

**RULES OF PROCEDURE
OF THE HAMPSHIRE POLICE AND CRIME PANEL**

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RULES OF PROCEDURE OF THE HAMPSHIRE POLICE AND CRIME PANEL

Introduction

These Rules of Procedure are made by the Hampshire Police and Crime Panel (“the Panel”) pursuant to Schedule 6, paragraph 25 of the Police Reform and Social Responsibility Act 2011 (“the Act”).

The Panel will be conducted in accordance with these Rules of Procedures (“the Rules”). The Rules should be read having regard to the Panel Arrangements as referred to in Rule 1 paragraph (4) below.

Protocols will be required between the Panel and the Police and Crime Commissioner (“the PCC”) to enable the Panel to fulfil its functions. These protocols, when drafted and approved, will be read with the Rules.

The Rules may have to be reviewed from time to time on the coming into force of any relevant secondary legislation and/or statutory guidance.

RULE 1

Meetings of the Police and Crime Panel

- (1) The Panel shall hold an annual meeting between the 1st April, and the 30th June each year. The first items of business on the agenda for the annual meeting shall be the appointment of a Chair and Vice-Chair for the ensuing year.
- (2) In addition to the annual meeting of the Panel and any meetings convened by the Chair or by members of the Panel, meetings for the transaction of general business shall be held on such days as may be determined by the Panel at its annual meeting provided that any such date may be varied at a subsequent meeting.
- (3) The Chair of the Panel may cause a special meeting of the Panel to be called at any time. For example, a special meeting may be called for the purposes of holding a confirmation hearing in accordance with paragraph 11 of Schedule 1, or paragraph 6 of Schedule 8, of the Act.
- (4) A special meeting of the Panel shall be called on the request of at least one quarter of the whole number of members of the Panel by notice in writing and signed by them and given to the Chief Executive of the Lead Authority appointed in accordance with clause 6.1 of the Panel

Arrangements for the Panel (hereafter referred to as 'the Chief Executive' and 'the Panel Arrangements' respectively). The notice must specify the business for which the meeting is to be called. After receipt of such request, the Chief Executive shall arrange for the special meeting to take place not less than 21 days and not more than 35 days after the receipt of the request.

- (5) The Panel shall be responsible for setting its own work programme of activities within its planned meetings structure. In doing so, the Panel shall take into account the priorities defined by the PCC and the wishes of its members. The Panel shall also work within any financial budgets agreed by the Panel and keep within the Central Government Grant.
- (6) In these Rules, "ordinary meeting" means a meeting described in paragraph (1) or (2) above other than a meeting convened by the Chair or by members of the Panel. The term "year" means the period from 1st April, in one calendar year to the 31st March, in the next following year.
- (7) Unless the Panel otherwise determines, all meetings of the Panel shall be held, as far as possible, at 10.00am on a weekday.
- (8) In these Rules, references to the Chief Executive shall be taken to include a nominee who is standing in for the Chief Executive.
- (9) All meetings of the Panel shall be held in public, unless otherwise specified elsewhere in the Rules, and unless the reports or recommendations within the reports are marked as 'exempt' or 'not for publication' as defined by Part 1 of Schedule 12A of the Local Government Act 1972.

RULE 2

Chair of the Meeting

- (1) Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

RULE 3

Quorum

- (1) If during any meeting of the Panel or Sub-Committee, the Chair after counting the number of members present declares that there is not a quorum* present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the

Chair at the time the meeting is adjourned, or, if he/she does not fix a time, to the next ordinary meeting of the Panel or Sub-Committee.

**The quorum for meetings of the Panel or Sub-Committee is one quarter of the whole number of members.*

RULE 4

Circulation of Agenda and Confirmation of Minutes of the Panel and Agenda items from Members

- (1) A printed copy of the summons and agenda for the forthcoming meeting of the Panel or Sub-Committee and the minutes of the previous meeting shall be despatched by the Chief Executive at least five clear working days before such forthcoming meeting to each Member, and such minutes shall be taken as read when submitted to the Panel for confirmation unless a majority of the members then present otherwise order. Unless similarly ordered, any document which comes up for consideration at any meeting, and which has been printed and circulated to each Member at or prior to such meeting, shall be taken as read.
- (2) A member may, by giving 10 clear working days notice, require an item to be placed on the agenda either for a Panel or Sub-Committee meeting. For the avoidance of doubt, the Panel or Sub-Committee at which the agenda item is considered will determine what, if any, action is proposed to be taken with the agenda item. If either the Panel or Sub-Committee determine that further action is required on the agenda item, the Panel or Sub-Committee will request officers to submit a full report on the agenda item to the next appropriate meeting of the Panel or Sub-Committee.
- (3) Any reports which miss the deadline for the agenda despatch will not be considered at that meeting of the Panel or Sub-Committee unless by reason of special circumstances, which shall be specified in the minutes, the Chair of the meeting is satisfied that the item should be considered as a matter of urgency.

RULE 5

Questions by Members

- (1) At a meeting of the Panel a member may ask the Chair of the Panel, any question relating to the business of the Panel.
- (2) At ordinary meetings of any Sub-Committee, any member of the Panel who is present may ask the Chair of that Sub-Committee any question on

any matter in relation to which that Sub-Committee has delegated or referred functions.

- (3) The text of any question shall be submitted in writing to the Chief Executive not less than five clear working days before the meeting at which the member proposes to ask the question subject to paragraph (4) of this Rule (urgent business).
- (4) The Chair of the meeting may allow the asking of a question which has not been submitted as required by paragraph (3) above, if he/she considers that it relates to urgent business. The text of any such question shall, if possible, be delivered to the Chief Executive not later than 10.00 a.m. on the working day immediately before the meeting at which the question is to be asked.
- (5) After a question has been replied to, the member who asked it may ask one supplementary question for the purpose of clarifying the reply which has been given. A member asking such a supplementary question shall confine herself/himself to the substance of the original question, and shall not introduce any new matter which did not fall within the scope of the original question. In paragraphs (6) - (10) of this Rule, the word "question" shall include such a supplementary question.
- (6) Every question shall be put and answered without discussion.
- (7) No resolution shall be moved with reference to any question or reply to a question.
- (8) If the Chair of the meeting is of the opinion that the question is out of order, or of a personal character, or in the interests of the Panel it is undesirable, he/she shall so inform the member and shall not allow the question to be put.
- (9) Questions asked in pursuance of the above paragraphs of this Rule shall be recorded in the minutes of the meeting, and the Chief Executive shall supply the questioner with a copy of the replies thereto within seven working days after the meeting.
- (10) The amount of time devoted to questions under this Rule shall not exceed 15 minutes.

RULE 6

Motions and Amendments Generally

- (1) After calling each item on the Agenda (other than Minutes) and after any introductory remarks by the report writer and by, with the Chair's permission, any person who has been requested or required to attend the meeting, the Chair shall first call for questions and after these have been disposed of, shall call "any debate?" A member desiring to ask questions or to debate shall indicate by raising his/her hand.
- (2) If there is no debate, the Chair shall put the printed Recommendation to the vote or in the case of an item for information only, that it be noted and no seconder shall be required.
- (3) A Member shall not speak more than once on any motion or amendment except on a point of order or by way of personal explanation.
- (4) Where the Agenda item contains a Recommendation, it shall be deemed at the commencement of debate thereon, unless the Chair indicates otherwise, that the same has been formally moved by him/her and seconded and any subsequent motion shall be treated as an amendment thereto.
- (5) The Chair may require the mover of a motion to reduce the same to writing and submit it to the Chair before speaking thereon, and, subject thereto, no motion shall be debated until the mover has spoken to it and it has been seconded.
- (6) A member may not propose or second a motion or amendment on which he/she is disqualified from voting and neither may a member move or second more than one amendment on the same motion.

RULE 7

Motions Affecting Employment Related Matters or Issues Relating to the Conduct of Individuals

- (1) If any matter arises at a meeting of the Panel or a Sub-Committee as to the appointment or proposed dismissal of any individual or as to the conduct of any individual, such matter shall not be the subject of discussion until the Panel or Sub-Committee, as the case may be, has decided whether or not the power of exclusion of the public under Part I of Schedule 12A of the Local Government Act 1972, shall be exercised.

RULE 8

Amendments to Motions

- (1) An amendment shall be relevant to the motion and shall:-
 - (a) refer a subject of debate to a Sub-Committee for consideration or re-consideration;
 - (b) leave out words;
 - (c) leave out words and insert or add others; or
 - (d) insert or add words;

but such omission, insertion or addition of words shall not have the effect of introducing a materially new issue into or of negating a motion before the Panel.

- (2) If an amendment is lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

RULE 9

Alterations or Withdrawal of Motion or Amendment

- (1) A proposer of a motion may, with the concurrence of the seconder and the consent of the Panel, alter the motion if the alteration is such that it could properly be affected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chair be reduced into writing and handed to him/her before the consent of the Panel to the alteration is sought.
- (2) A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Panel, withdraw the motion or amendment which he/she has proposed, and no member shall speak upon it after the proposer has asked permission for its withdrawal, unless such permission shall have been refused.
- (3) The giving or refusal of the consent of the Panel to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

RULE 10

Conduct of Members

- (1) A member shall direct his/her speech to the question under discussion or to a personal explanation or to a point of order and shall not impute motives or use offensive expressions to or about any other member.
- (2) If any member in the opinion of the Chair signified to the Panel, misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Panel, or by tedious repetition or unbecoming language in his/her speech, the Chair or any other member may move "That the member named be not further heard", and such motion if seconded shall be put and determined without discussion.
- (3) If the member named continues his/her misconduct after a motion under the last previous paragraph has been carried, the Chair shall either:-
 - (a) move "That the member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
 - (b) adjourn the meeting of the Panel for such period as he/she in his/her discretion shall consider expedient.
- (4) In the event that a motion under Rule 10(3)(a) has been carried and the named member refuses to leave the meeting, the Chair may order the removal of that member from the room in which the meeting is being held.
- (5) Each member of the Panel is subject to his/her own appointing local authority's Members' Code of Conduct except in the case of co-opted members who are subject to the Lead Authority's Members' Code of Conduct (in accordance with paragraph 14.2 of the Panel Arrangements). Any alleged misconduct by a member of the Panel in breach of the applicable Members' Code of Conduct shall be referred by the Chair to the relevant local authority for consideration in accordance with its adopted arrangements.

RULE 11

Points of Order and Explanation

- (1) A member may rise on a point of order or in personal explanation, and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Rule or statutory provision, and the member

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

- (2) The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

RULE 12

Adjournment/Closure of Debate

- (1) A member who has not spoken may, at the conclusion of a speech of another member, move without comment “that the question be now put” or “that the Panel now adjourn”, on the seconding of which the Chair shall put that motion to the vote without amendment or discussion and, if it is carried, the question before the meeting shall be put to the vote or the meeting shall stand adjourned, as the case may be; provided that if on the moving and seconding of any such formal motion as aforesaid the Chair is of the opinion that the matter has not been sufficiently discussed, he/she may either refuse to accept the motion at that time or he/she may indicate how many more members he/she will permit to speak before putting the motion.

RULE 13

Chair and Vice-Chair of the Panel and Sub-Committees, and other appointments

- (1) A member who wishes to be considered for appointment as Chair of the Panel shall, unless it is impractical to do so, not less than ten days before the annual meeting at which the Chair is to be so appointed, or any meeting at which an interim Chair is to be so appointed, submit to the Chief Executive a statement setting out the reasons why he/she wishes to be considered.
- (2) Statements received under paragraph 13.1 will be circulated to all members of the Panel by the Chief Executive not less than five days before the annual meeting or, where applicable, the meeting at which an interim Chair is to be appointed.
- (3) The Panel shall, at its Annual Meeting in each year, elect a Chair and a Vice-Chair of the Panel, and appoint a Chair and a Vice-Chair for every Sub-Committee of the Panel who shall hold office until a successor is appointed, or until the start of the next annual meeting, whichever is the earlier. If the Panel so decide, the appointment of the Chair and Vice-Chair of a Sub-Committee may be left for that body itself to decide in accordance with the paragraph 13.1 and 13.2.

- (4) In the event of the resignation of the Chair or removal of the Chair by the Panel, a new Chair will be appointed at the next meeting of the Panel.
- (5) The Chair may be removed by agreement of a majority of the whole membership of the Panel.
- (6) In the absence of both the Chair and Vice-Chair at any meeting of the Panel or Sub-Committee the members present shall choose one of their number to preside over the meeting until such time as the Chair or Vice Chair arrives in which case he/she shall then preside over the meeting after the matter under discussion has been disposed of.
- (7) Every candidate nominated to represent the Panel in any capacity or for any position to be filled by the Panel shall be openly proposed and seconded.

RULE 14

Voting

- (1) All members of the Panel may vote in proceedings of the Panel.
- (2) Every proposition shall, unless otherwise required by these Rules or Statute, be determined by a majority of a show of hands or, at the discretion of the Chair, by voices, with votes clearly recorded in the minutes of meetings of the Panel.
- (3) The Panel has the power of veto:
 - (a) over the level of the PCC's proposed precept (in accordance with paragraph 4 of Schedule 5 of the Act and also Part 2 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012); and
 - (b) over the PCC's proposed candidate for Chief Constable (in accordance with Part 1 of Schedule 8 of the Act and also Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012),exercisable by a two-thirds majority of the total Panel membership.
- (4) In order to co-opt a person who is a member of a local authority in the Hampshire police area, the decision of the Panel must be unanimous.

- (5) In taking the votes on any proposition, those members only shall be entitled to vote who are present in the room when the proposition is put from the Chair.
- (6) After a proposition is put from the Chair but before the vote is taken, any three members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each member present gave his/her vote for or against that proposition or abstained from voting.
- (7) The Chair shall have a casting vote in the event of a tied vote. For the avoidance of doubt, the Chair may use such a casting vote on an equality of voting despite not having voted when the motion was put to the meeting for voting upon.
- (8) Where immediately after a vote is taken at a meeting of the Panel or a Sub-Committee any member of that body so requires, there shall be recorded in the Minutes of the proceedings of that meeting whether that person cast their vote for the question or against the question or whether they abstained from voting.

RULE 15

General Disturbances

- (1) If a member of the public interrupts the proceedings at meetings the Chair shall warn him/her. If he/she continues the interruption the Chair shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.
- (2) If, in the opinion of the Chair, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in him/her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

RULE 16

Disclosable Pecuniary Interests

- (1) Where, at a meeting of the Panel or a Sub-Committee, a member becomes aware that he/she has a disclosable pecuniary interest (as defined for the purposes of section 30(3) of the Localism Act 2011) in any matter to be considered, and the interest is not already entered on the register of interests of the local authority whose Members' Code of

Conduct the member is subject to, the member must disclose the interest to the meeting.

- (2) Where a member discloses such an interest to the meeting, he/she may not participate, or participate further, in any discussion of the matter or participate in any vote, or further vote, taken on the matter at the meeting. The member shall leave the room for the duration of the consideration of that matter.
- (3) The member shall not improperly seek to influence the outcome of that item of business.

RULE 17

Canvassing of and Recommendations by Members

- (1) Canvassing of members of the Panel or any Sub-Committee directly or indirectly for any appointment in respect of which the Panel has any functions shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Rule shall be included in any form of application.
- (2) A member of the Panel shall not solicit for any person any appointment in respect of which the Panel has any functions.

RULE 18

Relatives of Members

- (1) A candidate for any appointment in respect of which the Panel has any functions who knows that he/she is related to any member of the Panel shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal/removal without notice.
- (2) Every member of the Panel shall disclose to the Chair any relationship known to him/her to exist between himself/herself and any person whom he/she knows is a candidate for an appointment in respect of which the Panel has any functions.
- (3) The purport of this Rule shall be included in any form of application.
- (4) For the purpose of this Rule, persons shall be deemed to be related if they are husband and wife or civil partners, or if either of them or the spouse of either of them or the civil partner of either of them is the son or daughter or

grandson or granddaughter or brother or sister or nephew or niece of the other, or of the spouse of the other, or the civil partner of the other.

RULE 19

Record of Attendances

- (1) Every member attending a meeting of the Panel or of any of its Sub-Committees of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.

RULE 20

Reports from the Panel and the Scrutiny and Review of Decisions/Actions of the PCC

**Protocols setting out timescales and other detail in respect of the scrutiny and review of decisions/actions of the PCC are to be agreed between the Panel and the PCC.*

- (1) Where it has formed recommendations on a particular matter, the Panel will request the Chair to report to the PCC (or other appropriate body), and it must publish the report and its recommendations.
- (2) The Panel may require the PCC to respond in writing within one month of the date of receipt (unless, in the circumstances, the Panel determines an alternative timeframe), to any report or recommendations made by the Panel to the PCC.
- (3) The Panel must send copies of any such reports or recommendations to each local authority whose area falls wholly or partly within the police area of Hampshire.
- (4) The Panel may scrutinise and review decisions made or actions taken by the PCC in connection with the discharge of his/her functions. As well as reviewing documentation, in fulfilling its scrutiny role the Panel may require the PCC, and members of the PCC's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.
- (5) Where the PCC, or a member of that PCC's staff, is required to attend the Panel, the Chair will inform them in writing giving, as far as practicable, 20 working days notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is

necessary to produce a report, sufficient time will be given to allow preparation of that report.

- (6) Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chair of the Panel.
- (7) If the Panel requires the PCC to attend before the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

RULE 21

Co-option of Members

- (1) The Panel must appoint two co-opted members who may not be members of the local authorities in the Hampshire police area. In co-opting these members, the Panel must secure that (as far as reasonably practicable) the appointed and co-opted members of the Panel (when taken together) have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- (3) The Panel may resolve, with the Secretary of State's agreement, to appoint three additional co-opted members, who may be members of the local authorities in the Hampshire police area. The Panel must, from time to time, decide whether the Panel's exercise of this power would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met, and if the Panel decides that the exercise of the power would do so, must exercise that power accordingly.
- (4) The balanced appointment objective is the objective that local authority members of the Panel (when taken together) represent all parts of the police area as well as the political make-up of the local authorities in the police area (when taken together); and have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- (5) In regard to co-opting members, the 'Co-opted Members Recruitment Pack', amended as necessary, will be used.

RULE 22

Sub-Committees

- (1) The Panel shall appoint such Sub-Committees as it deems necessary and they shall meet as and when required to undertake specific task based work.
- (2) A Sub-Committee may not co-opt members.
- (3) The Chair of a Sub-Committee may summon a special meeting of the Sub-Committee at any time.
- (4) A special meeting of a Sub-Committee shall be summoned by the Chief Executive within 7 days on the requisition in writing of either one quarter of the total number of members of the Sub-committee or three members, whichever is the greater. Such requisition shall be delivered to the Chief Executive and shall specify the business for which the meeting is to be called and the meeting shall take place not less than 14 days and not more than 21 days after the receipt of the request. No business other than that set out shall be considered at the meeting.
- (5) In accordance with paragraph 27 of Schedule 6 of the Act, the following special functions of the Panel may not be discharged by a Sub-Committee:-
 - (a) reviewing and making recommendations on the police and crime plan (section 28(3) of the Act);
 - (b) reviewing and making recommendations on the PCC's annual report (section 28(4) of the Act);
 - (c) reviewing and potentially vetoing the proposed precept (Schedule 5 of the Act); and
 - (d) reviewing and potentially vetoing the decision to appoint a chief constable (Part 1 of Schedule 8 of the Act), and reviewing (but with no right of veto) the appointment of various senior staff (paragraphs 10 and 11 of Schedule 1 of the Act).
- (6) The work undertaken by a Sub-Committee 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. In doing so, a Sub-Committee shall work within agreed budgets for the Panel.

RULE 23

Proceedings of the Panel and Sub-Committees

- (1) Any Panel member may attend as an observer at meetings of Sub-Committees (except those Sub-Committees which the Panel may from time to time determine for the purposes of this Rule) to which he/she has not been appointed as a member, including meetings or items of business from which the public has been excluded. If given permission by the Chair of the meeting, a member attending as an observer may speak (but not vote) on any matter.
- (2) Subject to the provision of section 100 of the Local Government Act 1972, all Panel and Sub-Committee reports and all documents marked as "exempt" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Panel's business. Report writers are required to comply with any applicable Protocol for the Management of Sensitive and Protectively Marked Information and have regard both to the Government Protective Marking System and Schedule 12A of the Local Government Act 1972 when classifying reports. Any reports marked as 'exempt' or 'not for publication' shall be considered and approved in advance as such by the Proper Officer as defined by Section 270(3) of the Local Government Act 1972.
- (3) No act of a Sub-Committee shall have effect until approved by the Panel except to the extent that the Sub-Committee has of itself power to act without the approval of the Panel and the power so to act has been conferred upon the Sub-Committee.
- (4) In addition to those Rules which expressly relate to the Panel and Sub-Committees, these Rules shall apply with any necessary modification to Sub-Committees.

RULE 24

Carrying out Special Functions

**Protocols setting out timescales and other detail in respect of the carrying out of special functions are to be agreed between the Panel and the PCC.*

- (1) Reports and recommendations made in relation to the special functions outlined at Rule 22(5) will be carried out in accordance with the procedure outlined at Rule 20 and as set out below:-
- (2) Scrutiny of the Police and Crime Plan (S28(3) of the Act)
 - (2.1) The Panel is a statutory consultee on the development of the PCC's Police and Crime Panel and will receive a copy of the draft

Police and Crime Panel, or a draft of any variation to it, from the PCC.

(2.2) The Panel must hold a public meeting to review the draft Police and Crime Plan, or draft variation, given to it by the PCC in accordance with Section 5(6)(c) of the Act and the Panel shall make a report or recommendations on the draft Police and Crime Plan to the PCC, which the PCC must take into account.

(3) Scrutiny of the Annual Report (S28(4) of the Act)

(3.1) The PCC must produce an Annual Report about the exercise of his/her functions in the financial year and his/her progress in meeting the police and crime objectives in the financial year. The Annual Report must be sent to the Panel for consideration.

(3.2) The Panel must comment upon the Annual Report of the PCC, and for that purpose must:-

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

(4) Scrutiny of Senior Appointments (Part 1 of Schedule 8 of the Act and Paragraphs 10 and 11 of Schedule 1 of the Act and also Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012)

(4.1) The Panel must review the PCC's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner.

(4.2) The Panel must be notified by the PCC of each proposed appointment and must be provided with the following information:-

- (a) the name of the person whom the PCC is proposing to appoint;
- (b) the criteria used to assess the suitability of the candidate for the appointment;
- (c) why the candidate satisfies those criteria; and

- (d) the terms and conditions on which the candidate is to be appointed.

 - (4.3) If the Panel vetoes 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) the PCC shall propose a reserve candidate and shall notify the Panel accordingly.
 - (4.4) Within three weeks of the receipt of notification the Panel must consider and review the appointment and make a report to the PCC with a recommendation as to whether or not the candidate (or if applicable the reserve candidate) should be appointed.
 - (4.5) Before reporting and recommending under this paragraph 4.4 as set out above the Panel must convene a public confirmation hearing, where the candidate (or if applicable the reserve candidate) must attend and answer questions relating to the appointment.
 - (4.6) The Panel must publish the report to the PCC.
 - (4.7) On receiving a report the PCC shall have regard to the report and notify the Panel as to whether the Panel decision is accepted.
 - (4.8) The PCC may then appoint the candidate (or if applicable the reserve candidate) as Chief Constable or propose another reserve candidate. In the latter eventuality, the procedure is repeated in relation to this further candidate until an appointment is successfully made.
- (5) Issuing Precepts - (Schedule 5 of the Act) and also Part 2 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
- (5.1) The PCC will notify the Panel of the precept which the PCC is proposing to issue by 21st December of the relevant financial year. The Panel must review and make a report to the PCC on the proposed precept by 15th January of the relevant financial year. Where the Panel exercises the power to veto the proposed precept but fails to review the precept by this deadline referred herein, the end of the scrutiny process is reached and the PCC may issue the proposed precept as the precept for the relevant financial year.
 - (5.2) Having considered the proposed precept, the Panel will be asked to either accept or reject the proposed precept; or 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).

- (5.3) The Panel will be notified by the PCC of its decision to accept or reject the recommendations by the Panel.
- (5.4) Where the Panel does veto the proposed precept within the deadline referred at paragraph (5.5) above, then the PCC must notify the Panel of the revised precept that the PCC proposes to issue by 31st January of the relevant financial year.
- (5.5) On receiving a notification from the PCC of the revised precept the Panel shall by 14th February of the relevant financial year scrutinise and review the revised precept, and make a second report to the PCC on the revised precept.
- (5.6) The second report may indicate whether the Panel accepts or rejects the revised precept and make recommendations, but this does not amount to a power of veto. The only power of veto is in relation to the precept proposed initially by the PCC.
- (5.7) Where the Panel fails to review the revised precept by the deadline set (as referred to in paragraph (5.5) above), the PCC may issue the revised precept as the precept for the relevant financial year in any event.
- (5.8) On receiving the Panel's second report the PCC shall, by 1st March of the relevant financial year have regard to the second report and give the Panel a response and publish the response.

Rule 25

Variation and Revocation of Rules of Procedure

- (1) Any motion to add to, vary or revoke these Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Panel.
- (2) No variation or revocation may be considered by the Panel which does not comply with the Act, relevant secondary regulations, statutory guidance or the Panel Arrangements.

RULE 26

Suspension of Rules of Procedure

- (1) Subject to paragraph (2) of this Rule, any of the preceding Rules may be suspended so far as regards any business at the meeting where its suspension is moved.
- (2) A motion to suspend any of the preceding Rules shall not be moved unless there shall be present at least one-half of the whole number of the members of the Panel.
- (3) No suspension may be considered by the Panel which does not comply with the Act, relevant secondary legislation, statutory guidance or the Panel Arrangements.

RULE 27

Interpretation of Rules of Procedure

- (1) The ruling of the Chair as to the construction or application of any of these Rules, or as to any proceedings of the Panel, shall not be challenged at any meeting of the Panel.
- (2) If there is any conflict in interpretation between the Rules and legislation, the legislation shall prevail.

RULE 28

Rescission of previous Resolution

- (1) No motion to rescind any resolution passed within the preceding six months, and no motions or amendments to the same effect as one which has been rejected within the preceding six months, shall be proposed unless the notice thereof bears the names of at least seven members of the Panel. When any such motion or amendment has been disposed of by the Panel, it shall not be open to any member to propose a similar motion within a further period of six months. This Rule shall not apply to motions moved in pursuance of a recommendation of a Sub-Committee.

RULE 29

Audio or Visual Recordings at Meetings

- (1) No person shall use audio or visual recording equipment (to include webcams) during meetings without the prior permission of the Chair of the meeting.

RULE 30

Display of Banners at Meetings

- (1) Except with the consent of a Chair of the meeting, no member or members of the public shall display banners, posters or signs at meetings.

RULE 31

Deputations

- (1) Subject to the provisions of this Rule, the Panel or its Sub-Committees shall receive deputations on any business that is properly within its terms of reference and the Deputation shall (subject to formal moving, seconding and adoption of the proposal) be allowed to address the meeting.
- (2) For the purposes of this Rule:-
 - (a) Notice in writing shall be given to the Chief Executive that a Deputation wishes to address the meeting and the notice shall specify the subject before the meeting upon which the Deputation wishes to speak. The notice shall be given not less than three clear days before the date of the meeting.
 - (b) Deputations shall consist of not more than four people who shall be local government electors for the administrative policing area of Hampshire but excluding Hampshire Constabulary officers and staff and officers of the PCC.
 - (c) Any Member of a Deputation may address the meeting.
 - (d) The total time taken by the Deputation in addressing the meeting shall not exceed five minutes.
 - (e) Deputations shall be taken at the beginning of the meeting (after the Minutes) and the total time shall not exceed half an hour in duration.
 - (f) No Deputation shall appear before the Panel at successive meetings within six months of any previous appearance on the same or similar topic.
 - (g) Deputations shall only be taken on topics for which another avenue is not available (e.g. the grievance or complaints processes).
 - (h) The Chair of the Panel has discretion to amend the arrangements referred to in (d) and (e) above.

RULE 32

Suspension of the PCC

**Protocols setting out timescales and other detail in respect of the suspension of the PCC are to be discussed by the Panel and the PCC.*

- (1) The Panel may suspend the PCC if it appears to the Panel that:
 - (a) the PCC has been charged in the United Kingdom, the Channel islands or the Isle of Man with an offence, and
 - (b) the offence is one which carries a maximum term of imprisonment exceeding two years.
- (2) The suspension of the PCC ceases to have effect upon the occurrence of the earliest of these events:-
 - (a) the charge being dropped;
 - (b) the PCC being acquitted of the offence;
 - (c) the PCC being convicted of the offence but not being disqualified under Section 66 of the Act by virtue of the conviction; or
 - (d) the termination of the suspension by the Panel.

RULE 33

Suspension and Removal of the Chief Constable

**Protocols setting out timescales and other detail in respect of the suspension of the PCC are to be discussed by the Panel and the PCC.*

- (1) The Panel will receive notification from the PCC if he/she suspends the Chief Constable.
- (2) The PCC must also notify the Panel in writing of his/her approval 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.

- (3) The PCC must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for his/her resignation or retirement.
- (4) If the PCC is still proposing to call upon the Chief Constable to resign, the PCC must notify the Panel accordingly (“the further notification”).
- (5) Within six weeks from the date of receiving the further notification the Panel must make a recommendation in writing to the PCC as to whether or not the PCC should call for the retirement or resignation. Before making a recommendation the Panel may consult Her Majesty’s Chief Inspector of Constabulary and must hold a scrutiny hearing.
- (6) The scrutiny hearing is a Panel meeting held in private to which the PCC and the Chief Constable are entitled to attend and to make representations in relation to the proposal to call upon the Chief Constable to retire or resign. Appearance at the scrutiny hearing can be by attending in person or participating by telephone.
- (7) The Panel must publish the recommendation it makes by any means the Panel can consider appropriate and must send a copy of each of the Panel member authorities.

RULE 34

Complaints and Conduct Matters relating to the PCC or the Deputy Police and Crime Commissioner

**Protocols setting out timescales and other detail in respect of handling complaints and conduct matters are to be discussed by the Panel and the PCC*

- (1) The Panel has various powers and duties in relation to the conduct of the PCC and the Deputy Police and Crime Commissioner (“the DPCC”). These are currently prescribed by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (hereafter referred to as the “Complaints Regulations” which shall include any superseding legislation). Except for its powers and duties conferred by Part 4 of the Complaints Regulations (informal resolution of complaints), the Panel may delegate all or any of its functions under the Complaints Regulations to the Chief Executive appointed by the PCC (unless that person is a PCC/DPCC).

General Duties

(2) With regard to its duty to provide the Independent Police Complaints Commission (“Independent Commission”)/authorised representatives with all such assistance as may be reasonably required for the purposes of, or in connection with, the carrying out of any investigation, the Chair of the Panel, and any person authorised by him/her, may take any necessary action on the Panel’s behalf to fulfil this duty.

(3) Where the Panel becomes aware of:-

- (a) a complaint about the conduct of the PCC or DPCC; or
- (b) information that indicates that the PCC/DPCC may have committed a criminal offence but no complaint has yet been made (hereafter referred to as a “Conduct Matter”),

the Panel must ensure that all appropriate steps are taken, both initially and from time to time after that, to obtain and preserve evidence relating to the conduct in question. In this regard, the Chair of the Panel, and any person authorised by him/her, may take any necessary action on the Panel’s behalf to fulfil this duty.

Recording Complaints and Conduct Matters

(4) Except where the subject-matter of a complaint is being/has been dealt with by means of criminal proceedings, or the complaint has been withdrawn, where the Panel is notified that a complaint relating to the conduct of the PCC/DPCC has been made and is satisfied that it is the appropriate panel to consider the matter, the Panel shall record the complaint.

(5) If the Panel is not the appropriate panel to consider the complaint, it shall give notification of the complaint to the appropriate panel.

(6) If the Panel decides not to record the complaint (or any part of it) or to give notification under Rule 33(5), the complainant must be notified of this decision with reasons.

(7) Where the Panel becomes aware of a Conduct Matter, the Panel must record it unless the matter has been recorded as a complaint, is being/has been dealt with by means of criminal proceedings or it is not the appropriate panel in which case it must notify the appropriate panel.

Referral to the Independent Commission

(8) Where:-

- (a) the Panel determines that a complaint is serious (i.e. involving an indication that the PCC/DPCC may have committed a criminal offence);
- (b) a matter has been recorded as a Conduct Matter; or
- (c) required to do so by the Independent Commission,

the Panel must refer the serious complaint/Conduct Matter to the Independent Commission notifying the complainant, and the person to whose conduct the matter relates (except where it might prejudice a possible future investigation), of the referral. Such a referral must be made as soon as practicable and in any event by the end of the day after the Panel decided that the complaint was serious or recorded the Conduct Matter. The referral must be in the manner specified by the Independent Commission.

- (9) Where the Independent Commission determines that the matter does not need to be investigated, the Independent Commission will refer the matter back to the Panel notifying the complainant (if there is one) and the person to whose conduct the matter relates. Serious complaints and, unless the Panel determines otherwise, Conduct Matters which are referred back to the Panel shall be handled in accordance with the informal resolution process detailed below.

Informal Resolution Process

- (10) In respect of a recorded complaint, or a serious complaint or Conduct Matter that has been referred back to the Panel by the Independent Commission, the Panel must decide whether the matter falls within the description set out in Rule 33(20) below and, if so, whether to disapply Part 4 of the Complaints Regulations, and thereby the informal resolution process set out in the following paragraphs. If it does so, the Panel may handle the matter in whatever manner (if any) that it thinks fit.
- (11) Where it appears to the Panel that the matter has already been satisfactorily dealt with, the Panel may, subject to any representation by the complainant (if any), treat it as having been resolved.
- (12) If, at any time, the Independent Commission notifies the Panel that it requires the matter to be referred to it, the informal resolution process must be discontinued.
- (13) If the matter is to be subject to the informal resolution process then the Panel may deal with the matter itself or by appointing:-

- (a) a Sub-Committee;
- (b) a single member of the Panel; or
- (c) a person who is not a member of the Panel (but not a PCC or DPCC),

to secure the informal resolution of the complaint and then report back to the Panel the conclusion of the informal resolution process.

- (14) Where a Sub-Committee or person is appointed under Rule 33(13), the matter may be remitted at any time to the Panel where the Panel considers that this will lead to a more satisfactory resolution of the matter.
- (15) The informal resolution process undertaken in accordance with this Rule must comply with any applicable procedures which are approved by the Secretary of State in guidance issued under section 22(5) of the Police Reform Act 2002 (as amended by the Complaints Regulations).
- (16) The Panel or appointed Sub-Committee/person must as soon as practicable give the complainant (where applicable) and the person complained about/subject of the Conduct Matter an opportunity to comment on the matter (if the latter chooses not to comment, this shall be recorded in writing).
- (17) The Panel or appointed Sub-Committee/person may require the person complained against/subject of the conduct matter to provide information or documents or attend before it or him/her to answer questions or give evidence. This will not be deemed to be an investigation.
- (18) The Panel or appointed Sub-Committee/person must consider the representations made and documentation provided, and reaches a determination with regard to the matter. The Panel or appointed Sub-Committee/person must as soon as practicable make a record of the outcome of the procedures to be sent to the parties. The Complaints Regulations contain provisions regarding the making of apologies and the publication of the record of the outcome of the procedures.

Disapplication of the Informal Resolution Process in Relation to Complaints

- (19) Where the Panel considers that it should handle the complaint (including serious complaints referred back to the Panel) otherwise than in accordance with Part 4 of the Complaints Regulations, and thereby the informal resolution process set out above, or should take no action in relation to it, and the complaint falls within a description specified in the Complaints Regulations (and as set out below), the Panel may handle the

- complaint in whatever manner (if any) that it thinks fit. The Panel must notify the complainant of this decision.
- (20) The Panel can choose to disapply Part 4 of the Complaints Regulations, and thereby the informal resolution process, where:-
- (a) the matter the subject of the complaint took place more than 12 months ago and no good reason for the delay has been shown;
 - (b) the complaint is vexatious/oppressive;
 - (c) the complaint is an abuse of the complaints process;
 - (d) the complaint is repetitious; or
 - (e) the complaint is concerned entirely with the conduct of the PCC/Deputy Crime Commissioner in relation to a person who was working in his capacity as a member of the PCC/Deputy Crime Commissioner's staff at the time when the conduct is supposed to have taken place.