

Gwent Police  
and Crime Panel

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## **OVERVIEW**

### **1. Introduction and General Operating arrangements**

- 1.1 Caerphilly County Borough Council shall act as the 'Host Authority' in establishing the Gwent Police and Crime Panel.
- 1.2 The Panel shall be made up of twelve Elected Members and two Co-opted Members. Any reference herein to both types of members shall be referred to as "Members".
- 1.3 The Host Authority shall provide the required support services for the operation and discharge of duties of the Gwent Police and Crime Panel.
- 1.4 Due to the legal status Police and Crime Panels in Wales ('free-standing public body'), in accordance with the Police Reform and Social Responsibility Act 2011, they are the responsibility of the Home Secretary.
- 1.5 Due to the legal status of Police and Crime Panels in Wales all costs incurred in relation to the 'hosting' of the Police and Crime Panel shall be the responsibility of the Home Secretary. The Home Secretary shall discharge this responsibility with the provision of an annual grant to the Host Authority to cover all costs associated with hosting.
- 1.6 Whilst the Panel is not a joint committee, certain provisions of enactments which apply to Local Authority joint committees or their Members apply to the Panel by virtue of the Police Reform and Crime Panels (Application of Local Authority Enactments) Regulations 2012.
- 1.7 The Authorities and the Panel shall, so far as is reasonably practical, ensure at all times that the Panel membership meets the 'balanced appointment objective' requirements of the legislation and that the Members appointed together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 1.8 Any queries relating to the Gwent Police and Crime Panel's Terms of Reference and Rules of Procedure should be addressed to Head of Legal Services, Caerphilly County Borough Council.

## **GWENT POLICE AND CRIME PANEL TERMS OF REFERENCE**

### **2. Terms of Reference**

- 2.1 To support the effective exercise of the functions of the Gwent Police and Crime Commissioner.
- 2.2 To review and make a report or recommendation(s) on the draft Police and Crime Plan (or variations), produced by the Gwent Police and Crime Commissioner.
- 2.3 To scrutinise the Gwent Police and Crime Commissioner's Annual Report and make a report or recommendation(s) to the Commissioner.
- 2.4 To hold a confirmation hearing to review proposed senior appointments of Deputy Police and Crime Commissioner, Chief Executive and Chief Finance Officer and make a report with recommendation(s) to the Police and Crime Commissioner.
- 2.5 To review (to confirm or veto) and make a report on the proposed appointment of the Chief Constable.
- 2.6 To review (and if necessary veto) and make a report and recommendation(s) on the proposed precept.
- 2.7 To review decisions made, or other actions taken, by the Gwent Police and Crime Commissioner in connection with the discharge of the Commissioner's functions. (As defined by the Police Reform and Social Responsibility Act 2011 and subsequent Amendments).
- 2.8 To make reports or recommendations to the Gwent Police and Crime Commissioner with respect to the discharge of the Commissioner's functions. (As defined by the Police Reform and Social Responsibility Act 2011 and subsequent Amendments).
- 2.9 To consider serious complaints and conduct matters concerning the Gwent Police and Crime Commissioner or Deputy Gwent Police and Crime Commissioner. (As defined by the Police Reform and Social Responsibility Act 2011 and subsequent Amendments).
- 2.10 To suspend the Gwent Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.
- 2.11 To appoint an Acting Gwent Police and Crime Commissioner, if necessary.
- 2.12 To review and make a recommendation to the Gwent Police and Crime Commissioner on proposals to call for the Chief Constable's retirement or resignation.

## **MEMBERSHIP OF THE GWENT POLICE AND CRIME PANEL**

### **3. Membership: Elected Members**

- 3.1 Elected Members' Membership of the Panel is regarded as a 'voluntary public appointment'.
- 3.2 The Host Authority shall make appropriate arrangements, as set out in this document, for the establishment of the membership of the Gwent Police and Crime Panel.
- 3.3 The Panel shall contain **12** Elected Members and 2 Co-opted Members. The Elected Members of the Police and Crime Panel shall consist of the following number of Members by Local Authority area:
- |                                      |             |
|--------------------------------------|-------------|
| Blaenau Gwent County Borough Council | x 2 Members |
| Caerphilly County Borough Council    | x 3 Members |
| Monmouthshire County Council         | x 2 Members |
| Newport City Council                 | x 3 Members |
| Torfaen County Borough Council       | x 2 Members |
- 3.4 The Elected Members of the Panel shall, as far as practical, reflect the political balance and community demographic of Gwent. Appointments of elected members to the Panel shall be made by each of the Authorities in accordance with their own procedures and with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable.
- 3.5 The Lead Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the local authority Members of the Panel (which includes Members appointed by the Authorities and co-opted Members who are elected Members of any of the Authorities) should:
- represent all parts of the police force area;
  - represent the political make-up of the Authorities; and,
  - taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3.6 The term of office of the nominated Members shall be a matter for each nominating local authority, subject to a minimum planned term of one municipal year.
- 3.7 If membership of the Panel cannot be agreed, in accordance with the Police Reform and Social Responsibility Act 2011, the Home Secretary will nominate members of local authorities to the Panel.
- 3.8 The host Authority will be responsible for notifying the Secretary of State of the nominations of the elected membership for the Panel.
- 3.9 All members of the Police and Crime Panel may vote in proceedings.

### **4. Membership: Co-opted Members**

- 4.1 The Gwent Police and Crime Panel shall co-opt two members (Co-opted Members) onto the Panel. The term of office shall be until 31<sup>st</sup> October of the same year as the next Police and Crime Commissioner election.
- 4.2 The recruitment and selection process for co-opting members shall include a reasonable period for advertising the positions. To reflect the geographical area that the Panel represents, as far as practical, adverts shall be placed through media and other sources that have equality of access for residents within the Gwent Police area.
- 4.3 A closing date for applications will be a minimum of 2 weeks after the date of the first advert.
- 4.4 Application packs will be prepared and made available to those who request an application form.
- 4.5 The applications will be considered by the host authority's Head of Legal Services to ensure the eligibility of the applicants. The Chair, Vice Chair and another member of the Panel will consider the applications against an agreed person specification criteria and shortlisted accordingly.
- 4.6 If no applications are received or if all applications received fall below the minimum eligibility criteria, the vacancies shall be re-advertised in accordance with this section.
- 4.7 The Chair and Vice Chair of the Panel and another member of the Panel will interview those shortlisted.
- 4.8 Following the interviews, the interview panel will make recommendations to the Panel. In making those recommendations the interview panel shall consider the balance of the Panel in accordance with the Equalities Act 2010 and the skills required to enhance the Panel.
- 4.9 The host authority will be responsible for notifying the Secretary of State of the decision to co-opt Members.
- 4.10 The Panel shall ensure that there are always at least two Co-opted Members appointed to the Panel.
- 4.11 A person may not be a co-opted member of the Panel if the person is any of the following:
  - Anyone under 18 years old.
  - A member of staff of the Gwent Police and Crime Commissioner.
  - A serving Police Officer.
  - A member of the civilian staff for Gwent Police.
  - A Member of Parliament.
  - Members of the Senedd or Scottish Parliament.
  - A member of a local authority within the Gwent Police area.
  - Civil servants engaged in political activity
- 4.12 A Co-opted Member can be removed from office through a majority vote of the Panel present, provided the member has been given no less than four weeks' notice of a proposal to remove and provided the Member has an

opportunity to make representations about the proposal. Examples of reasons for removal of office include (but are not limited to):-

- being absent from 3 consecutive meetings.
- being convicted of a criminal offence

## **5. Membership: Vacancies.**

5.1 A vacancy on a Police and Crime Panel arises when an Elected Member or a Co-opted Member resigns from the membership of the Panel.

5.2 Each local authority will nominate elected members for vacancies in accordance with their own arrangements. If the local authority makes the nomination, and the nominee accepts the nomination, the Secretary of State must appoint the nominated councillor as a member of the police and crime Panel. Vacancies for Co-opted members will be filled in accordance with the selection process outlined in section 3.

## **6. Membership: Review**

6.1 The Gwent Police and Crime Panel can review at any time the appropriateness of its membership in line with the provisions within the Police Reform and Social Responsibility Act and The Police and Crime Panel (Nominations, Appointments and notifications) Regulations 2012.

## **7. Removal of Members**

7.1 Any appointed Member may be removed or replaced by their nominating authority at any time.

7.2 Any Member may be removed by the Secretary of State at any time.

## **8. Resignation of Members**

8.1 Any Member may resign at any time, by notice in writing to the Chair of the Panel and their nominating authority.

8.2 In the event of the resignation of the Chair, a new Chair will be appointed at the next meeting and will be drawn from amongst the elected members sitting on the Panel. The same provision will apply to the post of Vice-Chair.

## **9. Reappointment of Members**

9.1 All local authority Members are eligible for re-appointment on the expiry of their term. There are no restrictions on the number of terms of office that can be served.

9.2 Co-opted Members term of office shall be until 31<sup>st</sup> October of the same year as the next Police and Crime Commissioner election. The positions must be re-advertised; however this does not restrict Co-opted Members from re-applying or being re-appointed to the position.

## **10. Code of Conduct**

10.1 All Panel Members, including co-opted (councillor) members, shall observe the Code of Conduct in force for their respective authorities. Co-opted Members shall observe the host authority's code of conduct, and any related protocols agreed by the Panel.

## **11. Indemnity**

11.1 All relevant liabilities relating to the Panel are liabilities of the Secretary of State (and accordingly are not liabilities of any Member of the Panel).

11.2 Any expense incurred by a Member of a Police and Crime Panel:

- (a) in respect of a relevant liability, or
- (b) otherwise in the exercise of, or purported exercise of, a function of the Panel, is to be borne and repaid by the Secretary of State.

11.3 Relevant liability" means a liability which, but for this paragraph, would be a liability of a Member of the Panel (whether personally or as a member of that Panel) in respect of anything done by:

- (a) that person in the exercise, or purported exercise, of a function of a member of the Panel,
- (b) any other member of the Panel in the exercise, or purported exercise, of a function of a member of the Panel, or
- (c) the Panel in the exercise, or purported exercise, of a function of the Panel.

## **12. Payment of Allowances, Travel and Subsistence**

12.1 Panel Members are paid a daily rate fee for attendance for Approved Duties. The daily rate fee is capped at a maximum of 6 days a year per Panel Member. If additional meetings are required in order to carry out statutory requirements such as complaints or confirmation hearings this must be approved by the Head of Democratic Services of the Host Authority. Payments are made for meeting time or attendance at training/conferences only and are inclusive of preparation time and travelling.

12.2 The daily rate fees as at April 2021 are outlined below:

- Chair of the Gwent Police and Crime Panel - £268.00 per day.
- Member of the Gwent Police and Crime Panel - £210.00 per day.

12.2 All claims for the daily rate fee must be detailed on the appropriate claim form and returned to the host authority.

12.3 Approved duties' are defined as:

- (a) attendance at a meeting of the Panel or of any sub-committee of the Panel.
- (b) a duty undertaken for the purpose of or in connection with the discharge of the Panel's functions.
- (c) attendance at any training or developmental event approved by the Panel.



- 12.4 The rates of travel claims shall be at the HMRC rates of Mileage, the current rates at November 2018 are:

Motor vehicles up to 10,000 miles – 45p per mile  
Motor vehicles over 10,000 miles – 25p per mile  
Passenger supplement – 5p per passenger per mile  
Motor cycles – 24p per mile  
Pedal cycles – 20p per mile

- 12.5 Members can claim for other forms of travel (bus, train & taxi) and appropriate receipts showing the actual expense incurred must accompany claims. Members should always be mindful of choosing the most cost-effective method of travel.
- 12.6 Subsistence for overnight accommodation and meals are available to Panel Members whilst undertaking an approved duty. The rates of subsistence shall be the same as determined from time to time by the Independent Remuneration Panel for Wales for Members of Local Authorities. The current rates as at April 2021 are £28 per day, £200 per night for London, and £95 night elsewhere or £30 staying with friends and or family with receipts to be provided.
- 12.7 All claims must be detailed on the travel expense claim form and returned to the host authority. Claims must be supported by receipts if appropriate.
- 12.10 The expenses of the Members shall be published on an annual basis and made available through the Gwent Police and Crime Panel website. Details will also be provided to the five Gwent Local Authorities for the purposes of transparency.
- 12.11 Changes to travel and subsistence rates will be implemented in line with the HMRC and Independent Remuneration Panel for Wales' annual determination.

## **MEETING ARRANGEMENTS**

### **13. Appointment of Chair and Vice Chair**

- 13.1 The Chair of the Police and Crime Panel will be appointed at the first meeting of the Panel following the appointment of Members to the Panel and thereafter at the first meeting of the municipal year of the Panel. The Chair will be drawn from amongst the Elected Members and Co-opted Members of the Panel.
- 13.2 The Vice Chair of the Police and Crime Panel will be appointed at the first meeting of the Panel following the appointment of members to the Panel and thereafter at the first meeting of the municipal year of the Panel. The Vice Chair will be drawn from amongst the Elected Members and Co-opted Members of the Panel.
- 13.3 In the event of the resignation or removal of the Chair, a new Chair will be appointed and will be drawn from amongst the Members of the Panel.
- 13.4 The Panel may remove the position of Chair by a vote supported by a majority of the whole membership of the Panel.

13.5 The Panel may remove the position of Vice Chair by a vote supported by a majority of the whole membership of the Panel.

13.6 The Panel will elect a person, from amongst the Members of the Panel, to preside at a meeting if the chair and vice chair are not present.

#### **14. Meetings of the Police and Crime Panel**

14.1 All Panel meetings will be held in public unless there is a statutory requirement to meet in private.

14.2 The Panel shall hold an annual meeting between the 1 April, and the 30 June each year or unless otherwise provided for by statutory regulation. The first item of business on the agenda for the annual meeting shall be the appointment of a Chair for the year ahead.

14.3 Panel Members shall receive agendas and any accompanying reports at least 3 clear days before a meeting. All Panel agendas and reports shall be published electronically at least 3 clear days before a meeting. Clear days do not include the day agendas and reports are received by Panel Members or the day of the meeting.

14.4 An urgent meeting maybe called by the Chair, by a majority of Panel members or by the Head of Legal Services at the hosting authority.

14.5 The Chair shall agree the agenda for Panel meetings. Any member of the Panel shall be entitled request an item to be placed on an agenda for a future meeting, subject to the approval of the Panel.

14.6 Ordinary meetings of the Panel will:

- Receive any declarations of interest from Members.
- Approve the minutes of the last meeting.
- Consider reports from the Police and Crime Commissioner and officers.

14.7 No discussion shall take place upon the minutes, except upon their accuracy.

#### **15. Quorum**

15.1. A meeting of the Police and Crime Panel cannot take place unless one third of the whole membership is present.

#### **16. Voting**

16.1 Voting will be by majority unless regulations made under the Police Reform and Social Responsibility Act 2011 and subsequent Amendments require otherwise.

- 16.2 All Panel members may vote in proceedings of the Panel, unless they have declared an interest in relation to the matter requiring a vote.
- 16.3 The Chair will have a second or casting vote in the event of a tied vote. All other Panel members will have one vote. Voting will be by a show of hands.
- 16.4 Any member of the Panel can ask for the way in which they voted to be recorded in the minutes.

## **17. Work Programme**

- 17.1 The work programme must include the functions described in the terms of reference of the Panel.
- 17.2 The Panel will approve an annual work programme which will take into account the Panel's statutory duties, and priorities identified by the Panel.
- 17.3 So far as practicable the Panel shall consult with the Office of the Police and Crime Commissioner in developing its work programme in order to ensure the Panel is able to support and challenge the Police and Crime Commissioner.

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

- 18.1 The Panel will publish all reports and recommendations made to the Police and Crime Commissioner.

## **19. Police and Crime Commissioner and Officers giving account**

- 19.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioners role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner and staff of the Office of the Police and Crime Commissioner 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.
- 19.2 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 appears to the Panel to be necessary in order for it to carry out its functions.
- 19.3 The role of the Panel is to challenge and support the PCC. The PCC is responsible for the scrutiny of the Chief Constable. In accordance with section 19.2 the Panel must give consideration prior to requesting the Chief Constable's attendance, to ensure that the request is made in accordance with the Panel's role and responsibilities

## **20. Attendance by others**

- 20.1 The Panel may invite people other than those referred to above to address it, discuss issues of concern and/or answer questions. It may for example wish to hear from residents, stakeholders, or councillors who are not members of the Panel and officers in other parts of the public sector and may invite such people to attend.

## **21. Sub committees and task groups**

- 21.1 Time limited task groups or sub-committees may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- 21.2 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.
- 21.3 A sub-committee of the Panel may not co-opt additional members.
- 21.4 The “special functions” (see 22 below) of the Panel may not be discharged by a sub-committee of the Panel or task group.

## **22. Carrying out ‘special functions’**

- 22.1 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 in section 18 (reports from the Panel)
- 22.2 The “special functions” of a Panel may not be discharged by a committee or sub-committee of the Panel. “Special functions” means the functions conferred on the Gwent Police and Crime Panel by:
  - (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\* (Deputy Police and Crime Commissioner, The Commissioner’s Chief Executive and the Commissioner’s Chief Finance Officer);
  - (d) Schedule 5\* (issuing precepts); and
  - (e) Part 1 of Schedule 8\* (scrutiny of appointment of Chief Constable).

\* references to the Police Reform and Social Responsibility Act 2011

## **23. Police and Crime Plan**

- 23.1 The Panel is a statutory consultee on the development of the Police and Crime Commissioners Police and Crime Plan and will receive a copy of the draft Police and Crime Plan, or a draft variation to it, from the Police and Crime Commissioner.
- 23.2 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 Police and Crime Commissioner must take into account

## **24. Annual Report**

- 24.1 The Police and Crime Commissioner must produce an annual report about

the exercise of his/her functions in the financial year. The report must be sent to the Panel for consideration.

24.2 The Panel must comment upon the annual report of the Police and Crime Commissioner and for that purpose must:

- (a) Arrange for a public meeting of the Panel to be held as soon as practical after the Panel receives the annual report
- (b) Require the Police and Crime Commissioner to attend the meeting to present the annual report and answer questions about the annual report as the members of the Panel think appropriate
- (c) Make a report or recommendation on the annual report to the Police and Crime Commissioner

## **25. Senior Appointments**

25.1 The Panel is required to hold public confirmation hearings for the Police and Crime Commissioners proposed appointments of the Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. In addition, the Panel must hold a confirmation hearing for the appointment of the Chief Constable with the power of veto.

25.2 The Panel will be notified of the need for a confirmation hearing in respect of proposed senior appointments made by the Police and Crime Commissioner.

25.3 With regards to the appointment of the Chief Constable, the Panel is required to hold a hearing within a period of three weeks from the day which the Panel receives notification from the Police and Crime Commissioner.

25.4 Confirmation hearings will be held in public, where the candidate is requested to appear for the purposes of answering questions relating to the appointment. Following the hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.

25.5 For a confirmation hearing for the proposed appointments 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.

25.6 Having considered the appointment, the Panel will be asked to either:

- (a) Support the appointment without qualification or comment
- (b) Support the appointment with associated recommendations, or
- (c) 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 vote in favour of making that decision)

25.7 If the Panel vetoes the appointment of the candidate, the report must include a statement that the Panel has vetoed the appointment with reasons.

- 25.8 With regards to the appointment of the Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner, the Panel is required to hold a hearing within a period of three weeks from the day which the Panel receives notification from the Police and Crime Commissioner.
- 25.9 Confirmation hearings will be held in public, where the candidate is requested to appear for the purposes of answering questions relating to the appointment. Following the hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.
- 25.10 For a confirmation hearing for the proposed appointments of the Chief Constable, in addition to the requirement to review and report, the Panel has the requirement to make a recommendation as to whether or not the candidate should be appointed.

## **26. Appointment of an Acting Police and Crime Commissioner**

- 26.1 The Panel must appoint a person to act as Police and Crime Commissioner if:
- a) No person holds the office of the Police and Crime Commissioner
  - b) The Police and Crime Commissioner is incapacitated, or
  - c) The Police and Crime Commissioner is suspended
- 26.2 The Panel may appoint a person as acting Police and Crime Commissioner only if the person is a member of the Police and Crime Commissioners staff at the time of appointment.
- 26.3 In appointing a person as acting Commissioner in a case where the Police and Crime Commissioner is incapacitated, the Panel must have regard to any representations made to the Commissioner in relation to the appointment.
- 26.4. 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 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

## **27. Proposed Precept**

- 27.1 The Police and Crime Commissioner will notify the 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.

- 27.2 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)
- 27.3 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
- 27.4 If the Panel vetoes the proposed precept, a further meeting of the Panel must be held no later than 14 days after the decision is made to consider the Commissioner's response.

## **28. Complaints**

- 28.1 Criminal and non-criminal complaints in relation to the Police and Crime Commissioner or other office holders should be dealt with in accordance with the Act and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
- 28.2 Complaints by members of the public will be submitted to the Host Authority who will draw the complaint to the attention of the Chair of the Panel.
- 28.3 Allegations which are criminal in nature will be submitted to the Independent Office for Police Conduct (IOPC) for consideration.
- 28.4 Non-criminal complaints will be managed by the Chair, Vice Chair and the Independent Member(s) of the Gwent Police and Crime Panel and supported by the Head of Democratic Services of the Host Authority.
- 28.5 Non-criminal complaints in relation to the Police and Crime Commissioner can be considered by the Panel through a hearing if required. The Panel can examine this through a sub-committee following the procedure set out in section 21.
- 28.6 The Panel may provide complaints, if they are deemed appropriate for local resolution, to the Chief Executive of the Office for the Police and Crime Commissioner.
- 28.7 On behalf of the Police and Crime Commissioner the Chief Executive will provide the Chair of the Panel with a summary of the activities undertaken in a timely manner.
- 28.8 Information about the submission of complaints in relation to the Police and Crime Commissioner will be published on the Police and Crime Commissioners website and the website of the Gwent Police and Crime Panel.

## **29. Suspension of the Police and Crime Commissioner**

- 29.1 A 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.
- 29.2 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 Police and Crime Panel
- 29.3 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

## **30. Suspension, Removal or Retirement of the Chief Constable**

- 30.1 The Panel will receive notification if the Police and Crime Commissioner suspends the Chief constable.
- 30.2 The Police and Crime Commissioner 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.
- 30.3 The Police and Crime Commissioner 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.
- 30.4 If the Police and Crime Commissioner is still proposing to call upon the Chief Constable to resign, she/he must notify the Panel accordingly (the 'further notification').
- 30.5 Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the Police and Crime Commissioner as to whether he/she should call for the retirement or resignation. Before making any recommendation, the Panel may consult their Chief Inspector of Constabulary, and must hold a scrutiny hearing.



- 30.6 The scrutiny hearing which must be held by the Panel is a Panel meeting in private to which the Police and Crime Commissioner and Chief Constable are entitled to attend to make representation 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 by participating by telephone or video link.
- 30.7 The Panel must publish the recommendation it makes on its website and on the website of the Police and Crime Commissioner.
- 30.8 The Police and Crime Commissioner 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 Police and Crime Commissioner a recommendation as to whether or not he/she should call for the retirement or resignation, or
  - b) The Police and Crime Commissioner notifies the Panel of a decision about whether he/she accepts the Panel's recommendations in relation to resignation or retirement.
- 30.9 The Police and Crime Commissioner must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.
- 30.10 In calculating the six week period, the post-election period is ignored.

## **31. Public Participation**

- 31.1 With the prior permission of the Chair, members of the public are able to make a statement in relation to a matter being considered by the Panel, with the exception of personnel matters.
- 31.2 Members of the public and duly accredited representatives of the media shall be permitted to attend meetings of the Panel.
- 31.3 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If he/she continues the interruption, the Chair shall order his/her removal from the meeting and/or suspend proceedings.

## **32. Promotion of the Panel**

- 32.1 The Panel shall be promoted through:
- a) A dedicated website (with appropriate links to other relevant websites) including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
- 32.2 Support and guidance including training and specialist expertise as necessary shall be arranged for the Panel Members in support of the functions of the

Panel. This shall be organised by the host authority.

### **33. Validity of Meetings**

33.1 The validity of the proceedings of the Panel shall not be affected by a vacancy in the Membership of the Panel or a defect in appointment.

33.2 The conduct of the Panel and the content of these arrangements shall be subject to the legislative provisions in the Police Reform and Social Responsibility Act 2011, subsequent amendments and any Regulations made in accordance with that Act, and in the event of any conflict between the Act or Regulations, and these arrangements, the requirements of the legislation will prevail.

### **34. Rules of debate**

34.1 No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

34.2 Unless notice of the motion has already been given, the Chair may require it to be written down and handed to him/her before it is discussed.

34.3 When seconding a motion or amendment, a Member may reserve his/her speech until later in the debate.

34.4 Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chair.

34.5 A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- to speak once on an amendment moved by another Member;
- to move a further amendment if the motion has been amended since he/she last spoke;
- if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- in exercise of a right of reply;
- on a point of order; or
- by way of personal explanation.

34.6 Amendments to motions:

- An amendment to a motion must be relevant to the motion and will either be to refer the matter to an appropriate body or individual for consideration or reconsideration, to leave out words, to leave out words and insert or add others; or to insert or add words as long as the effect is not to negate the motion.
- Only one amendment may be moved and discussed at any one time. No further amendment shall be moved until the amendment under discussion has been disposed of.
- If an amendment is not carried, other amendments to the original motion may be moved.
- If an amendment is carried, the motion as amended takes the place of the

original motion. This becomes the substantive motion to which any further amendments are moved.

- After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments or, if there are none, put it to the vote.
- A member may give notice of a further amendment at any time before the amendment under discussion is disposed of and such further amendments will be considered in the order in which notice is given

#### 34.7 Alteration of motion:

- A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- Only alterations which could be made as an amendment may be made.

#### 34.8 Withdrawal of motion

- A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 34.9 Right of reply

- The mover of a motion has a right to reply at the end 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 has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- The mover of the amendment has no right of reply to the debate on his/her amendment.

#### 34.10 Motions which may be moved during debate:

- When a motion is under debate, no other motion may be moved except the following procedural motions:
  - to withdraw a motion;
  - to amend a motion;
  - to proceed to the next business;
  - that the question be now put;
  - to adjourn the debate;
  - to adjourn the meeting;
  - to exclude the public and press in accordance with the Access to Information Rules; and
  - to not hear further a Member named, if he/she persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business or to exclude them from the meeting if he/she continues to behave improperly after such a motion is carried.

#### 34.11 Closure motions:

- Member may move, without comment, the following motions at the end of a speech of another Member:
  - to proceed to the next business;
  - that the question be now put;
  - to adjourn the debate; or
  - to adjourn the meeting.
- If a motion to proceed to next business is seconded and the Chair thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- If a motion that the question be now put is seconded and the Chair thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### 34.12 Point of order

- A Member may raise a point of order at any time. The Chair will hear him/her immediately. A point of order may only relate to an alleged breach of these I Rules of Procedure or the law. The member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

#### 34.13 Personal explanation

- A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

#### 34.14 Welsh Language:

- In all proceedings of the Panel the Welsh language and the English language shall have the same status and validity.
- All persons shall have the right when addressing the Panel to speak in either Welsh or English. Those wishing to participate in Welsh will be asked to give three working days' notice.

## Appendix A

### Eligibility Criteria Co-opted Members of the Police and Crime Panel

#### Applicants for Co-opted member roles must not be:

- Anyone under 18 years old.
- A member of staff of the Gwent Police and Crime Commissioner.
- A serving Police Officer.
- A member of the civilian staff for Gwent Police.
- A Member of Parliament.
- Members of the Senedd or Scottish Parliament.
- A member of a local authority within the Gwent Police area.
- Civil servants engaged in political activity.

#### Competencies:

- Strategic thinking:  
Ability to concentrate on the bigger picture, rising above detail and seeing issues from a wider, forward-looking perspective, making appropriate linkages across priority areas of work.
- Good judgement:  
Able to take a balanced, objective and open-minded approach and provide constructive challenge to the Police and Crime Commissioner, without being confrontational or overtly political.
- Scrutiny and Challenge:  
willingness to rigorously scrutinise and challenge constructively, using appropriate data, evidence and resources.
- Analytical ability:  
Experience of interpreting complex written material, including financial information and key performance measures, to identify questions to put to the PCC and other relevant stakeholders.
- Ability to communicate effectively:  
Able to communicate effectively both verbally and in writing, and interact positively and constructively with the PCC, panel members, partner organisations and stakeholders.

#### Personal Skills & Qualities:

- Team working:  
Capable of developing and maintaining effective and professional relationships with other members of the panel, the chair and supporting officers.

All Panel Members are expected to carry out their responsibilities in accordance with the Nolan Principles of standards of conduct in public life.