

West Midlands Police and Crime Panel

Panel Arrangements

This Agreement is dated the 20th day of July 2012.

The Agreement is made between the following:

Birmingham City Council
Coventry City Council
Dudley Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Solihull Metropolitan Borough Council
Walsall Metropolitan Borough Council
Wolverhampton City Council

1.0 Background

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') introduces new structural arrangements for national policing, strategic police decision making, neighbourhood policing and police accountability.
- 1.2 The Act provides for the election of a Police and Crime Commissioner ('PCC') for a police force area, responsible for securing an efficient and effective police force for their area, producing a police and crime plan, recruiting the Chief Constable for an area and holding him/her to account, publishing certain information including an annual report, setting the force budget and police precept and requiring the Chief Constable to prepare reports on police matters. The PCC must co-operate with local community safety partners and criminal justice bodies.
- 1.3 The Act requires the local authorities in each police force area ('the Authorities') to establish and maintain a Police and Crime Panel ('the Panel') for its police force area. It is the responsibility of the Authorities for the police force area to make arrangements for the Panel ('Panel Arrangements').
- 1.4 The West Midlands is a multi authority police force area ('the police force area'). The Authorities, as the relevant local authorities within the area, must agree to the making and modification of the Panel Arrangements.
- 1.5 Each Authority and each Member of the Panel must comply with the Panel Arrangements.
- 1.6 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PCC for that police force area.
- 1.7 The Panel must have regard to the Policing Protocol issued by the Home Secretary, which sets out the ways in which the Home Secretary, the PCC, the Chief Constable and the Panel should exercise, or refrain from exercising, functions so as to encourage, maintain or improve working relationships

(including co-operative working); and limit or prevent the overlapping or conflicting exercise of functions.

1. 8 The Panel is a scrutiny body with responsibility for scrutinising the PCC and promoting openness in the transaction of police business in the police force area.
1. 9 The Panel is a joint committee of the Authorities.
1. 10 The Authorities agree the Panel Arrangements.

2. 0 Functions of the Police and Crime Panel

2. 1 The Panel may not exercise any functions other than those conferred by the Act.
2. 2 The functions of the Panel set out at paragraphs 2.3 - 2.8 below may not be discharged by a Sub-Committee of the Panel.
2. 3 The Panel is a statutory consultee on the development of the PCC's Police and Crime Plan and must:
 - a) review the draft Police and Crime Plan (and a variation to it); and
 - b) report or make recommendations on the draft Plan which the PCC must take into account.
2. 4 The Panel must comment upon the Annual Report of the PCC, and for that purpose must:
 - a) arrange for a meeting of the Panel to be held in public as soon as practicable after the Panel is sent an Annual Report under Section 12 of the Act;
 - b) ask the PCC at that meeting any such 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.
2. 5 The Panel must undertake a review of a precept proposed by the PCC in accordance with the requirements set out in Schedule 5 of the Act and will have a right of veto in respect of the precept in accordance with the Act and Regulations made thereunder.
2. 6 The Panel must hold a confirmation hearing to review, make a report and recommendations to the PCC in relation to the appointment of a Chief Constable in accordance with the requirements set out in Schedule 8 of the Act. It has a right of veto in respect of the appointment in accordance with the Act and Regulations made in accordance with the Act.

2. 7 The right of veto referred to in paragraphs 2.5 and 2.6 will require that at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision.
2. 8 The Panel must hold a confirmation hearing to review, make a report to and make recommendations to the PCC in relation to the appointment of the PCC's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner in accordance with the requirements set out in Schedule 1 of the Act.
2. 9 The Panel shall receive notification from the PCC of any suspension of the Chief Constable, or any proposal to call upon a Chief Constable to retire or resign, and in the case of the latter must make a recommendation to the PCC as to whether or not the PCC should call for the retirement or resignation in accordance with the procedures set out in Schedule 8 of the Act.
2. 10 The Panel must review or scrutinise the decisions or actions of the PCC in the discharge of his/her functions and make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. The Panel may carry out investigations into the decisions of the PCC, and into matters of particular interest or public concern.
2. 11 The Panel must publish any reports or recommendations made by it to the PCC in a manner which the Panel will determine and must also send copies to the Authorities.
2. 12 The Panel may require the PCC or a member of his/her staff to attend the Panel to answer questions necessary for the Panel to undertake its functions, provided that such questions shall not:
 - a) relate to advice provided to the PCC by his/her staff;
 - b) in the view of the PCC:
 - i) be against the interests of national safety;
 - ii) jeopardise the safety of any person; or,
 - iii) prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice; or,
 - c) be prohibited by any other enactment.
2. 13 If the Panel requires the PCC to attend a Panel meeting, 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.
- 2.14 The Panel may require the PCC to respond in writing to a report or recommendation from the Panel to the PCC.
- 2.15 The Panel may appoint an Acting PCC if necessary.
2. 16 The Panel may suspend the PCC if he/she is charged with an offence carrying a maximum term of imprisonment exceeding two years.

2. 17 The Panel is responsible for handling non-criminal complaints against the PCC and Deputy PCC and must refer complaints involving a criminal offence to the Independent Office for Police Conduct. This duty is ordinarily delegated to the Host Authority Monitoring Officer following the Panel's Complaints Procedure.

2.18 The Panel will have any other powers and duties set out in the Act or Regulations made in accordance with the Act.

3. 0 Membership

3. 1 General

3. 2 The Panel shall consist of twelve elected Members appointed by the Authorities as follows:

- a) One Member appointed by each of the following Councils, subject to that appointee being the Elected Mayor in the case of those Councils operating such a system of governance:

Birmingham City Council
Coventry City Council
Dudley Metropolitan Borough Council
Sandwell Metropolitan Borough Council
Solihull Metropolitan Borough Council
Walsall Metropolitan Borough Council
Wolverhampton City Council

- b) Two further Members to be nominated by Birmingham City Council and appointed by the West Midlands Metropolitan Leaders. .

- c) Two further Members to be jointly nominated by Dudley, Sandwell, Walsall Metropolitan Borough Councils and Wolverhampton City Council and appointed by the West Midlands Metropolitan Leaders Committee.

- d) One further Member to be jointly nominated by Coventry City Council and Solihull Metropolitan Borough Council and appointed by the West Midlands Metropolitan Leaders Committee. (Solihull MBC to nominate in 2021).

3. 3 Appointments of Members to the Panel shall be made by the Authorities with a view to ensuring that the balanced appointment objective is met so far as is reasonably practicable. The Host Authority shall take steps to coordinate the Authorities with a view to ensuring that the balanced appointment objective is achieved. The balanced appointment objective requires that the Members of the Panel should:

- a) represent all parts of the police force area;
 - b) represent the political make-up of the Authorities; and,
 - c) taken together have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
3. 4 In the event that an Authority does not appoint a Member or Members in accordance with these requirements, the Secretary of State must appoint a Member to the Panel from the defaulting authority in accordance with the provisions in the Act.
3. 5 Appointments of Members to serve on the Panel shall be made by the Authorities on an annual basis. A Member shall continue to serve on the Panel unless s/he ceases to be an elected Member, s/he resigns or is removed by their Authority at any time.
3. 6 Members may be re-appointed to the Panel by the Authorities on an annual basis, without restrictions on the maximum term of office, provided that the balanced appointment objective is met by the re-appointment(s).
- 3. 7 Co-opted Members**
3. 8 The Panel shall also include two independent Members co-opted by the Panel.
3. 9 The Panel may also resolve to co-opt a further Member, with the agreement of the Secretary of State, provided that the number of co-opted Members included in the Membership of the Panel shall not exceed three.
3. 10 In appointing co-opted Members who are not elected members of any of the Authorities the Panel must secure, so far as is reasonably practicable, that the appointed and co-opted Members of the Panel have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively.
- 3. 11 Substitute Members**
3. 12 In making appointments of Members to serve on the Panel, the Authorities shall also appoint nominated substitutes to serve in the absence, or inability to act, of the appointed Members. The appointment of substitutes does not apply to the co-opted Members.
3. 13 A substitute member shall only be appointed if he/she is otherwise eligible to serve on the Panel. The appointment of a substitute to serve for any meeting should be notified to the Host Authority prior to the commencement of the meeting concerned. A substitute member shall serve only for the duration of the meeting to which they are appointed as a substitute unless a meeting is adjourned and it is essential that the substitute member attends a subsequent meeting to comply with a statutory obligation or the rules of natural justice.

3. 14 Removal or Resignation of Members

- 3. 15 The Authorities may decide to remove any appointed or substitute Member(s) from the Panel at any time and in doing so shall give notice to the Host Authority.
- 3. 16 An appointed Member may resign from the Panel by giving written notice to the Host Authority and to the Chief Executive of the Authority that appointed them to the Panel.
- 3. 17 In the event that any appointed or substitute Member resigns from the Panel, or is removed from the Panel, the Authorities shall immediately take steps to nominate and appoint alternative Member(s) to the Panel.
- 3.18 If a Member has been absent from the Panel for more than three months then the Chair shall write to the Authority asking it to consider making a new appointment. Exceptional circumstances will be considered.

3. 19 Appointment, Removal or Resignation of Co-opted Members

- 3. 20 The following may not be co-opted Members of the Panel:
 - a) the PCC for the Police Area.
 - b) a member of staff of the PCC for the area.
 - c) a member of the civilian staff of the Police Force for the area.
 - d) a Member of Parliament.
 - e) a Member of the National Assembly for Wales.
 - f) a Member of the Scottish Parliament.
 - g) a Member of the European Parliament.
- 3. 21 An elected member of any of the Authorities may not be a co-opted Member of the Panel.
- 3. 22 The co-opted Members appointed in 2012 shall serve for a term expiring on 30th April, 2016. Thereafter, co-opted Members shall be appointed to the Panel for terms of four years.
- 3. 23 The Panel shall put in place arrangements to ensure that appointments of co-opted Members are undertaken following public advertisement in accordance with the following principles:
 - a) The appointment will be made on merit of candidates whose skills, experience and qualities are considered best to ensure the effective functioning of the Panel;
 - b) The selection process must be fair, objective, impartial and consistently applied to all candidates who will be assessed against the same predetermined criteria; and,
 - c) The selection process will be conducted transparently with information about the requirements for the appointment and the process being

publicly advertised and made available with a view to attracting a strong and diverse field of suitable candidates.

3. 24 A co-opted Member of the Panel may resign from the Panel by giving written notice to the Host Authority at any time.
3. 25 The Panel may decide to terminate the appointment of a co-opted Member of the Panel if at least two-thirds of the persons who are Members of the Panel at the time when the decision is made vote in favour of making that decision for the reasons set out below and in doing so shall give written notice to the co-opted Member:
- a) if the co-opted Member has been absent from the Panel for more than three months without the consent of the Panel;
 - b) if the co-opted Member has been convicted of a criminal offence but not automatically disqualified;
 - c) if the co-opted Member is deemed to be incapacitated by illness or is otherwise unable or unfit to discharge his or her functions as a co-opted Member of the Panel.
3. 26 In the event that a vacancy arises for a co-opted Member, for any reason, the Panel shall make arrangements to fill the vacancy in accordance with the principles set out in paragraph 3.23.
3. 27 Co-opted Members appointed to the Panel are eligible for re-appointment for further terms of four years.

4. 0 Budget and Costs of the Panel

4. 1 The annual costs associated with the operation, organisation and administration of the Panel shall be offset by the Home Office grant to be managed by the Host Authority. All of the relevant costs incurred by the Host Authority in connection with the work of the Panel shall be met from the funding allocated by the Home Office unless the Authorities agree otherwise. The Host Authority shall monitor all expenditure incurred and make provision for an annual report.

5. 0 Lead Officer and Host Authority

5. 1 The Chief Executive of Dudley Metropolitan Borough Council shall act as the Lead Officer to the Panel on behalf of the Authorities. Birmingham City Council shall be the Host Authority for the Panel and shall provide such administrative, scrutiny and other support as will be necessary to enable the Panel to undertake its functions within the approved budget.

6. 0 Rules of Procedure

6. 1 The Panel shall determine its Rules of Procedure which shall include arrangements in relation to:
- a) the election and removal of the Chairman and Vice-Chairman;

- b) the formation of sub-committees;
- c) the making of decisions;
- d) the arrangements for convening meetings; and
- e) the circulation of information.

7.0 Members' Expenses

7.1 Members of the Panel shall be paid expenses only in accordance with the annual rate provided for in the grant allocated by the Home Office. The Host Authority shall administer the payment of expenses to Members.

8.0 Promotion of the Panel

8.1 The Panel arrangements shall be promoted by:

- a) the establishment and maintenance of a website including information about the role and work of the Panel, Panel Membership, all non-confidential Panel and sub-committee meeting papers, press releases and other publications;
- c) the Authorities will each include information about the Panel on their websites and will also include a link to the Panel website.

8.2 Additional support, advice and guidance shall be provided to executive and non-executive elected members and officers in relation to the functions of the Panel as the Authorities may deem necessary taking account of the Act and any Regulations made under the Act.

9.0 Validity of Proceedings

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

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