

WEST YORKSHIRE POLICE AND CRIME PANEL

TERMS OF REFERENCE AND LEGISLATIVE COMPLIANCE RULES

Version 2

Preamble

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 must under Section 28 and Schedule 6 of the Police Reform and Social Responsibility Act 2011 establish and maintain and make arrangements for a police and crime panel.

The Councils have agreed the following:

CONTENTS

PART 1 TERMS OF REFERENCE

- (a) Terms of Reference of West Yorkshire Police and Crime Panel

PART 2 GOVERNANCE

- (a) Access to Information Procedure Rules
- (b) Contracts Procedure Rules and Financial Procedure Rules

PART 3 STANDARDS and ADMINISTRATIVE SUPPORT

- (a) Members' Code of Conduct
- (b) Statutory Officers
 - 4(b) (i) Monitoring Officer and Chief Financial Officer (s151 Officer) Protocol
- (c) Payment of allowances
- (d) West Yorkshire Police and Crime Panel Support Services Authority Contact Officers

PART 1

TERMS OF REFERENCE

PART 1 (a)

TERMS OF REFERENCE OF WEST YORKSHIRE POLICE AND CRIME PANEL

1. WEST YORKSHIRE POLICE AND CRIME PANEL

- 1.1 In exercise of their powers under Section 28 and Schedule 6 of the Police and Social Responsibility Act 2011, and all other powers enabling them in that behalf, the five Councils of Bradford, Calderdale, Kirklees, Leeds and Wakefield are required to participate in a police and crime panel, to be known as the “West Yorkshire Police and Crime Panel” (“the Panel”) which shall be constituted as a Joint Committee¹ and which shall conduct its business in accordance with the Procedure Rules set out at Part 3 of this document.
- 1.2 The five Councils participating in this Panel do so with a view to supporting the effective exercise of the Police and Crime Commissioner functions (“the PCC functions” of the Mayor of West Yorkshire (“the Mayor”) and also promoting the role of the Panel.
- 1.3 Each of the five Councils empowers the Panel to arrange for the discharge of the functions or any of them by any Sub-Panel or officer appointed by it or by any officer of the constituent Councils so appointed and Subsection (2) of Section 101 of the Local Government Act 1972 shall apply in relation to the functions of the Panel as it applies in relation to the functions of the constituent Councils but with regard to arrangements in respect of Sub-Committees the requirements of Procedure Rule 7 must be followed.
- 1.4 The five Councils have drawn up and implemented a joint Agreement and the Panel is subject to the requirements of this Agreement, the operation of which, shall be periodically reviewed by the Panel.
- 1.5 The Panel has adopted Contracts Procedure Rules and Financial Procedure Rules to provide a governance framework and these shall be subject to annual review.
- 1.6 On behalf of the five West Yorkshire Local Authorities, Wakefield Council is the responsible body for the effectively delivery of the secretariat Police and Crime Panel. The Panel is therefore governed by the Council’s constitutional arrangements including the requirement to comply with the Equality Act 2010.

¹ Schedule 6, Part 2 paragraph 4(5)(b) of the Act

- 1.7 In addition to the specific matters highlighted in these Terms of Reference the Panel shall assume general responsibility for the functions of Panel and, where appropriate, make recommendations to the constituent Councils on relevant matters.
- 1.8 Without prejudice to its general responsibility the Panel shall, except where such responsibilities have been delegated to Sub-Panels or otherwise, be responsible, inter alia for the following:
- Budget management including the fixing of the annual budget
 - Resource management
 - Risk Management
 - Internal Audit
 - Approving and undertaking a Work Programme
 - Keeping under review standards issues and
 - Receiving minutes of any Sub-Panel
 - To review and scrutinise decisions made or other action taken by: the Mayor in the exercise of their PCC functions; any Deputy Mayor for Policing and Crime; or any other person who exercises any function of the Mayor in their PCC functions; this includes :
 - ❖ To receive notification of the suspension of the Chief Constable by the Mayor
 - ❖ The power of veto over the amount of the Mayor's proposed PCC component of Council Tax
 - ❖ The power of veto over the Mayor's proposed candidate for Chief Constable
 - ❖ The power to ask Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) for a professional view when the Mayor intends to dismiss a Chief Constable
 - ❖ The power to review the Mayor's draft Police and Crime Plan and make recommendations to the Mayor
 - ❖ The power to review the Mayor's Annual Report and make reports and recommendations at a public meeting, which the Mayor must attend
 - ❖ The power to require relevant reports and information in the Mayor's possession (except those which are operationally sensitive) to enable them to fulfil their statutory obligations
 - ❖ The power to require the Mayor or any Deputy Mayor for Policing and Crime or any other person who exercises any function of the Mayor in their PCC functions to attend the Panel to answer questions
 - ❖ The power to suspend the Mayor so far as acting in the exercise of PCC functions
 - ❖ The power to appoint the Deputy Mayor for Policing and Crime or a member of the Combined Authority's staff deployed wholly or partly in relation to the Mayor's PCC functions as an acting Mayor for PCC functions where the incumbent Mayor is suspended from the exercise of PCC functions
 - ❖ Recording complaints about the Mayor when acting in relation to their PCC functions and any Deputy Mayor for Policing and Crime, although serious complaints and conduct matters must be passed to

the Director General of the Independent Office for Police Conduct (“IOPC”) and other complaints (that are not serious complaints and conduct matters) about the Mayor and any Deputy Mayor for Policing and Crime in so far as they are a member of the Combined Authority must be passed to the Combined Authority

- ❖ Informal resolution of other complaints (that are not serious complaints and conduct matters) about any Deputy Mayor for Policing and Crime in so far as they are not a member of the Combined Authority.

- 1.9 The Panel will share information with the Mayor, any Deputy Mayor for Policing and Crime or any other person who exercises any function of the Mayor in their PCC functions through an agreed protocol.

2. WEST YORKSHIRE POLICE AND CRIME PANEL

The West Yorkshire Police and Crime Panel is empowered to:

- 2.1 require the Mayor or any Deputy Mayor for Policing and Crime or any other person who exercises any function of the Mayor in their PCC functions to provide it with any information which it reasonably requires to carry out its functions.²
- 2.2 require the Mayor or any Deputy Mayor for Policing and Crime to attend at reasonable notice to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.³
- 2.3 at reasonable notice request the relevant Chief Constable to attend before the Panel on the same occasion to answer any question which appears to the panel to be necessary in order for it to carry out its functions.⁴
- 2.4 require the Mayor to respond in writing (within a reasonable period to be determined by the Panel) to any report or recommendation made by the Panel to the Mayor.⁵
- 2.5 review the draft Police and Crime Plan, or draft variation, given to the Panel by the Mayor.⁶
- 2.6 make a report or recommendations on the draft police and crime plan, or draft variation, to the Mayor.⁷
- 2.7 arrange for a public meeting of the Panel to be held after receiving the Annual Report of the Mayor, and at that meeting ask questions of the Mayor and review the Annual Report and make a report or recommendations to the Mayor on the Annual Report.⁸
- 2.8 to review any appointment of a Deputy Mayor for Policing and Crime proposed to be made by the Mayor, to hold a confirmation hearing (as set out in Paragraph 11 of Schedule 1 of the Act) and to make a report to the Mayor including a recommendation as to whether or not the candidate should be appointed, and including determining the manner in which the report and/or recommendations is to be published.⁹

² Section 13 of the Act

³ Section 29 of the Act

⁴ Section 36 of the Act

⁵ Section 29(3) of the Act

⁶ Cannot be delegated to a sub-Panel – section 28(3)(a)

⁷ Section 28(3)(b)

⁸ Cannot be delegated – schedule 1(11)

⁹ Cannot be delegated - paragraphs 9 and 10 of schedule 1

- 2.9 to accept notification from the Mayor as to whether he accepts or rejects the Panel's recommendation in respect of any candidate for Deputy Mayor for Policing and Crime.¹⁰
- 2.10 to review an appointment proposed to be made by the Mayor to the post of Chief Constable, to hold a confirmation hearing (as set out in paragraph 6 of Part 1 of Schedule 8 of the Act) and to make a report to the Mayor including a recommendation as to whether or not the candidate should be appointed, and including determining the manner in which the report and/or recommendations is to be published¹¹
- 2.11 receive notification of the suspension from duty of the Chief Constable by the Mayor.¹²
- 2.12 receive written notification from the Mayor that he is proposing to call upon the Chief Constable to retire or resign and the written explanation of reasons he has given the Chief Constable for his proposal, and receive any written representations made by the Chief Constable in response to the proposal and the written explanation.¹³
- 2.13 receive notification from the Mayor that he has considered the representations of the Chief Constable and is still proposing to call upon the Chief Constable to retire or resign.¹⁴
- 2.14 upon receipt of this second notification the Panel must hold a scrutiny hearing in private, and may consult the Chief Constable, and make a recommendation to the Mayor as to whether or not the Mayor call for the resignation or retirement of the Chief Constable, and must publish that recommendation, and determine the manner in which its' recommendation is published¹⁵
- 2.15 receive notification from the Mayor that he has accepted or rejected the Panel's recommendation about whether to call on the Chief Constable to retire or resign¹⁶
- 2.16 receive notification from the Mayor of the proposed PCC component council tax requirement which the Mayor is proposing for the financial year ("the proposed PCC component council tax requirement")¹⁷
- 2.17 to review the proposed PCC component council tax requirement and make a report to the Mayor, including recommendations as to the PCC component council tax requirement that should be determined for the financial year, and

¹⁰ Paragraph 12 of Schedule 1

¹¹ Cannot be delegated – paragraph 4, Part 1 of schedule 8

¹² Schedule 8, Part 2, paragraph 11

¹³ Part 2 of Schedule 8 of the Act

¹⁴ Paragraph 16 of Part 2 of Schedule 8

¹⁵ Paragraph 4,5 and 6 of Part 2 of Schedule 8

¹⁶ Paragraph 16(2) of Part 2 of Schedule 8

¹⁷ Paragraph 2 of Schedule 5

to decide the manner in which the report and/or recommendations is to be published¹⁸

- 2.18 to consider whether to veto the proposed PCC component council tax requirement but the Panel may only veto the proposed PCC component council tax requirement if at least two-thirds of the persons who are members of the Panel at the time when the decision is made vote in favour of making that decision¹⁹
- 2.19 if the proposed PCC component council tax requirement is vetoed by the Panel, to receive the report of the Mayor and to determine the manner in which the Mayor's response to that veto is to be published²⁰
- 2.20 If the proposed PCC component council tax requirement is not vetoed, the Mayor may give the Panel a response to its report, and it is for the Panel to determine the manner in which the Mayor's response is to be published²¹
- 2.21 suspend the Mayor if the statutory requirements have been met²²
- 2.22 appoint an Acting Mayor if the statutory requirements have been met²³
- 2.23 fulfil its duties under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 relating to the recording of complaints about the Mayor and any Deputy Mayor for Policing and Crime.
- 2.24 engage in informal resolution of complaints relating to non-criminal behaviour about any Deputy Mayor for Policing and Crime in so far as they are not a member of the Combined Authority.²⁴

2. TERMS OF REFERENCE

The Standards and Complaints Sub-Panel is to:

- Monitor the handling of complaints dealt with under the Elected Local Police Bodies (Complaints and Misconduct) Regulations 2012 relating to the recording of complaints about the Mayor or any Deputy Mayor for Policing and Crime.
- Engage in the informal resolution of complaints (that are not serious complaints or conduct matters) about any Deputy Mayor for Policing and Crime in so far as they are not a member of the Combined Authority
- Receive information from the IOPC relating to serious complaints and conduct matters about the Mayor and any Deputy Mayor for Policing and Crime.

¹⁸ Cannot be delegated – Paragraph 3 of Schedule 5

¹⁹ Paragraph 4 of Schedule 5

²⁰ Paragraph 6 of Schedule 5

²¹ Paragraph 5 of Schedule 5

²² Section 30 of the Act

²³ Section 62 of the Act

²⁴ Paragraph 3 of Schedule 7

- Receive information from the Combined Authority relating to non-criminal complaints about the Mayor and any Deputy Mayor for Policing and Crime in so far as they are a member of the Combined Authority.

3. SUB PANELS TERMS OF REFERENCE

- 3.1 It is planned that there should be one Sub-Panel, Standards and Complaints, with the power to increase the number of Sub-Panels as and when needed, at the discretion of the Panel.

PART 2 (a)

ACCESS TO INFORMATION PROCEDURE RULES

1. SCOPE

2a.1 These rules apply to all meetings of the Panel and Sub-Panels.

2a.2 These rules also cover public rights of access to informational under the Freedom of Information Act 2000, and Members' rights of access to information.

2. ADDITIONAL RIGHTS TO INFORMATION

2a.2.1 These rules do not affect any more specific rights to information contained elsewhere.

3. RIGHTS TO ATTEND MEETINGS

2a.3.1 Subject to any statutory prohibitions and to Access to Information Rule 2(2), meetings of the Panel and any Sub-Panels shall be open to the public. This shall be without prejudice to any power of exclusion to suppress or prevent disorderly conduct or other misbehaviour at a meeting.

2a.3.2 The Panel and any Sub-Panel may by resolution exclude the press and public from a meeting (whether during the whole part or part only of the proceedings) in accordance with the Access to Information Procedure Rule 10.

4. NOTICE OF MEETINGS

2a.4.1 The Chief Officer will give at least five clear days' notice of any meeting by posting details of the meeting at the offices of the constituent Councils and such other place as is fixed for the meeting of the Panel.

2a.4.2 At least five days before a meeting a summons to attend the meeting specifying the business proposed to be transacted thereat shall be left at or sent by post to the last address given for that purpose by each Member of the Panel and to each Chief Executive of the constituent Councils by the Chief Officer.

5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

2a.5.1 Copies of the agenda and reports open to the public will be available for inspection at the Chief Executive's offices of the Support Services Authority at least five clear days before the meeting, except that where a meeting is convened at shorter notice, the copies of the agenda and reports shall be open to inspection from the time the meeting is convened.

2a.5.2 Where an item is added to the agenda, and the report is open to the public, copies of any report for the meeting relating to the item, and the revised agenda shall be available for inspection from the time the item is added to the agenda.

2a.5.3 Where copies of the agenda and reports open to the public are not made available for inspection in this way, an item of business will not be considered unless by reason of special circumstances, which shall be specified in the minutes, the chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency

6. SUPPLY OF COPIES

2a.6.1 The Chief Officer 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
- (c) if the Chief Officer thinks fit, copies of any other documents supplied to Members in connection with an item to any person on payment of a charge for postage and any other costs.

7. ACCESS TO MINUTES ETC AFTER THE MEETING

2a.7.1 The Chief Officer will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

8. BACKGROUND PAPERS

List of background papers

2a.8.1 Every report will set out a list of 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 (as defined in the Access to Information Rule 10).

Public inspection of background papers

2a.8.2 The Chief Officer will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

9. SUMMARY OF THE PUBLIC'S RIGHTS

2a.9.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Chief Executive's offices of the Support Services Authority.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

Confidential information - requirement to exclude the public

2a.10.1 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.

Exempt information - discretion to exclude the public

2a.10.2 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. Reasons should be given in a relevant report that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. 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.

Meaning of confidential information

2a.10.3 Confidential information means information given by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Meaning of exempt information

2a.10.4 Exempt information means information falling within the following categories.

1. Information relating to any individual	Information is exempt 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
2. Information which is likely to reveal the identity of an individual	Information is exempt 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
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is exempt 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</p> <p>Information is not exempt if it must be registered under various statutes, such as the Companies Act 1985 or the Charities Act 1993.</p> <p>“Financial or business affairs” includes contemplated, as well as past or current, activities</p>
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 officer-holders under the authority	<p>Information is exempt 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</p> <p>“Labour relations matter” are as specified in paragraphs (a) to (g) of section 218(1) of the Trade Unions and Labour Relations (Consolidation) Act 1992, i.e. matters which may be the subject of a trade dispute within the meaning of that Act or any dispute about any such matter</p>
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	Information is exempt 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

<p>6. Information which reveals that the authority proposes –</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment</p>	<p>Information is exempt 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</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>	<p>Information is exempt 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</p>
<p>7A. Information which is subject to any obligation of confidentiality.</p>	<p>Information is exempt 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</p>
<p>7B. Information which relates in any way to matters concerning national security.</p>	<p>Information is exempt 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</p>
<p>Information relating to matters of sensitive operational policing, which in the opinion of the Chief Constable would affect his or her ability to undertake his or her duties</p>	<p>Information is exempt 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</p>

11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

2a.11.1 If the Chief Officer thinks fit, the Panel may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with the Access to Information Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for Publication” together with the category of information likely to be disclosed.

12. FREEDOM OF INFORMATION REQUESTS

2a.12.1 All Freedom of Information requests received by any of the constituent Councils shall be transferred to the Support Services Authority for action. Responses will be prepared in liaison with the receiving authority, where appropriate.

PART 2 (b)

CONTRACTS PROCEDURE RULES AND FINANCIAL PROCEDURE RULES

1. GENERAL

2b.1.1 The Contracts Procedure Rules and the Financial Procedure Rules of the Support Services Authority shall apply to the Panel. Currently these are those of the Council of the City of Wakefield.

2. CONTRACTS PROCEDURE RULES

2b.2.1 The Panel will operate in accordance with the requirements of these Contracts Procedure Rules and Financial Procedure Rules and such other policy and legislative requirements as are relevant.

2b.2.2 The Panel is responsible for regulating and controlling the overall contractual and financial arrangements of the Panel.

2b.2.3 The Chief Officer will operate in accordance with the requirements of the Contracts Procedure Rules and Financial Procedure Rules except where his/her scheme of delegation provides otherwise.

2b.2.4 In dealing with matters referred to in these Contracts Procedure Rules and Financial Procedure Rules both Members and officers are required to follow the requirements of any Code of Conduct, whether statutory or informal, provided in the case of an informal Code it has been approved by the Panel in discharging their responsibilities.

2b.2.5 The Panel, in consultation with the Monitoring Officer and the Chief Financial Officer, shall settle any difference which arises from the interpretation of these Contracts Procedure Rules and Financial Procedure Rules.

2b.2.6 Where further guidance/direction is required with regard to these Contracts Procedure Rules or Financial Procedure Rules the Panel shall rely on the Contracts Procedure Rules and Financial Procedure of the Support Services Authority as appropriate and such other guidance/direction provided from time to time by the Chief Financial Officer.

3. FINANCIAL PROCEDURE RULES

2b.3.1 The Local Government Act 1972 (Section 151) warrants the need for an employee of the Support Services Authority of the Panel (currently the Council of the City of Wakefield), to be recognised as the responsible financial officer. In this case the officer is the Chief Financial Officer. The Chief Financial Officer has responsibility for the preparation, review and amendment of these rules. The Chief Financial Officer has responsibility for the administration of

the Panel's financial affairs. Any ambiguity arising from the interpretation of these rules shall be settled by Chief Financial Officer.

2b.3.2 The Financial Procedure Rules of the Council of the City of Wakefield govern the internal framework and procedures for financial administration and control within the Panel.

2b.3.3 The Financial Procedure Rules are applicable at all times and must be adhered to by all employees of the Panel and external agencies whilst acting on behalf of Panel unless specifically exempted by the terms of contracts entered into between those agents and the Panel. Financial Procedure Rules should be read in conjunction with the Contracts Procedure Rules and Wakefield Council's Code of Conduct.

2b.3.4 The Chief Officer is responsible for making arrangements to ensure that the Financial Procedure Rules are made known to all appropriate employees, to supply those employees with updates issued and to keep suitable records to confirm to the Chief Financial Officer that this has been done.

2b.3.5 Each section of the Financial Procedure Rules is headed by one or several objectives that the actual rules are designed to achieve. These objectives shall be used by the Chief Financial Officer in the continuous review and audit of the Panel's financial systems.

PART 3

STANDARDS & ADMINISTRATIVE SUPPORT

PART 3 (a)

MEMBERS' CODE OF CONDUCT

- 3a.1 Elected Members of the Panel will abide by their Parent Authority Members' Code of Conduct.
- 3a.2 Independent Co-opted Panel members will abide by the Members' Code of Conduct for the Support Services Authority. Copies of the Code of Conduct and Procedures for Allegations against Members will be supplied to Independent Co-opted Panel Members upon their appointment to the Panel.

PART 3 (b)

STATUTORY OFFICERS

- 3b.1 The current Agreement makes provision for The Council of the City of Wakefield to be designated as the Support Services Authority. As part of this arrangement Wakefield's three statutory officers support the work of the Panel.
- 3b.2 The three statutory officers are:
 - Chief Officer – Chief Executive
 - Chief Financial Officer – Chief Finance Officer
 - Monitoring Officer – Chief Legal Officer
- 3b.3 The Chief Officer has overall responsibility for managing the Council and also responsibility for providing advice on staffing and the decision making process. The Chief Officer will also work closely with the Monitoring Officer to secure high ethical standards.
- 3b.4 The Monitoring Officer has defined responsibilities in respect of matters of legality and ethical standards. If the Monitoring Officer considers any proposal, decision or omission would give rise to unlawfulness, or if any decision or omission has given rise to maladministration, then action can be taken to stop the proposal or decision being implemented until a report of the Monitoring Officer has been considered.

- 3b.5 The Chief Financial Officer has defined responsibilities in respect of the proper administration of the financial affairs of the Panel, in particular provision will be made for professional support and advice as appropriate. He/she will also provide advice, among other things, on the scope of powers and authority to take decisions; on issues relating to maladministration, financial impropriety, probity, value for money, performance; and on the financial strategies and policy framework issues. The Chief Financial Officer is empowered to deal with any proposal or decision or course of action that will involve incurring unlawful expenditure or is unlawful.
- 3b.6 In return for these responsibilities, the statutory officers have certain legal protections. In summary these protections mean that the Council cannot suspend a statutory officer for more than two months, for the purpose of investigating misconduct, unless that is recommended by an independent person appointed by the officer and the Council
- 3b.7 It is acknowledged that while Wakefield's three statutory officers will provide the main support to the Panel there may be occasions when the statutory officers of other Councils have an interest in a particular matter affecting the Panel. Where such a situation arises the statutory officer concerned will be expected to contact the Chief Officer of the Panel and inform the relevant statutory officer at Wakefield of his/her interest.

Monitoring Officer and Chief Financial Officer (s151 Officer) Protocol

1. Introduction

The Council of the City of Wakefield is the host Authority for the West Yorkshire Police and Crime Panel (the Panel). The Monitoring Officer and Chief Financial Officer for Wakefield Council will therefore undertake these statutory roles for the Panel.

This Protocol sets out the key responsibilities of these posts and the working arrangements that have been agreed by the Panel. The purpose of the Protocol is to support the statutory officers in carrying out their roles effectively.

2. Key Responsibilities

The Monitoring Officer has responsibility for safeguarding, so far as possible, Members and officers whilst acting in their official capacities, from legal difficulties and/or criminal or civil sanctions. They have to report to the Panel if they are of the opinion that any proposal or decision of the Panel (or anyone acting on its behalf) has given rise to or is likely or would give rise to any illegality, maladministration or breach of statutory code. Members have to have regard to any advice from the Monitoring Officer.

The Chief Financial Officer (s151 Officer) has responsibility for making arrangements for the proper administration of the Panels financial affairs. They have to report to the Panel if there is likely to be unlawful expenditure or an unbalanced budget. Again Members have to have regard to any advice from the Chief Financial Officer.

The ability of the Monitoring Officer and Chief Financial Officer to carry out these responsibilities will depend, to a large extent, on Members and officers:

- complying with the law (including any relevant codes of conduct)
- complying with any general guidance issued
- making lawful and proportionate decisions and
- generally, not taking action that would bring the Panel, their offices or professions into disrepute.

3. Working Arrangements

Having excellent working relations with Members and officers will assist the Monitoring Officer and Chief Financial Officer to undertake their responsibilities and support the Panel effectively. Equally, a speedy flow of relevant information and access to debate (particularly at the **early stages** of any decision-making by the Panel) will assist in fulfilling those responsibilities.

The following arrangements and understandings between the Monitoring Officer, Chief Financial Officer, Members and officers are designed to ensure the effective

discharge of the Panel's business and functions.

The Monitoring Officer and Chief Financial Officer will:-

- (a) be alerted by Members and officers to any issue(s) that may become of concern to the Panel, including, in particular issues around legal powers to do something or not, financial affairs, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to (or do) arise;
- (b) have formal input into any reports which have legal or financial implications;
- (c) have advance notice (including receiving Agendas, Minutes, Reports and related papers) of all relevant meetings of the Panel (or anyone acting on their behalf) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (d) have the right to attend and be heard at any meeting of the Panel (or anyone acting on their behalf) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (e) in carrying out any investigation(s) have unqualified access to any information held by the Panel and to any Member or officer who can assist in the discharge of their functions;
- (f) have a close working relationship of respect and trust with the Panel Members with a view to ensuring the effective and efficient discharge of business;
- (g) develop effective working liaison and relationships with the Mayor, any Deputy Mayor and any other person who exercises any function of the Mayor in their PCC functions, the Chief Constable, the IOPC and the Local Government Ombudsman

To ensure the effective and efficient discharge of the above arrangements, Members and officers will report any breaches of statutory duty or Panel policies or procedures and other vices or constitutional concerns to the Monitoring Officer, as soon as practicable.

The Monitoring Officer will be available for Members and officers to consult on any issues regarding the Panel's legal powers, possible maladministration, impropriety and probity issues, or general advice on the constitutional arrangements.

The Chief Financial Officer will be available for Members and officers to consult on any issues regarding finances.

To ensure the effective and efficient discharge of this Protocol, the Chief Financial Officer will ensure adequate insurance and indemnity arrangements are in place to protect and safeguard the interests of the Panel and the proper discharge of the Monitoring Officer and Chief Financial Officer role.

4. Monitoring the Protocol

The Monitoring Officer and Chief Financial Officer will report to the Panel regarding whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen.

Part 3(c) Allowances and Expenses

3c.1 Each local authority shall determine locally, and be responsible, for payment of any allowances to their own Panel Members. Independent Panel members will receive an allowance direct from the Support Services Authority. Where Panel members receive an allowance, they will not receive additional out of pocket expenses unless the Panel Members is partaking in duties outside of West Yorkshire or in other exceptional circumstances.

PART 3 (d)

WEST YORKSHIRE POLICE AND CRIME' PANEL SUPPORT SERVICES AUTHORITY CONTACT OFFICERS

Officer Title	PCP Panel Support Role	Name	Contact Address	Contact email / tel no.
Chief Executive	CHIEF OFFICER	Andrew Balchin	Town Hall Wood Street Wakefield WF1 2HQ	Abalchin@wakefield.gov.uk 01924 306634
Chief Legal Officer	MONITORING OFFICER	Gillian Marshall	County Hall Bond Street Wakefield WF1 2QW	gmarshall@wakefield.gov.uk 01924 305211
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