

# **Cheshire Police & Crime Panel**

## **Panel Arrangements Rules of Procedure**

Whereas Cheshire East; Cheshire West and Chester; Warrington and Halton Councils must establish and maintain and make arrangements for a police and crime panel (the Panel), they have jointly agreed the following as being the arrangements for the Panel, as required under Schedule 6 of the Police Reform and Social Responsibility Act 2011

**As presented to the Panel's 2024 Annual Meeting**

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## **Part 1**

### **(a) The Panel's Terms of Reference**

- (1) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the PCC).
- (2) To review the annual report of the PCC, and to put questions about the annual report to the PCC at a public meeting, and make a report or recommendation upon it.
- (3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the PCC.
- (4) To review and make a report on the proposed appointment of the Chief Constable.
- (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 PCC in connection with the discharge of the PCC's functions.
- (7) To make reports or recommendations to the PCC with respect to the discharge of the PCC's functions.
- (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 by the Police Reform and Social Responsibility Act 2011.
- (10) To appoint an Acting PCC where this becomes necessary.
- (11) To suspend the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom with an offence which carries a maximum term of imprisonment exceeding two years.

**(b) Complaints Management Sub Committee Terms of Reference  
(created September 2020)**

- (1) The role of the Police and Crime Panel's Complaints Management Sub-Committee (hereinafter called the Sub-Committee) is to administer the arrangements for non-criminal complaints made against the Police and Crime Commissioner for Cheshire (and Deputy Commissioner, when appointed); together with other complaints and conduct matters referred to the Panel by the Independent Office for Police Conduct (IOPC).
- (2) The Sub - Committee will report on its work to the Police and Crime Panel on a regular basis (minimum twice a year). It has delegated authority from the Panel to undertake all of the Panel's complaint management and resolution roles but may, if the Chair and Deputy Chair of the Sub-Committee so determine, refer matters to the full Police and Crime Panel for resolution.
- (3) The Sub-Committee will seek to resolve complaints through informal resolution. This means dealing with a complaint by resolving, explaining, clearing up or settling the matter directly with the complainant and/or the Commissioner, without investigation or formal proceedings. It is a flexible proportionate and fair process that may be adapted to the needs of the complainant and the individual complaint. This may be done, for example by correspondence and/or in a face to face meeting. The Sub - Committee cannot conduct an investigation of a complaint, such as by taking statements or obtaining evidence about it, however, as is to be expected in any fair process, it can invite the complainant and Commissioner to clarify or comment on matters.
- (4) The Sub Committee may only consider relevant complaints as defined in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. There are separate procedures for complaints about operational policing matters, complaints about the Chief Constable and other police officers and complaints about the Police and Crime Commissioner's staff. The Sub-Committee (and Panel) has no role to play in such complaints.
- (5) The Sub - Committee (and Panel) are not an appeals body for complaints against Cheshire Constabulary or the Chief Constable and has no legal power to look into, investigate or order actions to be taken in such cases. Such complaints fall outside of the Sub-Committee's and Panel's jurisdiction.
- (6) The Chair and Deputy Chair of the Sub - Committee, advised as necessary by the host authority's Monitoring Officer, will determine whether a complaint can be considered by the Sub Committee.
- (7) Complaints about the merits of a decision made by the Police and Crime Commissioner; for example, where somebody disagrees with a policy the Commissioner has introduced, cannot usually be considered by the Sub-Committee, although complaints about whether a decision was taken

properly and in accordance with procedures can be considered. The potential remit of the Complaints Sub-Committee necessarily matches the scope and reach of the Commissioner and the Commissioner's office.

- (8) Concern from the general public about a particular policy is something the Police and Crime Panel should be aware of, and reflect upon, as it scrutinises the Commissioner's policies. These concerns would not, of themselves be matters to be considered through the Complaints procedure.
- (9) The Sub – Committee will endeavour to conduct its work within 40 working days of receiving a complaint. The Panel's Secretariat will keep a complainant updated on progress with a complaint and inform them of any unexpected delays.
- (10) The Sub – Committee will comprise of 7 Panel Members appointed by the Police and Crime Panel. Proportionality will be in accordance with the Panel's Procedure Rules as they relate to the constitution of Sub – Committees and Working Groups. The Chair and Deputy Chair of the Sub-Committee will ordinarily be appointed at the Panel's Annual Meeting.
- (11) Sub – Committee will be advised by the Panel's Secretariat and the host authority's Monitoring Officer.

**(c) Timetable of Meetings**

The Panel's Timetable of Meetings shall be agreed by the Panel and shall take account of the Panel's work programme.

**(d) Creation of new Sub Panels / Committees**

When Sub Panels / Committees are formed, the Rules of Procedure will be updated accordingly.

## Member Information

### (a) Membership of Cheshire Police and Crime Panel (2024/25)

Authority	Councillors	Political Party
Cheshire East		
	Steve Edgar	Conservative
	Judy Snowball	Labour
	Rob Moreton	Independent
(substitute member)	Stewart Gardiner	Conservative
Cheshire West and Chester		
	Keith Millar	Labour
	Sam Naylor	Labour
	Mike Jones	Conservative
Halton		
	Martha Lloyd Jones	Labour
	Norman Plumpton Walsh	Labour
Warrington		
	Mark Browne	Liberal Democrat
	Kuldeep Dhillon	Labour
Statutory Co-opted Members		
	Mrs Gemma Shepherd-Etchells	Independent Member
	Mr Evan Morris MBE	Independent Member
	Miss Yasmin Somani	Independent Member



**(b) Independent co-opted membership of the Panel**

The independent members of the Panel will be appointed on a three-year basis. So as to ensure continuity of experience amongst those concerned the periods of appointment will be “staggered” over a period of three years so as to ensure this.

When the appointment period for an independent member expires, a Recruitment Panel will be established in order to determine whether reappointment should be offered, or a full recruitment process should be carried out, except in the case of the expiry of the second term of office of an independent member, at which time a full recruitment process must be carried out.

When the Panel Chair or Deputy Chair is an Independent co-opted member whose term of office is due to expire whilst they are serving as Chair or Deputy Chair, the Panel may if they wish, irrespective of how many terms of office they have served, and without reference to a Recruitment Panel, extend that term of office for a further three-year term.

The terms of Office of Independent members of the Panel are:

Miss Yasmin Somani	30 September 2024
Mrs Gemma Shepherd-Etchells	30 September 2025
Mr Evan Morris MBE	30 September 2026

**(c) Membership of Complaints Management Sub Committee**

(Membership to be confirmed at Panel's AGM)

	Chair
	Deputy Chair

**The Sub Committee has 7 members**

**d) Proportionality of membership on Sub-Committees and Working Groups**

Membership of any Sub Committee or Working Group established by the Panel will be proportionate to the overall political representation on the Panel. Proportionality will be determined by the Head of Democratic Services and Governance. Membership of any Sub Committee or Working Group by an independent co-opted member of the Panel will be excluded from any determination on proportionality.

## **Governance Arrangements**

**(a) Procedure Rules**

**1. Chairman of the Panel**

- 1.1 The Chairman and Deputy Chairman of the Panel will be appointed in June of each year at the Annual Meeting and will be drawn from amongst the members of the Panel.
- 1.2 In the event of the resignation or removal of the Chairman or Deputy Chairman, or in circumstances in which the one or both are unable or unwilling to act in that office, a new Chairman or Deputy Chairman will be appointed and will be drawn from amongst the members of the Panel. Voting will normally be in accordance with paragraph 5 below.
- 1.3 The Chairman or Deputy Chairman may be removed by agreement of a majority of the membership of the Panel and in that event the Panel will appoint a replacement Chairman or Deputy Chairman from amongst the members of the Panel. Voting will normally be in accordance with paragraph 5 below.
- 1.4 The Panel will elect a panel member to preside at a meeting if the Chairman and Deputy Chairman are not present. Voting will normally be in accordance with paragraph 5 below.
- 1.5 Both Chairman and Deputy Chairman are to be equally briefed by Officers.

## **2. Meetings of the Panel**

- 2.1 There shall be a minimum of four ordinary public meetings of the Panel in each municipal year to carry out the functions of the Panel. In addition, extraordinary meetings may be called from time to time.
- 2.2 An extraordinary meeting may be called by the Chairman or by at least four other members of the Panel by giving notice in writing to the Chief Executive of the Host Authority. The notice must specify the matter to be discussed at the extraordinary meeting. The extraordinary meeting will be held as soon as practicable and notice of the time and place of the extraordinary meeting and the availability of relevant papers will be given in accordance with these Rules of Procedure.
- 2.3 An extraordinary meeting may also be called by the monitoring officer to the Panel (Director of Legal Services, Cheshire East Council or the Head of Governance and Democratic Services – Host Authority).
- 2.4 Ordinary meetings of the Panel will:
- (a) receive any declarations of interest from members
  - (b) approve the minutes of the last meeting, and
  - (c) consider reports from officers and Panel members.
- 2.5 Notice of meetings

The Host authority will give at least 5 clear days (i.e. not including Saturday, Sundays and Bank holidays) notice of all meetings by:

- (a) displaying details of the meetings on the Panel web site;
- (b) displaying details of the meeting at the Host Authority's principal office; and,
- (c) making details of the meeting available at the constituent authorities' principal office and on the host and constituent authorities' website

All Notices given to members of the Panel will be treated as having been given to members by any of the following means:

- (a) post, properly addressed, to the recipient at their usual business address
- (b) leaving it properly addressed for the recipient at their usual business address
- (c) e-mail sent to an email address designated by the recipient for this purpose from an email account registered with any of the constituent authorities in the Member's name
- (d) facsimile transmission properly addressed to the recipient at their usual business address

- 2.6 Panel Members, or their constituent authorities, may nominate substitute members to attend Panel meetings in the event that the appointed

representative(s) is/are unable to attend the meetings in question. Advance notice of substitution will be given to the host authority wherever possible but, in any event, before the meeting commences. Notice of meetings will be sent to named substitutes where that substitution is known before the agenda is dispatched.

### **3. Quorum**

- 3.1 A meeting of the Panel cannot take place unless a minimum of 4 Elected Local Authority Members representing at least 3 of the constituent Cheshire Local Authorities are present.

#### **4. Venue**

- 4.1 Meetings of the Panel will take place at venues across the County, as agreed by the Panel. Virtual meetings, when permitted by legislation, will be administered by the host local authority using whatever technology the Council's Monitoring Officer deems appropriate, and which is compliant with legislation.



## **5. Voting**

- 5.1 Except as provided for in legislation, relating to virtual meetings, voting at face to face meetings will normally be by show of hands and by simple majority unless these rules require otherwise.
- 5.2 All Panel members may vote in proceedings of the Panel unless they have an interest that precludes them from doing so.
- 5.3 The Chairman or the person presiding may exercise a second or casting vote.

## **6. Work programme**

- 6.1 The Panel will be responsible for setting its own work programme taking 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.
- 6.2 The work programme must include the functions described in the terms of reference for the Panel.

## **7. Agenda items**

- 7.1 Any member of the Panel shall be entitled to give notice to the Chief Executive of the Host Authority 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. Notice must be received by the Host Authority at least 7 days before an agenda is due to be published. The Monitoring Officer must in these circumstances ensure that such items appear on the relevant agenda.

## **8. Reports from the Police and Crime Panel**

- 8.1 Where the Panel makes a report to the PCC, it may publish the report or recommendations.
- 8.2 The Panel must, by notice in writing, require the PCC, within one month of the date on which he/she receives the report or recommendations to:
  - a) consider the report or recommendations;
  - b) respond to the Panel indicating what (if any) action the PCC 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.
- 8.3 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).
- 8.4 If the Panel cannot unanimously agree on one single final report to the PCC then one separate minority report may be prepared and submitted for consideration along with the majority report.

## **9. PCC and Officers giving account**

- 9.1 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 members of that CPCC'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.
- 9.2 Where the PCC, or a member of that PCC's staff, is required to attend a meeting of the Panel, the Chairman will inform them in writing giving, where practicable, 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 to be produced to the Panel. Where it is necessary to produce a report, a reasonable period of time will be given for preparation of that report.
- 9.3 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 Chairman of the Panel.
- 9.4 If the Panel requires 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 appear to the Panel to be necessary in order for it to carry out its functions.

## **10. Attendance by others**

- 10.1 The Panel may invite people other than those referred to 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 and may invite such people to attend.

## **11. Sub-committees and task groups**

- 11.1 Time limited task groups may be established from time to time by the Panel to undertake specific task based work.
- 11.2 The special functions of the Panel may not be discharged by a sub-committee of the Panel or a task group.
- 11.3 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.

## **12. Carrying out 'special functions'**

12.1 In these rules 'special functions' means the functions conferred on a Police and Crime Panel by:

- (a) Section 28(3) of the Police Reform and Social Responsibility Act (scrutiny of Police and Crime Plan)
- (b) Section 28(4) of the Police Reform and Social Responsibility Act (scrutiny of annual report)
- (c) Paragraphs 10 and 11 of Schedule 1 of the Police Reform and Social Responsibility Act (review of senior appointments)
- (d) Schedule 5 of the Police Reform and Social Responsibility Act (issuing precepts)
- (e) Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act (scrutiny of appointment of the Chief Constable).

12.2 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 at in Section 8.

### **12.3 Police and Crime Plan**

12.3.1 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft of any variation to it, from the PCC.

12.3.2 The Panel must:

- (a) hold a public meeting to review the draft Police and Crime Plan (or a variation to it), and
- (b) report or make recommendations on the draft plan which the PCC must take into account.

### **12.4 Annual report**

12.4.1 The PCC must produce an annual report about the exercise of his/her functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the Panel for consideration.

12.4.2 The Panel must comment upon the annual report of the PCC, and for that purpose must:

- (a) arrange for a public meeting \* of the Panel to be held as soon as practicable after the Panel receives the annual report;
- (b) require the PCC to attend the meeting to present the annual report and answer such questions about the annual report as the members of the Panel think appropriate
- (c) make a report or recommendations on the annual report to the PCC.



\* this might require a separate press notice or need to be advertised more widely than just through the normal publication of the agenda on the web site.

## 12.5 Senior appointments

12.5.1 The Panel has powers to review the PCC's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy PCC. The Panel is required to hold public confirmation hearings for these posts.

(Note: the power to review the proposed appointment of the Chief Executive and Chief Finance Officer for the Office of the PCCPCC does not apply to those staff transferred under the TUPE Regulations)

12.5.2 The Panel will be notified of the need for a confirmatory 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 timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

12.5.3 With regards to the appointment of the Chief Constable and other senior appointments, the Panel is required to hold a hearing within the period of three weeks from the day on which the Panel receives notification from the PCC.

12.5.4 Confirmatory hearings will be held in public, where 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 PCC on the appointment.

12.5.5 For a confirmatory hearing for the proposed appointment 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.

12.5.6 Having considered the appointment, the Panel can:

- (a) support the appointment without qualification or comment
- (b) support the appointment with associated comment or recommendations,
- (c) not support the appointment with comment or recommendations,
- (d) 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).

12.5.7 If the Panel vetoes the appointment of the candidate for Chief Constable, the report to the PCC must include a statement that the Panel has vetoed the appointment with reasons.

## 12.6 Appointment of an Acting PCC

12.6.1 The Panel must appoint a person to act as acting Police and Crime Commissioner if:

- (a) no person holds the office of PCC
- (b) the PCC is incapacitated, or
- (c) the PCC is suspended.

12.6.2 The Panel may appoint a person as acting Commissioner only if the person is a member of the PCC's staff at the time of the appointment.

12.6.3 In appointing a person as acting Commissioner in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the PCC in relation to the appointment.

12.6.4 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 PCC
- (b) the termination by the police and crime Panel, or by the acting PCC, of the appointment of the acting PCC
- (c) in a case where the acting PCC is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated, or
- (d) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended.

## 12.7 Proposed precept

12.7.1 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.

12.7.2 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).

12.7.3 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.

## 12.8 Complaints

12.8.1 Complaints in relation to the PCC or other office holders will be dealt with and/or delegated in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012)

12.8.2 The formal complaints procedure is set out in a separate document - Complaints Procedure issued by the Host Authority Monitoring Officer & Solicitor to the Council.

12.8.3 The Independent Police Complaints Commission (IPCC) requires arrangements to be in place for appropriate communication to take place between Police and Crime Panels and the IPCC in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 should there be a serious criminal conduct matter or complaint about the PCC.

12.8.4 The contact point for panel 'triage' functions' / receipt of complaints is Brian Reed, Head of Governance and Democratic Services who will, on behalf of the Panel, deal with urgent referrals to the IPCC.

12.8.5 The host authority's Monitoring Officer has delegated authority in relation to the initial sifting, handling and recording of complaints;

12.8.7 The Chairman of the Panel, supported by the Monitoring Officer and Head of Governance and Democratic Services of the host authority has delegated authority to deal with the informal resolution of Part 4 complaints.

## 12.9 Suspension of the PCC

12.9.1 The Panel may suspend the PCC if it appears to the Panel that:

- (a) the PCC 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.

12.9.2 The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:

- (a) the charge being dropped
- (b) the PCC being acquitted of the offence
- (c) the PCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction, or
- (d) the termination of the suspension by the Panel.

12.9.3 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.

## 12.10 Suspension and removal of the Chief Constable

- 12.10.1 The Panel will receive notification if the PCC suspends the Chief Constable.
- 12.10.2 The PCC must also 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.
- 12.10.3 The PCC 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.
- 12.10.4 If the PCC is still proposing to call upon the Chief Constable to resign, she/he must notify the Panel accordingly (the 'further notification').
- 12.10.5 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 or not she/he should call for the retirement or resignation. Before making any recommendation the Panel may consult the Chief Inspector of Constabulary, and must hold a scrutiny meeting.
- 12.10.6 The scrutiny hearing which must be held by the Panel is a meeting in private which the PCC 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.
- 12.10.7 The Panel must publish the recommendation it makes on its website and by sending copies to each of the Panel's constituent authorities, and by such other means as the Panel considers appropriate.
- 12.10.8 The PCC may not call upon the Chief Constable to retire or resign until the end of the scrutiny process which will occur:
- a) 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 she/he should call for the retirement or resignation, or
  - b) the PCC notifies the Panel of a decision about whether she/he accepts the Panel's recommendations in relation to resignation or retirement.
- 12.10.9 The PCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 12.10.10 In calculating the six-week period, the post-election period is ignored.

### **13. Urgency Powers**

1.1 A decision will be urgent in the case of: civil emergency, natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Panel, or the local authorities from which Panel Members are drawn, are at risk of serious reputational damage; loss or claims; or any other matters where the Monitoring Officer of the host local authority has declared that an urgent decision is required.

1.2 If a decision would normally be required to be made by the Panel, the decision may be made by the Monitoring Officer of the host local authority, or in his/her absence the Head of Service responsible for the host authority's secretariat (or in their absence their nominee) in consultation with the Panel's chair, deputy chair, at least one member representing each constituent Council (which may include the Chair and Deputy) and one representative of each political Group represented on the Panel (which may include the Chair and Deputy and a member consulted as a representative of their authority), subject to the following requirements being met:

- (a) The decision-maker is satisfied the matter is urgent and cannot await the next meeting of the Panel, or an urgently convened meeting of the same;
- (b) The decision is reported for information to the next available meeting of the Panel;
- (c) The provisions of the legislation are complied with;
- (d) Advice has been taken from the host local authority's, Monitoring Officer and Section 151 Officer;

All members of the Panel are notified by email of the decision taken.

1.3 A form to be completed to record the taking of the urgent decision is attached.

## **Cheshire Police and Crime Panel**

### **URGENT PANEL DECISION**

#### **PANEL PROCEDURE RULE xx.x**

**Contact Officer:** Brian Reed  
**Email:** Brian.reed@cheshireeast.gov.uk  
**Contact Number:** 01270 686670

The Police and Crime Panel's Procedure Rules provide for Urgent Decisions taken outside of meetings. The definition of an Urgent Decision in paragraph 13.1.1 is:

*“A decision will be urgent in the case of: civil emergency, natural or man-made disaster; matter of serious public health; matters regarding safeguarding of people; or where the Panel, or the local authorities from which Panel Members are drawn, are at risk of serious reputational damage; loss or claims; or any other matters where the Monitoring Officer of the host local authority has declared that an urgent decision is required.”*

The Procedure Rules provide that, if a decision would normally be required to be made by the Panel, the decision may be made by the Monitoring Officer of the host local authority, or in his/her absence the Head of Service responsible for the host authority's secretariat (or in their absence their nominee) in consultation with the Panel's chair and deputy chair, subject to the following requirements being met:

- (a) The decision-maker is satisfied the matter is urgent and cannot await the next meeting of the Panel, or an urgently convened Panel meeting;
- (b) The decision is reported for information to the next available meeting of the Panel;
- (c) The provisions of the legislation are complied with;
- (d) Advice has been taken from the host local authority's, Monitoring Officer and Section 151 Officer;
- (e) All members of the Panel are notified of the decision taken by electronic means.

The need has arisen for an urgent decision in respect of the following:

**SUBJECT/TITLE:**

*(insert summary)*

Further details are attached

**The reasons for urgency are as follows:**

*(insert reasons for urgency)*

**The following Panel Members have been consulted on *[insert date]*:**

- *[Add details of Chair]*
- *[Add details of Vice Chair]*
- *[Add details of Cheshire West and Chester member]*
- *[Add details of Cheshire East member]*
- *[Add details of Halton member]*
- *[Add details of Warrington member]*
- *{Add details of any other members consulted to ensure all four constituent Councils are represented}*

Any comments received have been taken into consideration.

**Advice has been taken from the following Officers of the host authority on *[insert date]*:**

- (1) Section S151 Officer
- (2) Monitoring Officer

Their comments have been taken into consideration in producing this decision form and any attached information. This decision is subject to the relevant provisions of the Panel's Procedure Rules.

**DECISION**

**That**

**(1) >**

**Signature of Decision Taker:**

Signed:

.....

Date:

.....

**Signatures of Panel Members consulted:**

**A copy of this decision form and any supporting documentation will be made available to all Members of the Panel by electronic means subject to the Access to Information Procedure Rules.**

**This decision will be reported for information to the next meeting of the Panel.**



## **14 Rules of debate**

The following rules of debate shall be applied to all meetings of the Panel.

### **14.1 Motions and Amendments**

No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chairman, motions or amendments shall be put in writing and handed to the Chairman before they are further discussed or put to the meeting.

### **14.2 Secunder's Speech**

When seconding a motion or amendment a Member may advise the Chairman that he/she will reserve his/her right to speak until a later period in the debate.

### **14.3 Order of Speeches**

If two or more members indicate their intention to speak, the Chairman shall determine the order of speeches

### **14.4 Amendments to Motions**

An amendment must be relevant to the motion and shall be either:

- (a) to leave out words;
- (b) to leave out words and add others;
- (c) to insert or add words;

but such amendment shall not have the effect of negating the motion before the Panel.

### **14.5 Number of Amendments**

Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chairman may allow two amendments

to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

#### 14.6 Status of Amendments

If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

#### 14.7 Alterations to Motions or Amendments

A Member may alter a motion or amendment which he/she has moved with the consent of the seconder.

#### 14.8 Withdrawal of Motion

A motion or amendment may be withdrawn by the mover at any time

#### 14.9 Right of Reply

The mover of the motion shall have a right to reply at the close 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 shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it. The mover of the amendment shall have a right of reply to the debate on his/her amendment immediately before the mover of the original motion exercises his/her right of reply at the close of the debate.

#### 14.10 Motions which may be moved during debate

When a motion is under debate no other motion shall be moved except the following:

- (a) to amend the motion;
- (b) to adjourn the debate;
- (c) to proceed to the next business;
- (d) to suspend Procedure Rules;
- (e) to refer a matter to another meeting for consideration or reconsideration;
- (f) that the question be now put;
- (g) that a Member be not further heard;
- (i) a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.
- (j) to adjourn the meeting;

#### 14.11 Points of Order

A Member may raise a point of order or personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to

an alleged breach of a Procedure Rule or statutory provision and the Member shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

#### 14.12 Ruling of Chairman on a Point of Order/Personal Explanation

The ruling of the Chairman of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

#### 14.13 Chairman may request officer advice

If the question under debate involves questions of a legal, technical or administrative nature, the Chairman may request the appropriate officer to give advice.

#### 14.14 Voting and Chairman's Casting Vote

Voting will be by a show of hands.

If 4 Members so request before the vote has begun to be taken the vote will be recorded to show whether each Member voted for or against the motion or abstained.

A Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.

A Member may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.

Where there are equal votes cast for a motion or amendment the Chairman or the person presiding may exercise a second or casting vote.

## **15. Public Participation**

**The information detailed in paragraphs 1 to 9 below will be reproduced in the agenda for all regular meetings of the Panel**

1. A period of up to 15 minutes is made available for questions or statements submitted by members of the public. At the Chair's discretion the period made available for questions and statements may be extended, but no one may speak for more than 5 minutes.
2. The Police and Crime Panel is a scrutiny body and exists to scrutinise the Police and Crime Commissioner and therefore questions or statements must relate to the role and statutory function of the Panel. The Panel's Terms of Reference are:
  - (i) To review and make a report or recommendation on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the PCC).
  - (ii) To review the annual report of the PCC, and to put questions about the annual report to the PCC at a public meeting and make a report or recommendation upon it.
  - (iii) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the PCC.
  - (iv) To review and make a report on the proposed appointment of the Chief Constable.
  - (v) To review and make a report and recommendation (as necessary) on the proposed precept.
  - (vi) To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions.
  - (vii) To make reports or recommendations to the PCC with respect to the discharge of the PCC's functions.
  - (viii) To support the effective exercise of the functions of the PCC.
  - (ix) To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011.
  - (x) To appoint an Acting PCC where this becomes necessary.
  - (xi) To suspend the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom with an offence which carries a maximum term of imprisonment exceeding two years.

3. In order that an appropriate answer to the questions can be given, the deadline for indicating a wish to speak or for submission of questions is 3 clear working days before a meeting of the Panel. The Chair has the discretion to waive the 3 day rule for issues deemed to be urgent.
4. In response to questions or statements the Panel may choose to agree to either provide an agreed verbal response, that will be minuted or to provide a written reply to questioners chosen address.
5. Those wishing to ask a question or make a statement should register by email to: [martin.r.smith@cheshireeast.gov.uk](mailto:martin.r.smith@cheshireeast.gov.uk) or send the question or statement by post to:

Cheshire Police and Crime Panel  
Democratic Services and Governance  
c/o Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

6. A list of those speaking or asking questions at a meeting of the Panel will be drawn up by the Panel's Secretariat in order of receipt. Copies of questions and statements will be circulated to all Panel members in advance of the meeting and will be made available to the public attending the meeting. Copies will also be available on the Police and Crime Panel's page of the Cheshire East Council website.
7. Nobody may submit more than one question or make more than one statement at the same meeting, but a supplementary question, related to the subject raised in the question /statement, will be permitted for clarification at the discretion of the Chair.
8. Those speaking or asking questions will not be permitted to address any issue that is the subject of a current or proposed complaint by them against the Police and Crime Commissioner. They are also advised that reference to an issue that could become the subject of a future complaint by them could prejudice the Panel's consideration of that complaint.
9. The Panel will not accept a question or statement if:
  - (i) There is insufficient detail to enable a proper response to be provided.
  - (ii) It is not about a matter for which the Police and Crime Panel has responsibility.
  - (iii) It is potentially defamatory, frivolous or offensive against named individuals.
  - (iv) It is substantially the same question which has been put at a meeting of the Police and Crime Panel in the last six months.

- (v) It requires the disclosure of confidential or exempt information.

## **16. Rights to attend meetings**

- 16.1 Members of the public may attend all Panel meetings subject to the exceptions in these rules. This does not include meetings, whose sole purpose is for officers to brief members of the Panel.

## **17. Notices of meeting**

- 17.1 The Host Authority will give at least five clear days' notice of any meeting by posting details of the meeting on its website.



## **18. Access to agenda and reports before the meeting**

- 18.1 The Host Authority will make copies of the agenda and reports available on its website. If an item is added to the agenda later or if reports are marked on the agenda “to follow”, the information will be made available to members of the panel and the public as soon as possible and any report (that is not excluded) will be published on the host authority’s website as soon as it is available.

(Note: The access to information rules applied by Local Government will be followed in relation to the copying of agendas and reports and this process will be administered by the Host Authority)

**19. Access to Minutes and other documentation after the meeting**

- 19.1 The Host Authority will make available copies of the agendas, reports and minutes for six years after a meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or any documents which disclose exempt or confidential information.

## **20. Background papers**

21.1 Every report will list those documents (called background papers) relating to the subject matter of the report which -

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information

## **21. Exclusion of access by the public to Panel meetings**

21.1 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information means information given to the Panel by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order or by legislation.

### **21.2 Exempt information – discretion to exclude public**

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **21.3 Meaning of exempt information**

The Local Government (Access to Information) (Variation) Order 2006 amends Schedule 12A (Access to Information: Exempt Information) to the Local Government Act 1972.

Descriptions of Exempt Information (England) are now as follows:

Paragraph 1 – Information relating to any individual.

Paragraph 2 – Information which is likely to reveal the identity of an individual.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (included the authority holding that information).

Paragraph 4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or officeholders under, the authority.

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph 6 – Information which reveals that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or

- (b) to make an order or direction under any enactment.

Paragraph 7 – Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Part 2 of the regulations sets out some qualifications as follows:

Paragraph 8 – Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under:

- (a) The Companies Act 1985
- (b) The Friendly Societies Act 1974
- (c) The Friendly Societies Act 1992
- (d) The Industrial and Provident Societies Act 1965-1978
- (e) The Building Societies Act 1986, or
- (f) The Charities Act 1993

Paragraph 9 – Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission to regulation 3 of the Town and Country Planning General Regulations 1992.

Paragraph 10 – Information which:

- (a) falls within any of paragraphs 1-7 above, and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above

is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **Budget**

A Grant is provided to maintain a Police and Crime Panel for the Cheshire Police force area to carry out its functions and responsibilities as set out in the Police Reform and Social Responsibility Act 2011.

### **External assurance**

The Grant is paid to the host authority in exercise of the power conferred by section 31 of the Local Government Act 2003.

Payments will be made in arrears, in accordance with Schedule 2, within 21 working days of the receipt of a payment request in the prescribed form.

Cheshire East Borough Council's Section 151 Officer and his nominated Finance Manger are acting on behalf of the Panel to manage the grant.

## **STANDARDS**

### **(a) Members' Code of Conduct**

This Code is based on the following core principles of public life - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of Panel Members and co-opted members together with provisions about registering and declaring interests.

#### **General obligations**

Whenever you are acting as a member or co-opted member of this Panel you should act in accordance with the following obligations:

##### **Selflessness**

You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

##### **Integrity**

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

##### **Objectivity**

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the Panel's officers, into consideration.

##### **Accountability**

You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

##### **Openness**

(a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of other Panel Members. You should be

prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

### **Honesty**

(a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in Section B below.

(b) You must only use or authorise the use of the Panel's resources in accordance with the Panel's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986

### **Respect for others**

(a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.

(b) You must not do anything which may cause the Panel to breach any equality laws.

(c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the Panel.

(d) You must not bully any person, including other councillors, officers of the Panel or members of the public.

### **Leadership**

You must promote and support high standards of conduct when serving as member or co-opted member of the Panel, by leadership and example, championing the interests of the community.

You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

### **Registering and declaring pecuniary and non-pecuniary interests**

Registration and declaration of interests shall be made in accordance with the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

You will already have, within 28 days of taking office as a member of your respective Local Authorities, notified your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you will have, within 28 days of taking office as a member of your respective local authorities notified your authority's monitoring officer of any



disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto your authority's register, then you must disclose the interest to any meeting of the Panel at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'<sup>1</sup>.

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State.

Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non-pecuniary interest as defined by your authority.

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<sup>1</sup> A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

## **(b) Officer – Member Relations**

The relationship between Members and Officers is an essential ingredient in the successful working of the Panel. This relationship is characterised by mutual respect, informality and trust. Members and Officers feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. The purpose of this Protocol is rather to help members and officers to perform effectively by giving guidance on their respective roles and expectations and on their relationship with each other.

The Protocol also gives guidance on what to do on the rare occasions when things go wrong. Responsibility for the operation of this Protocol lies with the Monitoring Officer of the host authority.

The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting, together with the Panel's adopted rules and procedures.

The principles which underline this protocol are:

### **Selflessness**

Members and Officers should serve only the public interest and should never improperly confer an advantage or disadvantage on each other or any person.

### **Honesty and Integrity**

Members and Officers should not place themselves in official situations where their honesty and integrity may be questioned. They should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### **Objectivity**

Members and Officers should make decisions on merit including making appointments, awarding contracts or recommending individuals for rewards or benefits.

### **Accountability**

Members and Officers should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should cooperate fully and honestly with any scrutiny appropriate to their particular office.

### **Openness**

Members and Officers should be as open as possible about their actions and those of their Authority and should be prepared to give reasons for those actions.

### **Respect for Others**

Members and Officers should promote equality by not discriminating unlawfully against any person and by treating people with respect regardless of their race, age, religion, gender, sexuality or disability. Members should also respect the impartiality and integrity of the Authority's statutory Officers and its other

Officers. The Panel Member Code of Conduct specifies that bullying by Members will be a breach of the Code and could lead to a Standards referral and investigation.

### **Duty to Uphold the Law**

Members and Officers should uphold the law and on all occasions act in accordance with the trust that the public is entitled to place in them.

### **Stewardship**

Members and Officers should do whatever they are able to do to ensure that the Council uses its resources prudently and in accordance with the law.

### **Leadership.**

Members and Officers should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

### **Roles of Members and Officers**

Members and Officers are servants of the public and they are indispensable to one another. But their responsibilities are distinct. Members are responsible to the electorate and serve only so long as their term of office lasts. Members are responsible for the direction and control of the Panel through their work at meetings. Officers are responsible, through the management structure, to the Panel. Their job is to give advice to Members and to carry out the Panel's work under the direction and control of the Panel.

Mutual respect between Councillors and Officers is essential to good Local Government. Close familiarity between individual Councillors and Officers can damage this relationship and prove embarrassing to other Councillors and Officers. If a relationship exists between Councillors and Officers which could give the appearance of an improper relationship, advice should be sought from the Chief Executive or from the Monitoring Officer.

If the guidelines in this protocol are followed there should be no dispute or conflict between Members and Officers nor any harassment of staff. However, in the event that a Member wishes to pursue a complaint against an Officer or vice versa, then this must be done formally in writing to the Chief Executive (Host Authority) for complaints against Officers, the Monitoring Officer to the Panel) (subject to statutory requirements) for complaints against Members or in accordance with any of the individual Councils' Whistleblowing Policies

### **Member / Officer Communications**

Members have three main areas of responsibility: determining the policy of the Panel and giving it political leadership, representing the Panel externally, and acting as advocates on behalf of the Cheshire Wide constituents. It is not the role of Panel Members to involve themselves in the day to day management or provision of support to the Panel.

Where Members have any queries, comments or concerns relating to managerial or operational issues, these will be referred to the appropriate Officer taking into account the requirements of the Member Code of Conduct.

Members must at all times be aware of the influence that their position exerts and should be extra cautious in any dealing with Officers, and in particular junior Officers, to ensure that their involvement, behaviour or comments cannot be interpreted as a breach of the Member Code of Conduct, particularly with regards to allegations of bullying or intimidation of staff.

### **The Chairman**

The Chairman has additional responsibilities. Because of those responsibilities, their relationships with Officers may be different from, and be more complex than, those of Members without those responsibilities, and this is recognised in the expectations they are entitled to have.

### **Officers**

The role of Officers is to give advice and information to Panel Members and to implement the strategies and policies as determined by the Panel.

Officers must be allowed to discharge their duties, without fear of repercussion.

### **Expectations**

Members can expect from Officers:

- A commitment to the Panel as a whole, and not to any political group
- An effective working partnership
- An understanding of, and support for, respective Member roles, workloads and pressures
- Timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of Officers
- Regular, up to date information on matters that can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities that they have and positions that they hold
- Information on request, unless it is classified as confidential or exempt
- Awareness of, and sensitivity to, the political environment
- Respect, dignity and courtesy
- Training, development and support in order to carry out their Member role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by Officers outside the agreed procedures
- That Officers will not use their relationship with members to advance their personal interests or to influence decisions improperly
- That Officers will at all times comply with the Officer Code of Conduct

### **Officers can expect from Members:**

- An effective working partnership
- An understanding of and support for respective roles, workloads and pressures
- Political Leadership and direction
- Respect, dignity and courtesy

- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members must have regard to the seniority of Officers in determining what are reasonable requests, having regard to the power relationship between members and Officers, and the potential vulnerability of Officers, particularly at junior levels
- That members will not use their position or relationship with Officers to advance their personal interests or those of others or to influence decisions improperly
- That Members will at all times comply with the Members' Code of Conduct

## **When things go wrong**

### **Procedures for Officers**

From time to time the relationship between Members and Officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by an appropriate senior manager or member, Officers will have recourse to a relevant Grievance Procedure or to the host authority Monitoring Officer, as appropriate to the circumstances. In the event of a grievance or complaint being upheld, the matter will be referred to the Chief Executive of the host authority, who, having taken appropriate advice will decide on the course of action to be taken, following consultation with the Monitoring Officer.

In the event that a complaint is raised within the Standards Regime the process for handling such complaints and carrying out investigations and hearings will apply.

### **Procedure for Members**

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Monitoring Officer of the host authority. If the matter cannot be resolved informally, it may be necessary to invoke the appropriate Council's Disciplinary Procedure.

### **Specific Relationships**

To enable the Panel to function effectively the Chairman and Members of the Panel will need briefings and other forms of regular liaison.

When the Chairman and Members of the Panel submit reports they may ask the appropriate officers to draft the initial report for them. In any event they must consider the advice of the appropriate officer and, when necessary, the Monitoring Officer of the host authority and the Chief Finance Officer (S151 Officer of the host authority). Whilst Officers will advise on the implementation of the Panels work this advice must not extend to party or political business.

When the Chairman and Members of the Panel require information, briefings or Officer attendance at a meeting, the request should be made to the Head of Governance and Democratic Services from the host authority who will determine how the support will be given. Local authority officers should not refuse any reasonable request and in the event of a dispute the matter will be resolved by the host authority Chief Executive in consultation with colleagues.

To enable the Panel to prepare a Work Programme Members will need to take advice from the Officers responsible for supporting and servicing them.

### **Access to Documents and Information**

In general, Members are free to approach any of the Panel support officers for such information, explanation and advice (relevant to the work programme) as they may reasonably need in order to assist them in discharging their role as members of the Panel.

As regards the legal rights of Members to inspect documents, or with regard to information contained within such documents, these are covered partly by statute and partly by common law. The statutory framework includes the Local Government Act 1972 and the Data Protection Acts 1985 and 1998. There are specific statutory prohibitions on the release of certain information as set down in legislation and referred to in these Rules and the Access to Information provisions within these Rules. Any questions about this should be raised with the relevant Monitoring Officer or the Section 151 Officer.

Members have a statutory right to inspect any Panel document which contains material relating to any business which is to be transacted at a Panel, Sub-Committee or Task Group meeting, subject to the provisions of the Access to Information Rules, particularly those relating to exempt information. Members have a common law right to documents and information on a 'need to know' basis.

Any information provided to a Member must only be used by the Member for the purpose for which it is provided, that is in connection with the proper performance of the Member's duties as a Member of the Panel.

Panel Members must not:

(a) disclose information given to them in confidence by anyone, or information acquired by them which they believe, or ought reasonably to be aware, is of a confidential nature, except where –

- they have the consent of a person authorised to give it;
- they are required by law to do so;
- the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person, or
- the disclosure –
  - is reasonable and in the public interest made in good faith and in compliance with the reasonable requirements of the Panel; or

will prevent another person from gaining access to information to which that person is entitled by law

Panel Members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or the Panel or their Authority into disrepute.

They:

- must not use or attempt to use their position as a member improperly to confer on or secure for themselves or any other person, an advantage or disadvantage; and
- must, when using or authorising the use by others of the resources of the Panel –  
act in accordance with your Authority’s reasonable requirements;  
ensure that such resources are not used improperly for political purposes (including party political purposes); and  
must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

### **Other Individuals Who Are Members of Council Bodies**

The scope of any Code of Conduct includes co-opted Members of the Panel and they are required to sign a declaration indicating their acceptance of the Code’s provisions.

To enable them to be effective they will need briefings and other forms of liaison. In general it is the role of other individuals who are members of the Panel to share with Councillors their expertise and knowledge to help improve the effectiveness of the Panel’s decision-making process.

They will be able to contact the appropriate officers to seek from them information on matters relating to the work of the Panel to which they have been nominated. They should also normally be invited to attend any briefing or other liaison meetings which are convened for all members of the Panel.

### **Press Releases**

Press Releases will be issued on behalf of the Panel by the host authority Communications Team.

### **Correspondence**

Subject to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000 correspondence between an Officer and a Member shall only be made available to another Member:

- (a) at the request or with the consent of the relevant Officer
- (b) should the Member/Officer concerned so request
- (c) to another Officer or Member who is named within the correspondence as assisting in dealing with the matter
- (d) to Members on a ‘need to know’ basis

## Administrative Support

### Cheshire Police and Crime Panel - Contact Officers

<p><b>Cheshire East (Host Authority)</b></p> <p>Brian Reed, Head of Democratic Services and Governance; 01270 686670;  <a href="mailto:brian.reed@cheshireeast.gov.uk">brian.reed@cheshireeast.gov.uk</a>            Martin Smith; 01270 686012</p>	<p><b>Halton</b></p> <p>Mark Reaney, Operational Director – Legal &amp; Democratic Services 0151 511 6006;  <a href="mailto:mark.reaney@halton.gov.uk">mark.reaney@halton.gov.uk</a>;            Angela Scott, 0151 511  <a href="mailto:angela.scott@halton.gov.uk">angela.scott@halton.gov.uk</a></p>
<p><b>Warrington</b></p> <p>Matthew Cumberbatch,            Head of Legal and Democratic Services, and Monitoring Officer to the Council            01925 442150</p>	<p><b>Cheshire West</b></p> <p>Penny Housley            Governance Manager            01244 975972</p>



## **COMPLAINTS PROCEDURE**

***The Cheshire Police and Crime Panel Complaints Procedure has been drafted in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. Where there is any doubt over the application of the Complaints Procedure reference should be made to the Regulations.***

### **1. Introduction**

- 1.1 The aim of this procedure is to ensure that complaints made against the Police and Crime Commissioner for Cheshire (and Deputy Commissioner, when appointed); together with other complaints and conduct matters referred to the Panel by the Independent Office for Police Conduct (IOPC) are managed efficiently and transparently.
- 1.2 Details on the operation of the Complaints procedure can be found on the Panel's page of the Cheshire East Council website as can details of how previous complaints have been resolved.
- 1.3 The Complaints Management Sub – Committee will endeavour to conduct its work within 40 working days from receipt of a complaint.

### **2. Roles and Responsibilities**

- 2.1 The Complaints Procedure and the management of complaints is delegated to the Police and Crime Panel's Complaints Management Sub – Committee with the initial filtering and administration performed by the Chair and Deputy Chair of the Sub-Committee acting together.
- 2.2 The Chair and Deputy Chair of the Sub – Committee may in some circumstances determine that a complaint is best managed by the full Police and Crime Panel.
- 2.3 The Chair and Deputy Chair of the Sub – Committee (consulting with Sub - Committee members and the wider Panel as necessary), will decide the most appropriate and proportionate arrangements for managing a complaint. They are not empowered to determine the outcome of complaints other than determining that a matter need not be considered further as one or more of the circumstances set out in Appendix A applies or it is otherwise clear the complaint does not relate to the Police and Crime Commissioner (or Deputy).
- 2.4 The work of the Chair and Deputy Chair and of the Sub – Committee will be supported and advised by the Panel's Secretariat and the host authority's Monitoring Officer.

### **3. Making a complaint**

- 3.1 Wherever possible complaints should be submitted in the prescribed form (details can be found on the Panel's page of the Cheshire East Council website). If sufficient information is not provided, further clarification may be sought. Complaints cannot be submitted by social media or by phone. Complaints should be sent by email to:

[martin.r.smith@cheshireeast.gov.uk](mailto:martin.r.smith@cheshireeast.gov.uk)

Or by post to:

Cheshire Police and Crime Panel  
Democratic Services and Governance  
c/o Municipal Buildings  
Earle Street  
Crewe  
CW1 2BJ

It is strongly advised that confidential information is sent by Recorded Delivery.

- 3.2 Complaints will be logged by the Panel's Secretariat and acknowledged by e-mail or letter, within 3 working days.

### **4. Following receipt of a complaint**

- 4.1 Within 4 working days of a complaint being received the information provided to the Secretariat will be shared with the Chair and Deputy Chair of the Sub – Committee for determination as to whether the complaint can be considered by the Sub – Committee (or wider Panel). This decision should be taken expeditiously and ideally within 4 working days.
- 4.2 If it is determined that the matter should be referred to the Independent Office for Police Conduct (IOPC) the complainant will be informed and the IOPC contacted. If the IOPC subsequently refer the matter back to the Panel the complaint will re-enter the Police and Crime Panel's complaints process.
- 4.3 If the Chair and Deputy Chair determine that the complaint cannot be considered by the Sub - Committee because, for example, it relates to an operational police matter, or is a complaint about the Chief Constable or a member of the Commissioner's staff, the complainant will be informed in writing. If deemed appropriate the complainant will be advised as to how best to proceed with their complaint.
- 4.4 If the Chair and Deputy Chair consider that one or more of the circumstances set out in Regulation 15 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (see Appendix A) apply, and they consider that there are not circumstances justifying the continued consideration of the complaint either in whole or in part, they

shall after having given the complainant a reasonable opportunity to provide further information or clarification advise the Sub-Committee of their decision and the reasons for it. Should they choose to do so they can refer this decision to the Sub-Committee as a whole; however, if they do not their decision is final and binding. If a complaint is not considered further on this basis the fact of the complaint and the reasons why it was not considered further shall be recorded in the Register of Complaints and both the complainant and the Commissioner notified.

- 4.5 If the Chair and Deputy Chair consider that the complaint should proceed, details of the complaint will be forwarded to the Commissioner or Deputy Commissioner with confidential information redacted if this is seen as necessary, they will be asked to comment on the complaint within 10 working days.
- 4.6 Whether or not a response has been received from the Commissioner or Deputy Commissioner, details of the complaint, including the form detailing the nature of the complaint, any supporting documents and any response from the Commissioner or Deputy Commissioner will be forwarded to all Sub – Committee members for initial evaluation. This will be undertaken by them within 5 working days. If the Chair and Deputy Chair determine that the Panel collectively should review a complaint details will be sent to all Panel members.
- 4.7 The Chair and Deputy Chair; having consulted with other Complaints Management Sub – Committee members, or wider Panel membership, or having held a formal meeting of the Sub – Committee to discuss the complaint and having taken advice from Officers as necessary, will determine how best to administer the complaint. Options open to the Sub – Committee include:
  - Asking the complainant and or Commissioner (or Deputy Commissioner) for further written information; giving a clear timescale for its submission;
  - After fully evaluating all submitted documentation, providing written feedback to the complainant and the Commissioner; and
  - Inviting the complainant and the Commissioner (or Deputy Commissioner), with the Chief Executive, or other member of the Commissioner's staff, to a private meeting to attempt to resolve the complaint by informal resolution. Ten days' notice of such a meeting would normally be given.
- 4.8 If at any stage a complainant decides that they wish to withdraw their complaint, or that they wish to discontinue it, the Chair and Deputy Chair will be informed, and the Register of Complaints updated. In some circumstances the Chair and Deputy Chair may decide that they wish the Sub – Committee to proceed to consider issues arising from the complaint and should they so decide, the complainant and Commissioner (or Deputy Commissioner) will be informed accordingly.

- 4.9 If a meeting of the Sub-Committee or Panel is held to discuss an individual complaint and how it should be managed, any confidential or exempt issues will be considered in Part II of the Meeting with the press and public excluded. If allowed by national Regulations and by the Police and Crime Panel's own Procedure Rules, the meeting may be held virtually using a technological platform approved by the host authority's Monitoring Officer.

## **5. Record keeping**

- 5.1 A record of the outcome of the informal resolution will be made as soon as practicable after the process has been completed. Copies will be sent to the complainant and the Commissioner or Deputy Commissioner.
- 5.2 The record of the outcome of informal resolution will ordinarily be published, with any confidential information such as the name of the complainant being redacted. Before publishing, the Chair of the Complaints Management Sub - Committee will give the complainant and the Commissioner or Deputy Commissioner the opportunity to make representations in relation to the proposed publication.
- 5.3 In cases where an informal resolution cannot be agreed, the record will detail the reasons given by the parties why the matter could not be resolved.
- 5.4 The Secretariat, on behalf the Sub - Committee will maintain a formal register for the purposes of recording complaints and conduct matters under the Regulations. The Recorded Complaints and Conduct Matters Register will record key details pertaining to a complaint including the date received, the complainant, a summary of the complaint / the category into which it falls, the date on which it was recorded, actions taken on the complaint under the Regulations and any other information deemed relevant. A report detailing the number and nature of complaints will be taken to the Panel's Annual Meeting and the December meeting.

## **6. Following the consideration of a complaint**

- 6.1 There is no appeal regarding the outcome of a complaint once it has been determined.
- 6.2 The Local Government and Social Care Ombudsman has jurisdiction over the administrative functions of the Police and Crime Panel, and complainants can contact the Ombudsman if they are unhappy with the way that the complaint was handled. The Panel's complaints procedure will need to be followed to its conclusion, before the Local Government Ombudsman will become involved.

## **7. Fairness, transparency and confidentiality**

- 7.1 If a Panel member is approached by either a complainant or a potential complainant, they should take care so as not to discuss the merits of the complaint or otherwise express any views on it. The Panel member should look to confine their involvement in any interchange to explaining the complaints procedure and where the actual or potential complainant can obtain advice or register their complaint. The Panel member so approached must disclose every contact he or she has had with a complainant or potential complainant and describe the extent of their contact or interchange with him or her at the first reasonable opportunity. The Panel member should consider:
- His or her obligations under the Code of Conduct;
  - Whether the contact should be seen as prejudicing their impartiality, and
  - Whether he or she should withdraw from any further involvement in the matter.
- 7.2 All information sent to Complaints Management Sub-Committee members by the Secretariat containing confidential details of any complaint and all written communication between Sub - Committee members containing confidential details of any complaint will be sent using secure, encrypted email or by Royal Mail Special Delivery post. No communication will be made by SMS (text), WhatsApp or similar media.
- 7.3 General Data Protection Regulations (GDPR) will be complied with at all times by the Secretariat, the host authority's Monitoring Officer and all Panel members.
- 7.4 The Secretariat will keep complainants updated on the progress of their complaint.

## **Appendix A**

The circumstances in which a complaint need not be considered further include:

- The complaint has been made by a member of the relevant office holder's staff, arising from the staff member's work as such (see Regulation 15(3)(a)).
- The complaint is more than 12 months old and there is no good reason for the delay, or the delay would be likely to cause injustice (see Regulation 15(3)(b)).
- The complaint is about conduct that is already the subject of another complaint (see Regulation 15(3)(c)).
- The complaint has been made anonymously (see Regulation 15(3)(d)).
- The complaint is deemed to be vexatious, oppressive or otherwise an abuse of process for dealing with complaints (see Regulation 15(3)(e)).
- The complaint is repetitious (see Regulation 15(3)(f), and also Regulation 15(4) for the particular circumstances in which a complaint is deemed to be repetitious).

## **WEBCASTING PROTOCOL**

(These procedures do not deal with recordings by members of the public)

### **1 Purpose of Webcasting and Formal Record**

- 1.1 The main purpose of webcasting is to give members of the public the chance to view meetings as they happen without having to attend in person.
- 1.2 Webcasting does not replace the formal record of the meeting and decisions made at that meeting. The only formal record of any meeting of a Local Authority is its minutes and agendas which are required to be maintained and retained in accordance with legislative requirements.

### **2 Operating Procedure**

- 2.1 Webcasts will only commence at the beginning of a meeting when the Chairman opens the meeting and will finish when the meeting is closed or when the meeting is in private session. The Chairman will allow sufficient time for the webcasting to stop once the decision to exclude the press and public has been made.
- 2.2 Anything that is outside of the scope of the meeting will not be filmed. This includes reaction shots, walkouts etc. Where an operator is unsure on what to film or is in an unfamiliar situation, the operator should always select a camera shot of the Chair of the meeting.
- 2.3 The following persons may authorise the pausing or editing of a webcast: The Chair of the meeting, in consultation with the lead officer present at the meeting.
- 2.4 Editing should only be undertaken if there is a legal reason, for instance the name of a person in witness protection was divulged by a public speaker, confidential personal information is inadvertently disclosed or defamatory comments made. Editing may also be authorised in exceptional circumstance such as if an attendee is taken ill on screen. A log be maintained of edited webcasts.
- 2.5 Should the webcast be halted for a technical reason the following procedure will be applied:
  - The operator will inform the Committee Officer as soon as practically possible
  - The operator will also inform the Press Office and the Head of Democratic Services and Governance so they can inform Panel members and provide them with an explanation of what went wrong, what is being done to recover any lost data.

- 2.6 When any editing occurs the same procedure as in 2.5 above will be followed.
- 2.7 In the event of obscenities being shouted, the sound will be muted either live or in post-production so as not to cause offence.
- 2.8 An attendee may indicate that he/she does not wish to be filmed whilst in the audience or addressing the meeting. On receiving such information the webcast operator will:
- Give guidance on the best place to sit
  - Ensure that no close-up images of the attendee are taken
  - If the attendee is speaking, focus the camera on the Chair

### **3.0 Technical Proposals**

- 3.1 During all webcasts, a back-up copy will be taken which will be kept securely.