



## RULES OF PROCEDURE

### INDEX

	<b>Rule</b>
Agenda and Minutes	4
Adjournment/closure of debate	12
Alterations or withdrawal of motion or amendment	9
Amendments to motions	8
Appointments by the Panel	13
Audio or visual recordings at meetings	28
Canvassing of and recommendations by Members	17
Chairman of the Meeting	2
Chairman and Vice-Chairman of the Panel and Sub-Committees, and other appointments	13
Closure	12
Conduct of Members	10
Conducting special functions	24
Complaints and conduct matters	34
Co-optees	21
Deputations	31
Disclosable Pecuniary Interests	16
Display of banners at meetings	30
General disturbances	15
Interpretation of Rules of Procedure	27
Meetings of the Panel	1
Motions affecting employment related matters, or issues related to the conduct, of individuals	7
Motions and amendments (generally)	6
Points of order and explanation	11
Proceedings of the Panel and Sub-Committees	23
Questions by members	5
Questions from the public	31A
Quorum	3
Recording of votes	14
Record of attendances	19
Relatives of members	18
Rescission of previous resolution	28
Scrutiny and reports from the Panel	20
Sub-Committees	22
Suspension of the Police and Crime Commissioner	32
Suspension and removal of the Chief Constable	33

Suspension of Rules of Procedure	26
Variation and revocation of Rules of Procedure	25
Voting	14

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

Introduction

These Rules of Procedure are made by the Hampshire and Isle of Wight Police and Crime Panel (hereafter referred to as '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 for the Police and Crime Panel for the Hampshire and Isle of Wight Police Area ("the Panel Arrangements") as referred to in Rule 1 paragraph (4) below.

Protocols have been agreed between the Panel and the Police and Crime Commissioner ("the PCC") to enable the Panel to fulfil its functions. These protocols should 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. They are to be read alongside the Panel Arrangements.

**RULE 1**

Meetings of the Police and Crime Panel

- (1) The Panel shall hold an annual meeting between the 31 May, and the 31 July each year. The first items of business on the agenda for the annual meeting shall be the appointment of a Chairman and Vice-Chairman for the ensuing year.
- (2) In addition to the annual meeting of the Panel and any meetings convened by the Chairman or by members of the Panel, meetings for the transaction of general business shall be scheduled by the Democratic Services Officer to the Panel, in consultation with the Chairman
- (3) The Chairman 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 (hereafter referred to as 'the Chief Executive') appointed in accordance with clause 6.1 of the Panel Arrangements). 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, taking into account the priorities defined by the Police and Crime Commissioner for Hampshire and the Isle of Wight (hereafter referred to as 'the Commissioner) 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 Chairman or by members of the Panel.
- (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**

### Chairman of the Meeting

- (1) Any power or duty of the Chairman 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 Chairman, after counting the number of members present, declares that there is not a quorum<sup>1</sup> present the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time fixed by the Chairman at the time the meeting is adjourned, or, if

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<sup>1</sup> The quorum for meetings of the Panel or Sub-Committee is one quarter of the total number of members or a minimum of 3 members, whichever is the greater.

they do not fix a time, to the next ordinary meeting of the Panel or Sub-Committee.

#### **RULE 4**

##### Circulation of agenda and confirmation of minutes of the Panel

- (1) A printed copy of the summons and agenda for the forthcoming meeting of the Panel and the minutes of the previous meeting shall be, at least five clear working day before such forthcoming meeting, be made available by the Chief Executive at the offices of Lead Authority, published on the website of the Lead Authority and provided to each Member in electronic format, 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 or provided in an electronic format and circulated to each Member prior to such meeting, shall be taken as read.
- (2) Any 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 may request that a full report on the agenda item be submitted 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 exceptional circumstances, which shall be specified in the minutes, the Chairman 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 Chairman 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 Chairman of that Sub-Committee any question on any matter in relation to which that Sub-Committee has delegated or referred functions.

**RULE 6**

Motions and amendments

- (1) After calling each item on the Agenda (other than Minutes), and after any introductory remarks by the report author and by, with the Chairman's permission, any person who has been requested or required to attend the meeting, the Chairman shall first call for questions and after these have been disposed of, where appropriate, shall call "any debate?" A member desiring to ask questions or to debate shall indicate by raising their hand.
- (2) If there is no debate, the Chairman shall put the recommendation/s 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 Chairman indicates otherwise, that the same has been formally moved by them and seconded and any subsequent motion shall be treated as an amendment thereto.
- (5) The Chairman may require the mover of a motion to reduce the same to writing and submit it to the Chairman 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 they are 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 Chairman be reduced into writing and handed to them 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 they have 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 their 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 Chairman signified to the Panel, misconducts themselves by persistently disregarding the ruling of the Chairman or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Panel, or by tedious repetition or unbecoming language in their speech, the Chairman 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 their misconduct after a motion under the last previous paragraph has been carried, the Chairman 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 they in their 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 Chairman 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 their 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 Chairman 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 they consider it has been broken. A personal explanation shall be confined to some material part of a former speech by themselves which may appear to have been misunderstood in the present debate.

- (2) The ruling of the Chairman 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 Chairman 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 Chairman is of the opinion that the matter has not been sufficiently discussed, may either refuse to accept the motion at that time or may indicate how many more members they will permit to speak before putting the motion.

## **RULE 13**

### Chairman and Vice-Chairman of the Panel and Sub-Committees, and other appointments

- (1) The Panel shall, at its Annual Meeting in each year, elect a Chairman and a Vice-Chairman of the Panel, and appoint a Chairman and a Vice-Chairman 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 Chairman and Vice-Chairman of a Sub-Committee may be left for that body itself to decide.
- (2) In the event of the resignation of the Chairman or Vice Chairman or removal of the Chairman or Vice Chairman by the Panel, a new Chairman or Vice Chairman will be appointed at the next meeting of the Panel.
- (3) The Chairman or Vice Chairman may be removed by agreement of a majority of the whole membership of the Panel.
- (4) In the absence of both the Chairman and Vice-Chairman 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 Chairman or Vice Chairman arrives in which case they shall then preside over the meeting after the matter under discussion has been disposed of.

- (5) 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 Chairman, 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 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 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 and Isle of Wight 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 Chairman.
- (6) After a proposition is put from the Chairman but before the vote is taken, a quorum of the Panel may by show of hands require that the voting shall be recorded in the minutes of the meeting to show whether each member present gave their vote for or against that proposition or abstained from voting.
- (7) The Chairman shall have a casting vote in the event of a tied vote. For the avoidance of doubt, the Chairman 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 Chairman shall ask them to desist and warn them that they may be removed if they continue. If they continue the interruption, the Chairman shall order their removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
- (2) If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in them, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

### **RULE 16**

#### Disclosable Pecuniary Interests

- (1) Each political member of the Panel is required to maintain a register of interests in accordance with their own local authority's procedures, except in the case of independent co-opted members who are required to complete and maintain a register of interests to be held by the Lead Authority.
- (2) Where, at a meeting of the Panel or a Sub-Committee, a member becomes aware that they have 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 their register of interests, the member must disclose the interest to the meeting (subject to section 32(3) of the Localism Act 2011) and comply with their duty to register the interest after the meeting, as applicable.
- (3) Subject to section 33 of the Localism Act 2011, where a member has a disclosable pecuniary interest in any matter to be considered at the meeting, they 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 may leave the room or sit within the public area for the duration of the consideration of that matter

and while the member may make a representation that member may not participate in the discussion.

- (4) 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 they are related to any member of the Panel shall disclose that relationship in their 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 Chairman any relationship known to them to exist between themselves and any person whom they know 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) A record of attendance for every meeting of the Panel or of any of its Sub-Committees shall be maintained in the minutes of that meeting.

**RULE 20**

Reports from the Panel and the  
scrutiny and review of Decisions/Actions of the Commissioner

*\*Detailed protocols setting out timescales and other matters in respect of the scrutiny and review of decisions/actions of the Commissioner are set out separately.*

- (1) Where it has formed recommendations on a particular matter, the Panel will request the Chairman to report to the Commissioner (or other appropriate body), and it must publish the report and its recommendations.
- (2) The Panel may require the Commissioner 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.
- (3) The Panel must send copies of any such reports or recommendations to each authority whose area falls wholly or partly within the police area of Hampshire and the Isle of Wight.
- (4) It is the responsibility of the appointed Panel Member for each authority to ensure such reports or recommendations are shared in accordance with Rule 20 paragraph (3).
- (4) The Panel may scrutinise and review decisions made or actions taken by the Commissioner in connection with the discharge of their functions. As well as reviewing documentation, in fulfilling its scrutiny role the Panel may require the Commissioner, and members of their staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary to carry out its functions.
- (5) Where the Commissioner, or a member of their staff, are required to attend the Panel, the Chairman 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 they are required to address the Panel and whether any papers are required. 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 Commissioner is unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the Chairman of the Panel.

**RULE 21**Co-option of Members

- (1) The Panel must appoint two independent co-opted members who may not be members of the local authorities in the Hampshire and Isle of Wight police area. Appointments will usually be for a four-year term, or until the end of the current term of the Commissioner, whichever is the shorter, subject to the terms of the Panel Arrangements on continuation in office, Where a co-opted member resigns their position before the end of their appointed term, an additional recruitment process will be held to seek a new member who will be appointed for the duration of time remaining.
- (2) 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, and (in the case of individuals who are not members of local authorities) they are not:
  - a) a member of the staff of the Commissioner for the Hampshire and Isle of Wight police area;
  - b) a member of the civilian staff of the police force for that police area;
  - c) a Member of Parliament, the National Assembly for Wales, the Scottish Parliament, or the European Parliament
- (2) The Panel may resolve, with the Secretary of State's agreement, to appoint up to three additional co-opted members, who may be members of the local authorities in the Hampshire and Isle of Wight police area. Appointments will usually be for up to a four-year term, subject to the political proportionality of the Panel, or until the end of the current term of the Commissioner, whichever is the shorter, and are subject to the terms of the Panel Arrangements on continuation in office. The purpose of such appointments is to enable the Panel to better meet the Balanced Appointment Objective, in accordance with paragraph 31 of the Police Reform and Social Responsibility Act 2011 and to ensure that the Panel's membership is reflective of the political proportionality of the collective local authorities across the Hampshire and Isle of Wight police area. The political proportionality of the Panel shall be reported each year to the AGM of the Panel, and Local Authority Co-opted appointments reviewed accordingly.
- (3) 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.

- (4) 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.
- (5) In regard to co-opting members, the 'Co-opted Members Recruitment Pack', amended as necessary, will be used.

## **RULE 22**

### Sub-Committees and Working Groups

- (1) The Panel shall appoint such Sub-Committees and Working Groups as it deems necessary, and they shall meet as and when required to undertake specific task-based work.
- (2) A Sub-Committee or Working Group may not co-opt members.
- (3) The Chairman of a Sub-Committee or Working Group may summon a special meeting of the Sub-Committee at any time.
- (4) A special meeting of a Sub-Committee or Working Group shall be summoned by the Chief Executive within five working 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 10 working days and not more than 15 working 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 or Working Group:-
  - (a) reviewing and making recommendations on the draft police and crime plan, or draft variation (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 or Working 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. In doing so, a Sub-Committee or Working Group shall work within agreed budgets for the Panel.

### **RULE 23**

#### Proceedings of the Panel and Sub-Committees

- (1) Any Panel member may request to attend as an observer at meetings of Sub-Committees or Working Groups to which they have not been appointed as a member, including meetings or items of business from which the public has been excluded. If given permission by the Chairman of the meeting, a member attending as an observer may speak (but not vote) on any matter.
- (2) Subject to Part VA 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 Monitoring Officer to the Panel, as Proper Officer, in accordance with 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**

#### Conducting special functions

*\*Detailed protocols setting out timescales and other matters in respect of the scrutiny and review of decisions/actions of the Commissioner are set out separately.*



- (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 Commissioner'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 Commissioner.
  - (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 Commissioner 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 Commissioner, which the Commissioner must consider.
- (3) Scrutiny of the Annual Report (S28(4) of the Act)
  - (3.1) The Commissioner must produce an Annual Report outlining the exercise of their functions and progress in delivering the Police and Crime Plan objectives during the previous financial year. The Annual Report must be sent to the Panel for consideration.
  - (3.2) The Panel must comment upon the Annual Report, 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 Commissioner to attend the meeting to present the Annual Report and answer questions about the Annual Report as the members of the Panel deem appropriate.
    - (c) review the Annual Report; and
    - (d) make a report or recommendations on the Annual Report to the Commissioner
- (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 Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012)
  - (4.1) The Panel must review the Commissioner's proposed appointments for Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner.

- (4.2) The Panel must be notified by the Commissioner of each proposed appointment and must be provided with the following information:
- (a) the name of the person whom the Commissioner 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 Commissioner 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 Commissioner with a recommendation as to whether 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 Commissioner, and it is for the Panel to determine the manner in which its recommendation will be published.
- (4.7) On receiving a report, the Commissioner shall have regard to the report and notify the Panel as to whether the Panel recommendation is accepted.
- (4.8) The Commissioner may then appoint the candidate (unless the appointment has been vetoed by the Panel) or if applicable the reserve candidate as Chief Constable or propose another reserve candidate. In the latter eventuality, the process is the same for an initial candidate and any reserve candidate following a veto; however, the Panel's power of veto only applies to the first candidate.

- (5) Issuing Precepts - (Schedule 5 of the Act) and Part 2 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012
- (5.1) The Commissioner will notify the Panel of the precept which they are proposing to issue by 1 February of the relevant financial year. The Panel must review and make a report to the Commissioner on the proposed precept by 8 February of the relevant financial year. Where the Panel exercises the power to veto the proposed precept but fails to review the precept by the 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) In providing the notice of precept referred to at 5.1 above, the Panel may seek additional supporting information from the Commissioner.
- (5.3) The Panel may require the Commissioner to attend a meeting of the Panel to present their report on the proposed precept, and answer questions from the Panel.
- (5.4) Having considered, and debated, the proposed precept, the Panel will be asked to either support or not support 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).
- (5.5) The Commissioner will notify the Panel of their decision to accept or reject the recommendations by the Panel.
- (5.6) Where the Panel vetoes the proposed precept, within the deadline referred to above, then the Commissioner must notify the Panel of the revised precept which they propose to issue by 15 February of the relevant financial year.
- (5.7) On receiving a notification from the Commissioner of the revised precept, the Panel shall, by 22 February of the relevant financial year scrutinise and review the revised precept and make a second report to the Commissioner on the revised precept.
- (5.8) The second report may indicate whether the Panel supports or does not support the revised precept and make recommendations, but this does not amount to a power of veto. The only power of veto available to the Panel is in relation to the precept proposed initially by the Commissioner.
- (5.9) Where the Panel fails to review the revised precept by the deadline set, the Commissioner may issue the revised precept as the precept for the relevant financial year.

- (5.10) On receiving the Panel's second report the Commissioner shall, by 1 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 regarding 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 Chairman 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, visual or social media recordings at meetings

- (1) The press and members of the public may film, photograph or record any Panel meeting which is open to the public. The Panel also allows the use of social media to report the Panel's activities during any of the Panel's meetings that are open to the public.
- (2) Flash photography, additional lighting or large equipment will not be permitted, unless agreed in advance and it can be accommodated without causing disruption to the proceedings.
- (3) The Chairman will make an announcement to attendees before the start of a meeting open to the press and public, informing them that the meeting may be filmed. Anyone who remains at the meeting after the Chairman's announcement will be deemed to have consented to the broadcast of their image.
- (4) A notice will also be posted on the door of the meeting room advising everyone who attends that the meeting may be filmed and that by attending the meeting they are consenting to the broadcast of their image.
- (5) Filming or recording is only permitted during public sessions of Panel meetings and must be stopped upon the end, or adjournment of the public session. Filming or recording is not permitted at any other time, or elsewhere at the meeting venue, without prior permission.

**RULE 30**Display of banners at meetings

- (1) Except with the consent of a Chairman 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, any meeting of the Full Panel which is held in public 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. Deputations are only accepted for substantial items of the agenda and not those items considered to have a purpose related to the administration and proper running of the Panel, including but not limited to, apologies, minutes of previous meetings, deputations and the Panel's work programme, as well as any announcements of the Chairman and Commissioner.
- (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 working days before the date of the meeting and shall specify whether the Deputation is to be written (in which case it shall accompany the Notice) or in-person.
  - (b) In-person Deputations shall consist of not more than four people who shall be local government electors for the administrative policing area of Hampshire and the Isle of Wight but excluding Hampshire and Isle of Wight Constabulary officers and staff and officers of the Commissioner.
  - (c) Any member of an in-person Deputation may address the meeting.
  - (d) Written Deputations will be accepted by the Panel at the discretion of the Chairman of the Panel who shall have regard to whether the content of the written Deputation is treated by way of a written submission accompanying a report, in an in-person Deputation or in another written Deputation.
  - (e) The total time taken by the in-person Deputation in addressing the meeting shall not exceed five minutes, and the total time given to reading a written Deputation shall not exceed five minutes. Should the Deputation consist of more than one person the time allowed of five minutes shall be shared amongst those speaking.
  - (f) Deputations shall be taken at the beginning of the meeting (after the Minutes) and the total time allowed for all Deputations to a meeting to be heard shall not exceed 30 minutes in duration. Should more than six deputations be received to a single meeting of the Panel, then the time allowed for each deputation shall be reduced accordingly to allow all to be heard within the 30 minutes allowed.

- (g) No Deputation shall appear before the Panel at successive meetings within six months of any previous appearance on the same or similar topic.
- (h) Deputations shall only be taken on topics for which another avenue is not available (e.g., deputations are not an appropriate alternative to complaints processes, and unreasonable complainants may not make a deputation on any complaints-related item on the agenda).
- (i) The Chairman of the Panel has discretion to amend the arrangements referred to in (d) and (f) above.

### **RULE 31A**

#### Questions from the public

- (1) The agenda for ordinary meetings of the Panel shall include the opportunity for members of the public to ask questions of the Panel on issues under the purview of the Panel. Questions from the Public are not a mechanism under which questions can be raised with the Commissioner, and all questions must be properly addressed to the Panel. The Chairman may however, at their discretion, invite the Commissioner to comment upon any matters raised through the question.
- (2) The agenda item will ordinarily allow no more than 30 minutes for public questions, although the Chairman may reduce or extend this at their absolute discretion.
- (3) Anyone living, working or studying within the Hampshire and Isle of Wight Policing Area are entitled to ask questions.
- (4) A questioner can submit up to two questions per meeting, either in their own right or on behalf of one organisation.
- (5) Notice of questions must be received by the Lead Authority for the Panel no later than 15 clear working days before the ordinary Panel meeting is held.
- (6) Questions may not:
  - Require the disclosure of exempt or confidential information
  - Repeat a question asked at a Panel meeting in the previous six months
  - Be defamatory, frivolous or offensive
- (7) In circumstances where a questioner is unable to attend personally or be represented at the Panel meeting at which their question is to be considered, the answer will be presented to the Panel by the

Chairman, with the response available to be viewed on the public webcast and noted in the minutes of the meeting.

- (8) Where the questioner or their representative attends the Panel in person to receive the answer to their question, the questioner (or their representative as the case may be) may in the Chairman's discretion be permitted to ask one supplementary or follow-up question on the same subject matter as their original question..

### **RULE 32**

#### Suspension of the Commissioner

- (1) The Panel may suspend the 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.
- (2) The suspension of the Commissioner ceases to have effect upon the occurrence of the earliest of these events: -
- (a) the charge being dropped.
  - (b) the Commissioner being acquitted of the offence.
  - (c) the Commissioner 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

- (1) The Panel will receive notification from the Commissioner if they suspend the Chief Constable.
- (2) The Commissioner must also notify the Panel in writing of their 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 Commissioner must provide the Panel with a copy of any representations from the Chief Constable about the proposal to call for their resignation or retirement.
- (4) If the Commissioner is still proposing to call upon the Chief Constable to resign, the Commissioner 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 Commissioner recommending whether the Commissioner should call for the retirement or resignation. Before making a recommendation, the Panel may consult His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (MHICFRS) and must hold a scrutiny hearing.
- (6) The scrutiny hearing is a Panel meeting held in private to which the Commissioner 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 whichever means the Panel consider appropriate and must send a copy to each of the appointing authorities within the Hampshire and Isle of Wight policing area.

### **RULE 34**

#### Complaints and conduct matters relating to the Police and Crime Commissioner or the Deputy Police and Crime Commissioner

*\*Detailed arrangements for handling complaints are available separately, which includes a protocol in relation to the informal resolution procedure (hereafter referred to as ‘the Protocol’)*

- (1) The Panel has various powers and duties in relation to the conduct of the Commissioner and the Deputy Police and Crime Commissioner (hereafter referred to as ‘the Deputy Commissioner’). 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).
- (2) 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 Commissioner and where it does it shall record this in the in the Protocol.

- (3) The Panel has a duty to ensure that it is kept informed about all matters covered by the Complaints Regulations, anything which is done under, or for the purposes of, them and any obligations to act, or refrain from acting, that have arisen under those regulations, but have not yet been complied with or have been contravened.

(4) The Panel has a duty to provide the Independent Office for Police Conduct (IOPC) with all such assistance as may be reasonably required for the purposes of, or in connection with, the carrying out of any investigation.

(3) Where the Panel becomes aware of:-

- (a) a complaint about the conduct of the Commissioner or Deputy Commissioner; or
- (b) information that indicates that the Commissioner or Deputy Commissioner 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.