 Sussex Police and local authorities.