



Friday, 11th March, 2016

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Panel Arrangements and Rules of Conduct of Business

1. Purpose

- 1.1 To amend the Panel's Procedures and Protocols in relation to the consideration of complaints against the Police and Crime Commissioner and his/her Deputy in line with legislation.

2. Background

- 2.1 Following the introduction of Police Reform and Social Responsibility Act 2011, and the establishment of Police and Crime Panels, each Police and Crime Panel is required to make its own rules of procedure for the panel. At its inaugural meeting back in 2012, the Police and Crime Panel agreed a set of Procedures and Protocols for the conduct of its business. These Procedures and Protocols are reviewed on an annual basis to ensure that they remain fit for purpose for the discharge of the Panel's functions.
- 2.2 During the process of considering complaints about the Commissioner, it has come to light that the Panel's Procedures and Protocols are not clear regarding the narrow remit that the Panel has in only being able to consider complaints against the Police and Crime Commissioner and his/her Deputy.
- 2.3 The Panel's original procedural rules were drafted at a time when the precise remit of the powers that would be given to PCPs was unclear. It was at that time anticipated that the PCC's senior staff might be included in the PCP's remit along with the PCP and the Deputy PCC. However, when the legislation was finalised, it transpired that this was not the case. Unfortunately, at that time the PCP's procedural rules should have been amended to reflect the legislation and it was clearly an oversight that this did not happen.
- 2.4 The PCP has, however, always acted in accordance with its statutory remit of powers (i.e. to only include the PCC and Deputy PCC) as opposed to any wider remit which the PCP current procedural rules may appear to provide.

3. Decisions Required

- 3.1 Members are asked to consider the Panel Arrangements and Rules for the Conduct and to agree to remove the reference to "senior staff" and substitute this with Deputy PCC in line with current legislation.

**WEST YORKSHIRE POLICE
AND CRIME PANEL**

**PANEL ARRANGEMENTS & RULES
FOR THE CONDUCT OF BUSINESS**

Version 1

7 March 2014

PANEL ARRANGEMENTS

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PART 1

MEMBER INFORMATION

PART 1(a)

- 1a.1 **MEMBERSHIP OF WEST YORKSHIRE POLICE AND CRIME PANEL as appointed by the 5 Councils (or by the Secretary of State in accordance with his powers) under Schedule 6 of the Police Reform and Social Responsibility Act 2011.**
- 1a.2 If any authority has an Elected Mayor, Schedule 6 part 4 paragraph 33 imposes on those authorities the duty to nominate their Mayors, and if not the Home Secretary will use her powers of nomination.
- 1a.3 In order to comply with the Police Reform and Social Responsibility Act 2011, ie to produce and review the balanced appointment objective, it has been agreed that the following Councils shall hold the following number of seats:
- | | |
|------------|----------------|
| Calderdale | 1 + 1 co-optee |
| Kirklees | 2 |
| Wakefield | 2 |
| Bradford | 2 + 1 co-optee |
| Leeds | 3 |
- 1a.4 Following the annual local elections, political proportionality will be reviewed and agreed by the West Yorkshire Authorities Leaders prior to appointments being made by the local authorities.
- 1a.5 Co-optees will be nominated by the local authority and agreed by the Police and Crime Panel at the Annual Meeting subject to their appointment meeting the balanced appointment objective.
- 1a.6 All members of the Panel, including local authority co-optees and independent co-optees, have equal rights on the Panel.
- 1a.7 Independent Co-opted Panel Members will be recruited by the Panel. At its first meeting the Panel will decide which Members will deal with this process, and will decide on criteria and a process to be followed.
- 1a.8 All Independent Co-opted Panel Members will abide by the Members Code of Conduct for the Support Services Authority.
- 1a.8.1 Independent Co-opted Panel Members will be recruited and appointed for a term of office of four years.

- 1a.8.2 Independent Co-opted Panel Members who wish to resign will give notice to the Chief Officer.
- 1a.8.3 If a casual vacancy arises for an Independent Co-opted Panel Member the Panel will decide on the process to be followed to fill that vacancy.
- 1a.8.4 Each Council has the power to remove its nominated Members (with the exception of any Elected Mayor) and must fill any vacancy by notifying the Chief Officer of the name of the new Member it has appointed to the Panel.

PART 1 (b)

MEMBERSHIP OF WEST YORKSHIRE POLICE AND CRIME PANEL SUB-PANELS

- 1b.1 Sub-Panels shall comprise members of the Panel and may not co-opt members ¹
- 1b.2 Sub-Panels cannot discharge the special functions of the Panel², which are :
- (a) section 28(3) (scrutiny of police and crime plan)
 - (b) section 28(4) (scrutiny of annual report)
 - (c) paragraphs 10 and 11 of Schedule 1 (proposed senior appointments)
 - (d) Schedule 5 (issuing precepts) and
 - (e) Part 1 of Schedule 8 (scrutiny of appointment of chief constables).
- 1b.3 The Standards and Complaints Sub-Panel is required to:
- Engage in monitoring the informal resolution of complaints against the WYPCC or his Deputy
 - Monitor the handling of complaints dealt with under the Elected Local Police Bodies (Complaints and Misconduct) Regulations 2011 relating to the recording and investigation of complaints about the WYPCC or **his senior staff** relating to non-criminal behaviour.
 - Receive information from the IPCC relating to complaints about the WYPCC or his **senior staff**.
- 1b.4 The Membership of the Standards and Complaints Sub-Panel will be determined by the Panel.

¹ Schedule 6 part 4 para 25(4)

² Schedule 6 part 4 para 27

PART 2 PROCEDURE RULES

PART 2 (a)

Introduction

The City of Bradford Metropolitan Council, the Borough Council of Calderdale, Kirklees Metropolitan Council, Leeds City Council and the Council of the City of Wakefield have established a West Yorkshire Police and Crime Panel to ensure that arrangements for discharge of their functions have been made.

These Procedure Rules have been drawn up to enable the Police and Crime Panel to operate and fulfil its statutory responsibilities as set out in The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012.

PROCEDURE RULES OF WEST YORKSHIRE POLICE AND CRIME PANEL

1. GENERAL TERMS

1.1 The following terms apply to these Procedure Rules.

1.2 The following terms shall mean respectively:

“West Yorkshire Police and Crime Panel” (“the Panel”) comprises the 5 Councils of Bradford, Calderdale, Kirklees, Leeds, and Wakefield. The Panel is constituted as a Police and Crime Panel under Section 28 and Schedule 6 of the Police Reform and Social Responsibility Act 2011 (“the Act”) The Panel is made up of 12 members of the 5 Constituent Councils, nominated by the 5 Councils or appointed by the Secretary of State using the powers available to him/her in the Act.

Calderdale	1 + 1 Co-opted member
Kirklees	2
Wakefield	2
Bradford	2 + 1 Co-opted member
Leeds	3

“The Support Services Authority” is the lead local authority which has been agreed by the five Councils to provide support services to the Panel (currently this is Wakefield Council).

“Sub-Panels” are committees with delegated authority from the Panel to undertake responsibilities of behalf of the Panel.

The “Chief Officer” shall mean the Chief Executive of the Support Services Authority.

The “Secretariat” means the Secretariat working for the Chief Officer to support the Police and Crime Panel.

The “Monitoring Officer” shall mean the Head of Legal Services of the Support Services Authority currently responsible to the Panel for providing legal and administrative services for the Panel.

The “Chief Financial Officer” shall mean the Head of Financial Services of the Support Services Authority currently responsible to the Panel for providing financial advice and services for the Panel.

“Co-opted Members” means Members appointed by the Panel in accordance with Part 2 Paragraph 4.1(b) of Schedule 6 of the Act.

2. INTERPRETATION

- 2.1 The Chair of the meeting has the final say as to the interpretation of any Procedure Rule or on any question of procedure not provided for by Procedure Rules.

3. MEETINGS

- 3.1 The Panel shall hold an Annual Meeting which shall be the first meeting after the annual meetings of the constituent councils.

- 3.2 The Annual Meeting will include:

- (a) electing the Chair and Deputy Chair;
- (b) establishing Sub-Panels as necessary
- (c) No appointments under Rule 3(2) shall be for a period beyond the next Annual Meeting of the Panel and
- (d) selecting representatives on Outside Bodies.
- (e) the receipt and approval of the West Yorkshire Police and Crime Panel Procedures and Protocols.
- (f) setting of an annual budget

- 3.3 The Panel shall, between each Annual Meeting, hold ordinary meetings as they determine, provided that one of these meetings shall be held in with the pre-determined Home Office timeframe of each year for the purpose of considering the proposed precept of the WYPCC.

- 3.4 With the exception of the Annual Meeting and the Precept meeting the Chair may cancel any meetings if in his/her opinion insufficient business has arisen for consideration.

- 3.5 A Special Meeting of the Panel shall be convened on a minimum of seven days' notice following the receipt by the Secretariat of a request from the Chair or not less than six Members of the Panel.
- 3.6 After the West Yorkshire Police and Crime Commissioner (the Commissioner) has sent to the Panel an annual report (as set out in section 12 of the Police Reform and Social Responsibility Act 2011), as soon as is practicable, the Secretariat, on behalf of the Chief Officer, shall convene a Public Meeting and invite the Commissioner to attend that meeting – to enable him to comply with section 28(4) of the Act.

4. NOTICE OF MEETINGS

- 4.1 The Chief Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules.
- 4.2 Notice of meetings shall be sent to every Panel Member at least five clear calendar days before a meeting. The notice shall give the date, time and place of each meeting and specify the business to be transacted, and shall be accompanied by such reports as are available. Lack of service on a Member of the Panel of the summons of any meeting shall not affect the validity of a meeting of the Panel.

5. CONDUCT OF BUSINESS

- 5.1 A Member of the Panel requiring a particular item of business which is relevant to the powers and duties of the Panel, to be discussed at an ordinary meeting of the Panel should notify the Chair as soon as possible and no later than 10 days before the date of the meeting.
- 5.2 The Monitoring Officer and/or the Chief Financial Officer may, in liaison with the Chief Officer include an item for consideration on the agenda of the Panel meeting and may require the Chief Officer to call such a meeting in pursuance of their statutory duties.

6. ELECTION OF CHAIR AND APPOINTMENT OF DEPUTY CHAIR

- 6.1 At its Annual Meeting, the Panel shall elect a Chair and Deputy Chair for the term up until the next Annual Meeting.
- 6.2 The mode of voting at meetings of the Panel shall be by show of hands.
- 6.3 On a vacancy arising in the office of Chair or Deputy Chair for whatever reason, the Panel shall elect a new Chair or appoint a new Deputy Chair as soon as possible.

7. MEMBERSHIP OF THE WEST YORKSHIRE CRIME PANEL AND ITS SUB- PANELS

- 7.1 Each Member of the Panel nominated by each constituent Council shall continue to hold office unless the appointing Council withdraws its nomination, or the Member resigns from the Panel or his/her term of office as a member of a constituent Council expires.
- 7.2 The Panel shall be empowered to appoint Sub-Panels and to settle the terms of reference of each Sub-Panel.
- 7.3 Each Council may send a substitute member to meetings and the substitute member will be permitted full voting rights at meetings of the Panel and any Sub-Committees appointed by the Panel.
- 7.4 If a Member has not attended two meetings of the Panel consecutively then they shall no longer automatically be a Member of the Panel and his/her Council will be required to nominate a new Member to the vacant seat on the Panel.
- 7.5 Members of the Panel shall be entitled to be accompanied by appropriate officers.
- 7.6 The Support Services Authority shall make all the necessary administrative arrangements in connection with meetings of the Panel. The Sub-Panels are required to report their activities on an ongoing basis to the Panel.

8. CHAIR OF MEETING

- 8.1 At each meeting of the Panel the Chair, if present, shall preside. If the Chair is not present, the Deputy Chair will preside.
- 8.2 If the Chair and Deputy Chair are absent from a meeting, the Members of the Panel present shall elect a Member to preside.

9. QUORUM

- 9.1 No business shall be transacted at any meeting of the Panel unless at least six Members are present.
- 9.2 If during any meeting of the Panel the Chair declare that there is not a quorum present, the meeting shall stand adjourned to the next ordinary meeting or a further date and time fixed by the Chair.

10. ORDER OF BUSINESS

- 10.1 At every meeting of the Panel the first item of business will be to elect a person to preside if the Chair or Deputy Chair is absent. After that the order of notice of the meeting will be followed. Any variances to this can agreed:

- (a) by the Chair at his/her discretion, or
- (b) on a request agreed to by the Panel.

11. MINUTES

- 11.1 The Chair shall move "That the Minutes of the meeting of the Panel held on.....be agreed as a correct record". If the accuracy is not questioned the Chair shall sign the Minutes.
- 11.2 When the next meeting is an extraordinary meeting of the Panel, the minutes of the previous meeting will be considered at the next ordinary meeting.

12. DISCUSSION AFFECTING PERSONS SERVING OR UNDER THE CONTROL OF THE WEST YORKSHIRE POLICE AND CRIME PANEL

- 12.1 If any question arises at a meeting of the Panel regarding the appointment, promotion, dismissal, salary, superannuation or conditions of service, or around the conduct of any officer serving or under the control of the Panel, the matter must not be discussed until the Panel has decided whether or not the power of exclusion of the public under Sections 100A to 100K of the Local Government Act 1972 are to be exercised.

13. MOTIONS AND AMENDMENTS WHICH MAY BE MOVED WITHOUT NOTICE

- 13.1 The following motions and amendments may be moved without Notice
 - To appoint a Chair of the meeting (in the absence of the Chair and Deputy Chair)
 - Motions relating to the accuracy of the minutes of the Panel
 - That leave be given to withdraw the Motion
 - That the Panel proceed to the next business
 - Move to the vote
 - To defer an item on the agenda apart from statutory matters which must be dealt with in set timescales
 - To suspend Standing Orders in accordance with standing order 19 (1)
 - To adjourn the meeting

- To exclude the public and press from the meeting under the terms of the Local Government Act 1972
- That a Member named under Standing Order 17 be not further heard or do leave the meeting
- To defer a matter on the Panel agenda to the next meeting of the Panel for the preparation of an officer report.

14. NOTICES OF MOTION

- 14.1 Except in the cases specified in Procedural Rule 13 & 14, Notices of Motion shall be submitted to the Chief Officer of the Support Services Authority for consideration by the Panel seven clear working days before the Panel meeting at which any such Motions are intended to be proposed.
- 14.2 Subject to Procedural Rule 14.4, no Panel meeting will receive more than 3 Notices of Motion at any one meeting.
- 14.3 The Chair may exclude from the Panel agenda any Notice of Motion which may be out of order based on the advice of the Chief Officer.
- 14.4 The Chair will have discretion to add to the agenda any Notice of Motion which is considered to be sufficiently urgent based on the criteria below, provided written Notice of the motion is given to the Support Services Authority no later than 10.00am on the day of the Panel meeting.
- That the subject matter of the motion is such that the public might reasonably expect the Panel to debate the issue before the next available Panel meeting and/or;
 - Any further delay would seriously prejudice the Panel's position or public interest in the matter.
- 14.5 Amendments to Notices of Motion under Procedural Rule 14.1 shall be made in writing to the Support Services Authority no later than 4.00 pm the day before.
- 14.6 Every motion must be relevant to some matter in relation to which the Panel has powers or duties or which directly affects the Police and Crime Panel.
- 14.7 The Chief Officer may rule out a motion on the grounds that:
- contains intemperate, inflammatory, abusive or provocative language.
 - is defamatory, frivolous, vexatious, discriminatory or otherwise offensive; or contains false statements
 - a matter subject to prescribed statutory requirements, e.g. an Elected Mayor.
 - is too similar to another motion submitted within the past six months.

- discloses confidential or exempt information, including information protected by a court order or government department.
- discloses material which is otherwise commercially sensitive.
- contains advertising statements.
- refers to an issue which is currently the subject of a formal IPCC complaint, or a non-criminal complaint being dealt with by the Standards and Complaints Sub-Panel.

14.8 The Chair of a Sub-Panel shall decide whether to allow Motions at a meeting of a Sub-Panel but will decide on matters of urgency and suitability as determined by this Rule of Procedure.

15. RULES OF DEBATE

15.1 The decision of the Chair of the Panel is Final on all matters of order or personal explanation.

15.2 If two or more Members indicate they wish to speak, the Chair will call one and the other(s) will wait until called by the Chair

15.3 To be admissible motions and amendments to recommendations before the Panel must be submitted to the Support Services Authority within the stated deadlines and must be moved by one Member and seconded by another.

15.4 Motions and amendments to recommendations will be considered in the order determined by the Chair based on an appropriate order for the effective conduct of business.

15.5 An amendment must be relevant to the motion and must

- Propose leaving out words or propose leaving out words and inserting or adding other, or
- Propose inserting or adding words

Provided that the effect of the amendment must not be simply to reverse the effect of the motion before the Panel; such opposition to a motion can be signalled by voting against it.

15.6 Subject to the consent of the Panel, indicated without discussion, a Member may alter a motion or amendment of which he/she has given Notice.

15.7 A Motion or amendment may be withdrawn by the mover with the consent of the seconder and of the Panel (indicated without discussion). No Member may speak after the mover has asked for permission for its withdrawal unless permission to withdraw the motion or amendment is refused.

15.8 Only one amendment may be moved and discussed at a time unless the Chair rules otherwise and no further amendment is to be moved until the Panel has reached a decision on the amendment under discussion.

15.9 When a motion is under debate no other motion may be moved except:

- To amend the motion
- To adjourn the meeting
- To proceed to the next business
- To move to the vote
- That a Member be no longer heard
- That a Member leave the meeting
- To exclude the public or press from the meeting under the terms of the Local Government Act 1972

15.10 The mover of a motion has a right of reply at the end of the debate on the motion immediately before it is put to the vote.

15.11 The following are recognised as breaches of order:

- Discussion of a matter not before the Panel
- Use of improper language
- Breach of any Standing Order
- Interjection of remarks while a Member is speaking

15.12 A Member may raise a point of order during a debate provided that they do nothing more than call attention to the alleged breach or order. The point of order must be briefly stated to the Chair in the form of a question. All debate will cease until the Chair gives a ruling on the alleged breach of order.

15.13 If the Chair rules that the language used by a Member is improper it is the duty of the Member to withdraw it.

15.14 If a Member believes they have been injured by a misrepresentation made in a debate then they may make a personal explanation provided that such explanation is a brief statement of fact and not further argument of the question before the Panel.

15.15 When moving a motion a Member may speak for a maximum of five minutes. No other speeches (including the moving of amendments) may take more than three minutes without the consent of the Panel, which will be determined by a vote on a motion without discussion.

15.16 Each meeting of the Police and Crime Panel will end no later than 6pm

16. VOTING

- 16.1 Voting will be on a one member one vote basis, and any matter shall be decided by a simple majority of those Members voting, unless a two thirds majority is required by law (a proposed precept and proposed senior appointments). The mode of voting at meetings shall be by show of hands unless the Panel decide in any particular case to vote by ballot.
- 16.2 In the case of an equal division of votes the Chair of the meeting shall have a second or casting vote.
- 16.3 Any six Members may demand that a recorded vote be taken.
- 16.4 Following a vote, if a Member so requests, there shall be recorded in the Minutes of the meeting whether the person cast his/her vote for the question or against the question or whether he/she abstained from voting.
- 16.5 On the occasion of the annual precept meeting when the Police and Crime Panel considers the PCC's budget precept proposals, immediately after any vote is taken there must be recorded in the minutes of the proceedings of that meeting the names of the persons who cast a vote for the decision or against the decision or who abstained from voting.

17. DISTURBANCES AT MEETINGS

- 17.1 If a member of the public interrupts the proceedings of any meeting the Chair shall warn that person. If the interruption continues, the Chair shall order the person's removal from the Meeting Room. In case of general disturbance in any part of the Meeting Room open to the public, the Chair shall order that part to be cleared.
- 17.2 If, in the opinion of the Chair, any Member in the meeting indulges in misconduct by persistently disregarding the ruling of the Chair, or by behaving irregularly, improperly, offensively, or by wilfully obstructing the business of the Panel, the Chair or any other Member may move "That the Member named be not further heard", and the motion if seconded will be put and voted on without discussion.
- 17.3 If the Member named continues the misconduct after a motion under the foregoing paragraph has been carried, the Chair shall either move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion) or adjourn the meeting of the Panel for such period as the Chair shall consider expedient.

18. VARIATION AND REVOCATION OF PROCEDURE RULES

- 18.1 Any addition, variation or revocation of these Procedure Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Panel.

19. SUSPENSION AND AMENDMENT OF PROCEDURE RULES

- 19.1 Any Procedure Rule except Rule 16.1 may be suspended for all or part of a meeting of the Panel by a motion made and seconded and carried by a majority of the Members present at the meeting. The motion to suspend should include the reasons why the suspension is being proposed. Suspension is only for the duration of the meeting, but cannot be removed if the effect of suspending Procedure Rules would be in conflict with the terms of any Agreement entered into by the constituent Councils.

20. SUPPORT FOR ELECTED MEMBERS, EXECUTIVE MEMBERS AND OFFICERS

- 20.1 Each Council shall identify a lead officer to provide support and guidance to its Members on the West Yorkshire Police and Crime Panel, Executive Members of the five Councils, encourage Chief Executives, and officers of the five Councils, in relation to the functions of the West Yorkshire Police and Crime Panel. [sched 6 part 4 para 29]

21. PROCEDURE RULES TO APPLY TO SUB-COMMITTEES

- 21.1 Procedure Rules numbers 4, 5, 8, 9, 10, 11, 12, 15,16, 17 and 19 shall apply to meetings of Sub-Panels appointed by the Panel.