

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, 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, the Councils have agreed the following:

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****Page numbers to be inserted after annual meeting****

Part 1

(a) Cheshire Police and Crime Panel 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.
- 2) To review, put questions to the Police and Crime Commissioner at a public meeting, and make a report or recommendation (as necessary) on the annual report.
- 3) To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the Police and Crime Commissioner.
- 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 Police and Crime Commissioner in connection with the discharge of the commissioner's functions.
- 7) To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the commissioner's functions.
- 8) To support the effective exercise of the functions of the Police and Crime Commissioner.
- 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 Police and Crime Commissioner if necessary.
- 11) To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom with an offence which carries a maximum term of imprisonment exceeding two years.

(b) Timetable of Meetings

As agreed within the panel's work programme

Part 2

Member Information

(a) Membership of Cheshire Police and Crime Panel

Authority	Councillors	Political Party
Cheshire East		
Cheshire West and Chester		
Halton		
Warrington		
Statutory Co-opted Member	Mrs S Hardwick	Independent Member
Statutory Co-opted Member	Mr R Fousert	Independent Member
Additional Co-opted Member	Mr E Hodgson	Independent Member

(b) Membership of Cheshire Police and Crime Panel Sub-Panels

To be inserted as and when Sub Groups are formed

Part 3 Governance Arrangements

(a) Procedure Rules

1. Chairman of the Police and Crime Panel

- 1.1 The Chairman and Deputy Chairman of the Cheshire Police and Crime Panel ('the Panel') will be appointed in June of each year at the Annual Meeting.
- 1.2 In the event of the resignation of the Chairman or removal of Chairman, a new Chairman will be appointed at the next meeting and will be drawn from amongst the councillors sitting on the Panel. Voting will normally be in accordance with paragraph 5 below.
- 1.3 The Chairman may be removed by agreement of a majority of the whole membership of the Panel and in that event the Panel will appoint a replacement Chairman from amongst the councillors sitting on 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 Vice Chairman are not present. Voting will normally be in accordance with paragraph 5 below.
- 1.5 That both Chairman and Deputy Chairman are to be equally briefed by relevant Officers.

2. Meetings of the Police and Crime Panel

- 2.1 There shall be a minimum of four ordinary meetings of the Panel held in public in each municipal year to carry out the functions of the Panel. 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 (Solicitor and Monitoring Officer, Warrington BC – Host Authority).
- 2.4 Ordinary meetings will take place in accordance with a programme decided by the Panel, and will start at the time decided by the Panel.
- 2.5 Ordinary meetings of the Panel will:

- a) receive any declarations of interest from members
- b) approve the minutes of the last meeting
- c) consider reports from officers and Panel members.

2.6 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

- 2.7** That Panel Members, or their constituent authorities, may nominate substitute members of the Panel in the event that the appointed representative(s) is/are unable to attend the meeting. 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** As far as practicably possible, Panel meetings should be held at a central location in Cheshire – with first choice of Wyvern House, Winsford.

5. Voting

- 5.1 Voting will normally be by show of hands and by simple majority unless the Act or regulations made under the Act or 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 Police and Crime Commissioner. 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 The Panel agenda will be issued to Panel members at least five clear working days before the meeting. It will also be published on the Host Authority's website and copies sent to each of the authorities, and by any other means the Panel considers appropriate.
- 7.2 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 Police and Crime Commissioner, it may publish the report or recommendations.
- 8.2 The Panel must by notice in writing require the Police and Crime Commissioner, 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 police and crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take;

- c) where the police and crime Panel has published the report or recommendations, publish the response;
 - d) where the police and crime 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 Police and Crime Commissioner then one separate minority report may be prepared and submitted for consideration along with the majority report.

9. Police and Crime Commissioner and officers giving account

- 9.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of that commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.
- 9.2 Where the Police and Crime Commissioner, or a member of that commissioner's staff, is required to attend 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 for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 9.3 Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chairman of the Panel.
- 9.4 If the Panel requires the Police and Crime Commissioner 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

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 Police and Crime Commissioner's (PCC) 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 Police and Crime Commissioner. 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 Police and Crime Commissioner 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 commissioner must include a statement that the Panel has vetoed the appointment with reasons.

12.6 Appointment of an Acting Police and Crime Commissioner

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 Police and Crime Commissioner
- b) the Police and Crime Commissioner is incapacitated, or
- c) the Police and Crime Commissioner is suspended.

12.6.2 The Panel may appoint a person as acting commissioner only if the person is a member of the Police and Crime Commissioner'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 Police and Crime Commissioner
- b) the termination by the police and crime Panel, or by the acting commissioner, of the appointment of the acting commissioner
- c) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is incapacitated, the commissioner ceasing to be incapacitated, or
- d) in a case where the acting commissioner is appointed because the Police and Crime Commissioner is suspended, the commissioner ceasing to be suspended.

12.7 Proposed precept

12.7.1 The Police and Crime Commissioner will notify the police and crime Panel of the precept which the commissioner 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 commissioner 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 Police and Crime Commissioner 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 the right communication to happen between 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 Bryan Magan, Head of Democratic and Member Services, Warrington Borough Council 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 (Minute CPCP 24, 14 December 2012) 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 Democratic and Member Services of the host authority has

delegated authority to deal with the informal resolution of Part 4 complaints;

12.9 Suspension of the Police and Crime Commissioner

12.9.1 The Panel may suspend the Police and Crime Commissioner if it appears to the Panel that:

- a) the commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) the offence is one which carries a maximum term of imprisonment exceeding two years.

12.9.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:

- a) the charge being dropped
- b) the Police and Crime Commissioner being acquitted of the offence
- c) the Police and Crime Commissioner 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 Panel meeting in private to 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 authorities, and by any other means 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. Rules of debate

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

13.1 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.

13.2 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.

13.3 Order of Speeches

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

13.4 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.

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

13.6 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.

13.7 Alterations to Motions or Amendments

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

13.8 Withdrawal of Motion

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

13.9 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.

13.10 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;

13.11 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.

13.12 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.

13.13 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.

13.14 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.

14. Public Participation

A public speaking time and public question facility will apply to panel meetings as follows:

14.1 A total period of 15 minutes will be allocated for members of the public to speak at Panel meetings. Each member of the public shall be limited to a period of up to 5 minutes speaking.

14.2 The Chairman of the Panel will decide how the period of time allocated for public speaking will be apportioned where there is more than one speaker.

14.3 The Chairman of the Panel shall have discretion to extend the period for public speaking if he/she considers it appropriate to do so.

- 14.4 Members of the Public may speak on any matter relating to the work of the Panel.
- 14.5 During public speaking time, members of the public may ask questions of the Panel. The Chairman, in responding to the question, may answer the question, may decline to do so, may decide to reply at a later date or in writing or may refer the question to an appropriate person or body.
- 14.6 Questions will be asked and answered without discussion.
- 14.7 In order for officers to undertake any background research members of the public wishing to ask a question at a Panel meeting should submit the question in writing at least a day before the meeting.

15. Rights to attend meetings

- 15.1 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.

16. Notices of meeting

- 16.1 The Host Authority will give at least five clear days' notice of any meeting by posting details of the meeting on the public notice board at its main offices. A copy of the notice will be sent to each of the constituent authorities with a request that the notice be posted on the public notice board at their main offices.

17. Access to agenda and reports before the meeting

- 17.1 The Host Authority will make copies of the agenda and reports that are open to the public available for inspection at its main office at least five clear days before the meeting. 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 open to inspection at the time it is added to the agenda.
- 17.2 All agendas and revised agendas will be published on the Host Authority's web site.
- 17.3 The Host Authority will send a copy of each agenda and any revised agenda to constituent authorities for them to make available for public inspection at their main offices.

(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)

18. Supply of copies

The Host Authority will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and

to any person on payment of a charge for postage and any other associated.

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

- 20.1 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. Public inspection of background papers

- 21.1 Each Constituent Authority will make available for public inspection for four years after the date of the meetings, one copy of each of the documents on the list of background papers.

22. Exclusion of access by the public to Panel meetings

- 22.1 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.

- 22.2 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.

22.3 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.

Part 4 – 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.

Expenditure breakdown 2015/16

£53,300 – administration costs
£11,960 (up to £920 per member expenses)

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.

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

PART 5

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'*.

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.

*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 Democratic and Member 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 regards 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 Council Procedure Rules and the Access to Information Procedure Rules in these rules and procedures. 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 at paragraph 22 of Part 3 of these Arrangements, 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 you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –

- you have the consent of a person authorised to give it;
- you 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
- prevent another person from gaining access to information to which that person is entitled by law

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Panel or your Authority into disrepute.

You –

- must not use or attempt to use your position as a member improperly to confer on or secure for yourself 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

Part 6 Administrative Support

Cheshire Police and Crime Panel - Contact Officers

<p>Warrington – Host Authority Katherine Fairclough, Assistant Chief Executive; 01925 44 2150; kfairclough@warrington.gov.uk Timothy Date, Solicitor to the Council; 01925 44 2150; tdate1@warrington.gov.uk Bryan Magan, Head of Democratic and Member Services; 01925 44 2120; bmagan@warrington.gov.uk Julian Joinson Democratic Services Officer; 01925 44 2112; jjoinson@warrington.gov.uk; Jo Taylor, Partnership Advisor; 01925 443513; jtaylor5@warrington.gov.uk</p>	<p>Halton Mark Reaney, Operational Director – Legal & Democratic Services 0151 511 6006; mark.reaney@halton.gov.uk; Angela Scott, 0151 511 angela.scott@halton.gov.uk</p>
<p>Cheshire East – Brian Reed, Head of Governance and Democratic Services; 01270 686670; brian.reed@cheshireeast.gov.uk</p>	<p>Cheshire West Mandy Ramsden, Senior Manager - Democratic Services; 01244 975985; mandy.ramsden@cheshirewestandchester.gov.uk</p>

Part 7: COMPLAINTS PROCEDURE

1. BACKGROUND

- 1.1 This procedure has been developed to ensure compliance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 which are issued under the Police Reform and Social Responsibility Act 2011.
- 1.2 There are separate procedures for complaints against the Commissioner's office and staff, and complaints regarding operational policing, the Chief Constable and other police officers. Details are available on the Commissioner's website.
- 1.3 This procedure has been developed in accordance with the wishes of the Cheshire Police and Crime Panel following its decision at a Panel meeting held on 14 December 2012 (Minute CPCP 24 refers)

2. AIMS/OBJECTIVES

- 2.1 To set out the way in which complaints against the Police and Crime Commissioner (the Commissioner) and the Deputy Police and Crime Commissioner (the Deputy Commissioner) will be handled by the Cheshire Police and Crime Panel (PCP).
- 2.2 To reassure the public that complaints against the Commissioner and the Deputy Commissioner are dealt with fairly and appropriately.
- 2.3 To reassure the public that any complaint relating to a criminal offence will be referred by the PCP to the Independent Police Complaints Commission.

3. SUBMITTING A COMPLAINT

- 3.1 The PCP has delegated the authority for the initial handling of complaints, together with other aspects of the process, to the Host Authority's Monitoring Officer (Warrington Borough Council's Monitoring Officer) under Section 101(2) of the Local Government Act 1972. The Head of Democratic and Member Services (Warrington Borough Council) will assist the Monitoring Officer in this duty.

Complaints should be sent to:
The Head of Democratic & Member Services
Warrington Borough Council
Town Hall
Sankey Street
Warrington

WA1 1UH

Or emailed to bmagan@warrington.gov.uk

- 3.2 When submitting a complaint it is helpful for the complainant to provide as much information as possible, to be specific regarding what was allegedly said or done, the date it happened, and whether there were any witnesses.

4. TIMESCALES

- 4.1 Wherever possible complaints will be acknowledged within 5 working days, and concluded within 40 working days if dealt with through informal resolution (see paragraph 28 below).

5. DUTY TO PRESERVE EVIDENCE

- 5.1 Where a complaint is made, the first task is to ensure that all appropriate steps are taken to obtain and preserve evidence relating to the complaint. This duty is on-going until or unless arrangements are made for the complaint to be dealt with through informal resolution (see paragraph 12 and 13 below). This is the exception because informal resolution does not involve the investigation of the complaint (i.e. obtaining evidence about it).

6. NOTIFICATION AND RECORDING OF COMPLAINTS

- 6.1 If the complaint relates to another police force area, the police and crime panel for that area must be notified.
- 6.2 If the complaint relates to the Cheshire PCP's police force area it will be recorded.
- 6.3 If the complaint is recorded, the complainant and the person complained against will be provided with a copy of the record of complaint. However:

- The recorded complaint may be redacted to protect the identity of the complainant or any other person.

(Note: It is envisaged that this power would be used only in the most limited of circumstances. Any such decision should be made with reference to the Chairman, Vice-Chairman and another Member of the Panel. The reasons for the decision should also be recorded. The original record of the complaint will not be altered.)

- In some cases the Monitoring Officer may decide not to provide a copy of the record, if doing so might prejudice any criminal investigation or pending proceedings or would in some other

way not be in the public interest. Any decision not to provide the record will be kept under regular review.

- This duty to provide a copy of the record does not apply where the complaint has been, or is already being, dealt with by criminal proceedings, or where the complaint is withdrawn.
- If a decision is taken not to notify or record a complaint, the complainant must be advised and given the reason.

7. NOTIFICATION AND RECORDING OF CONDUCT MATTERS

- 7.1 If an issue arises because of a media report or legal proceedings, and it appears that the Commissioner or Deputy Commissioner may have committed a criminal offence, this is referred to as a conduct matter.
- 7.2 A conduct matter is therefore where no formal complaint has been received, but the matter should be treated in the same way as if there was a complaint.
- 7.3 A conduct matter will be recorded in the same way as a complaint unless it has already been recorded as a complaint or is the subject of criminal proceedings.

8. REFERENCE TO THE INDEPENDENT POLICE COMPLAINTS COMMISSIONER (IPCC)

- 8.1 The PCP is not responsible for investigating or determining whether a crime has been committed. The PCP has delegated the authority to the Host Authority's Monitoring Officer (Warrington Borough Council) for filtering complaints and deciding which complaints may amount to criminal conduct and should be referred to the IPCC. The Monitoring Officer may take advice from the IPCC before making a referral.
- 8.2 Any conduct matter (7 above) and any serious complaint (a complaint about conduct that constitutes or involves, or appears to involve, the commission of a criminal offence) must be reported to the IPCC as soon as possible.
- 8.3 Any other complaint must be referred if the IPCC requires it.
- 8.4 Referrals should be made as soon as possible and no later than the close of business the day after the PCP becomes aware that the matter should be referred.
- 8.5 The complainant and the person complained about should be notified, unless doing so might prejudice a future investigation.
- 8.6 It is possible for the IPCC to refer any complaint back to the PCP for resolution.

9. CIRCUMSTANCES WHEN THE PCP DOES NOT NEED TO DEAL WITH A COMPLAINT

9.1 The Monitoring Officer can decide not to refer the complaint for resolution, or to take no action at all, in the following circumstances: -

- A complaint by a member of the Commissioner's staff, arising from their work
- A complaint that is more than 12 months old where there is no good reason for the delay or the delay would be likely to cause injustice
- A complaint about conduct that is already the subject of another complaint
- An anonymous complaint
- A complaint which is vexatious, oppressive or otherwise an abuse of process for dealing with complaints
- A repetitious complaint

9.2 The complainant will be notified if the decision is taken not to deal with a complaint and the reasons given.

10. WITHDRAWN COMPLAINTS

10.1 A complainant can withdraw or discontinue their complaint at any time, by notifying the PCP in writing (address at 3.1 above) and signing the notification. This must be recorded, and if the complaint has been referred to the IPCC they must be informed.

10.2 The PCP may decide not to treat the complaint as withdrawn, but to treat it as a conduct matter and refer it to the IPCC in accordance with the procedure set out above. This decision will be made by the Monitoring Officer in consultation with the Chairman of the PCP.

10.3 The person who is the subject of the complaint will be kept informed, unless to do so might prejudice a criminal investigation or pending proceedings, or would in some other way not be in the public interest.

11. CONDUCT OCCURRING OUTSIDE ENGLAND AND WALES

11.1 The Commissioner and Deputy Commissioner are under a duty to notify the PCP via the Monitoring Officer (host authority), of any allegation, investigation or proceedings relating to their conduct outside England and Wales. The PCP can take whatever action it thinks fit in

these circumstances. This decision will be made by the Monitoring Officer (host authority) in consultation with the Chairman of the PCP.

12. INFORMAL RESOLUTION OF COMPLAINTS

- 12.1 If a complaint is not referred to the IPCC or is rejected it must be dealt with by informal resolution. This is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint.
- 12.2 The Chairman or Deputy Chairman of the Panel, supported by the Monitoring Officer and Head of Democratic and Member Services of the host authority has delegated authority to deal with the informal resolution of Part 4 (non-criminal) complaints.
- 12.3 If a complaint has already been satisfactorily dealt with by the time it comes to the PCP's attention, the complaint may be considered resolved and no further action will be taken. The Monitoring Officer (host authority) can take this decision following consultation with the Chairman of the PCP.
- 12.4 The handling of the process can be delegated to: -
- A sub-committee (comprising the Chairman, Deputy Chairman and an Independent Co-opted Member); or
 - Another person, such as the PCC's Chief Executive or the Host Authority's Monitoring Officer (but the Commissioner and Deputy Commissioner cannot be appointed to consider complaints against each other).
- 12.5 If a sub-committee (comprising the Chairman, Deputy Chairman and an Independent Co-opted Member) or a person is appointed the PCP can take back responsibility for informal resolution at any time.
- 12.7 Informal resolution will be discontinued if the IPCC notifies the PCP that they require the complaint to be referred to them, or if the Monitoring Officer in consultation with the Chairman of the PCP decides that the complaint should be referred to the IPCC.

13. REQUIREMENTS FOR INFORMAL RESOLUTION

- 13.1 The intention is for the procedure to be flexible so that it can be adapted to individual circumstances.
- 13.2 However, there are some formal requirements which are set out below:

Appendix 1

No investigation can take place. The PCP has power to require the person complained against to provide information and documents to the PCP and to attend to answer questions. This does not amount to an investigation.
The person complained against must be given the opportunity to comment on the complaint as soon as is practicable.
Any failure by the person complained against to comment on the complaint when invited to do so will be noted in the written record.
No apology can be tendered on behalf of the person complained against unless the person has admitted the alleged conduct and agreed to make an apology.

Part 8: 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 Monitoring Officer of the host authority or appropriate legal officer;
 - Chief Executive or senior officer at the meeting
 - The host authority Monitoring Officer
- 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 Legal and Democratic Services so they can inform the political

group leaders and provide them with an explanation of what went wrong, what is being done to recover any lost data and how we will mitigate issues in the future.

- 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 DVD back-up will be run which will take a raw feed of the audio and video, prior to it going through the webcaster.
- 3.2 This DVD back-up will be kept by the Marketing Team and will be an unedited raw version of what the cameras and microphones 'see' during the meeting before it is webcast. This will be kept by the Marketing team and used in the case of:
 - Internal scrutiny of pause decisions
 - Back-up facility in case of technical issues