

SHADOW KENT AND MEDWAY POLICE AND CRIME PANEL

AGENDA

Dear Councillor

Notice is hereby given that a meeting of the **SHADOW KENT AND MEDWAY POLICE AND CRIME PANEL** will be held in the **Darent Room, Sessions House, County Hall, Maidstone** on **Tuesday, 24th July, 2012, at 10.00 am** when the following business will be transacted

Members of the public who require further information are asked to contact Anna Taylor on 01622 694764

Membership

Councillor Gerry Clarkson	Ashford Borough Council
Councillor Pat Todd	Canterbury City Council
Councillor Jeremy Kite	Dartford Borough Council
Councillor Sue Chandler	Dover District Council
Councillor John Burden	Gravesham Borough Council
Mr Mike Hill	Kent County Council
Councillor Annabelle Blackmore	Maidstone Borough Council
Councillor Mike O'Brien	Medway Council
Councillor Peter Fleming	Sevenoaks District Council
Councillor Hugh Barker	Shepway District Council
Councillor John Morris	Swale Borough Council
Councillor Iris Johnston	Thanet District Council
Councillor Mark Rhodes	Tonbridge and Malling Borough Council
Councillor John Cunningham	Tunbridge Wells Borough Council

- 1 Declarations of Interests by Members in Items on the Agenda for this Meeting**
- 2 Minutes of the Meeting held on 10 May 2012 (Pages 1 - 4)**
- 3 Presentation Graham Hooper (Chief Executive KPA) PCP/PCC**
- 4 Terms of Reference/Panel Arrangements/Rules of Procedure (Pages 5 - 20)**
- 5 Formula Setting out Panel Membership - To Follow**
- 6 Appointment of Independent Co-opted Members (Pages 21 - 58)**
- 7 Code of Conduct for PCP Members (Pages 59 - 72)**
- 8 Communications Protocol (Pages 73 - 74)**
- 9 Work programme for the Police and Crime Panel (Pages 75 - 78)**

10 Date of next meeting

The next meeting of the Shadow Police and Crime Panel will be held at 10am on Thursday 4th October.

Peter Sass
Head of Democratic Services
(01622) 694002

Monday, 16 July 2012

SHADOW KENT AND MEDWAY POLICE AND CRIME PANEL

MINUTES of a meeting of the Shadow Kent and Medway Police and Crime Panel held in the Darent Room, Sessions House, County Hall, Maidstone on Thursday, 10 May 2012.

PRESENT: Cllr H Barker, Cllr Mrs A Blackmore, Cllr J Burden, Cllr Mrs S Chandler, Cllr G Clarkson, Cllr J Cunningham, Cllr P Fleming, Mr P M Hill, OBE, Cllr Mrs I Johnston, Mr J A Kite, MBE, Cllr M O'Brien, Cllr M Rhodes and Cllr P Todd

IN ATTENDANCE: Mr P Sass (Head of Democratic Services), Mrs A Taylor (Research Officer to Cabinet Scrutiny Committee) and Mr S Beaumont (County Manager, Community Safety)

UNRESTRICTED ITEMS

1. Introduction by Head of Democratic Services (KCC)

(Item 1)

- (1) The Head of Democratic Services (KCC) welcomed Members to the inaugural meeting of the Shadow Police and Crime Panel (PCP). There were a number of questions within the agenda papers but there was the potential for further meetings of the Shadow PCP to take place if Members wanted more time to consider the issues after their discussions.
- (2) It was important at this meeting to elect a Chairman, to agree on the size of the panel and how Members wanted to approach the balanced appointment objectives of the panel.

2. Election of Chairman

(Item 2)

- (1) The Head of Democratic Services asked for nominations for Chairman of the Shadow PCP
- (2) Councillor Clarkson proposed and Councillor Mrs Johnston seconded that Mr Hill be elected Chairman.
- (3) Councillor Fleming proposed and Councillor Burden seconded that Councillor O'Brien be elected Chairman.
- (4) The two nominations were put to the vote and Mr Hill was elected Chairman of the Shadow Panel.
- (5) RESOLVED that Mr Hill be elected Chairman and that Councillor O'Brien be elected Vice-Chairman of the Shadow Panel.

3. Presentation on preparing for PCCs and PCPs by Head of Community Safety and Emergency Planning (KCC)

(Item 3)

- (1) The Head of Community Safety and Emergency Planning (KCC) presented to the Committee on Preparing for Police and Crime Commissioners and Police and Crime Panels (presentation attached at Appendix)

4. Establishing a Police and Crime Panel for Kent and Medway

(Item 4)

- (1) Members of the Shadow PCP agreed to defer the agreements of the Terms of Reference, Panel Arrangements and Rules of Procedure to the next meeting of the Shadow PCP. It was requested that the document within the agenda pack be amended to show which areas were statutory and otherwise.
- (2) Members discussed the proposed membership of the Panel. Regarding the political balance objective of the panel it was decided that Independent Members should not be included in the proportionality calculations unless they had formed a group.
- (3) Members agreed that the Panel should consist of 18 Members.
- (4) Members asked that a formula be provided for the next meeting of the Shadow PCP setting out Panel membership. It was suggested that the Leader of every authority should be able to appoint one member (14 members) and of the four remaining members one seat should be given to Medway Council in acknowledgement of geographical balance leaving three to help meet the political balance objective.
- (5) Membership of the panel should be determined annually every May.
- (6) Members discussed the two Independent Members that the PCP was required to co-opt. The Shadow PCP agreed that a public advert should be drafted to attract the right candidates to fill experience, knowledge and skills gaps. Proposals for the selection procedure would be provided for the next meeting of the Shadow PCP.
- (7) Members agreed that the Term of Office of PCP Members should be one year but renewable and Independent co-opted members should be 4 years.
- (8) Regarding a code of conduct for the PCP members; it was hoped that a Kent wide code could be adopted and a report would be provided for the next meeting of the Shadow PCP. It was suggested that Members of the PCP would be bound by their own authorities' code of conduct and Independent Members could perhaps sign up to the Nolan Principles (The Seven Principles of Public Life).
- (9) Members agreed that a communications protocol should be drafted and submitted to the next meeting of the PCP, this should include the issuing of press releases and who should speak to the media on behalf of the PCP.
- (10) Members queried how future agendas would be published; they were currently published on KCC's website. A link to the agenda would be provided to all Kent District Councils and Medway Council to enable them to publish the agenda on

their own websites if appropriate. There was also a suggestion of a dedicated website for the PCP, this would be explored further.

- (11) Members raised a query about the quorum of a meeting of the PCP and it was agreed that one third of the total membership was appropriate.
- (12) It was suggested that Kent County Council be named as the accountable or host authority rather than the lead authority in documentation relating to the PCP.
- (13) Further work was required to agree a funding mechanism for the PCP if the expected Home Office funding was insufficient or discontinued at some stage in the future.
- (14) The next meeting of the Shadow PCP would be held in July, Members would be consulted on the dates of future meetings.
- (15) RESOLVED that a second meeting of the Shadow Kent and Medway Police and Crime Panel be arranged for July 2012 to enable further discussion of and agreement on the outstanding issues noted above.

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From: Peter Sass – Head of Democratic Services

To: Shadow Kent and Medway Police and Crime Panel – 24 July 2012

Subject: Establishing a Police and Crime Panel for Kent and Medway

Summary: This report invites the Shadow Police and Crime Panel (PCP) to recommend proposals for the establishment of a PCP for Kent and Medway, including the terms of reference, panel arrangements and rules of procedure.

Unrestricted

1. Background

- 1.1 At the last meeting of the Shadow PCP on 10 May 2012 Members agreed to defer the terms of reference/panel arrangements and rules of procedure to this meeting to allow the document to be compared to the statutory legislation surrounding Police and Crime Panels.
- 1.2 The PCP should be established by the start of November 2012, all authorities in Kent should obtain agreement to the terms of reference/panel arrangements and procedure rules and to ensure consistency a template report setting out the recommendations of the Shadow PCP will be supplied to each authority.

2. Recommendations

- 2.1 The Shadow Police and Crime Panel is asked to consider and agree the proposed terms of reference, panel arrangements and procedure rules set out in the appendices to this report
- 2.2 That KCC, Medway Council and all District Councils in Kent be asked to obtain agreement to these arrangements and rules to enable the PCP to be formally constituted by November 2012; it being noted that, in the absence of any specific regulation to the contrary, the establishment of the panel is deemed to be a function of the executive under the Localism Act 2011.

Appendices:

Appendix 1 – Terms of Reference
Appendix 2 – Panel Arrangements
Appendix 3 – Procedure Rules

Background Documents

Report to Kent Forum – Police and Crime Panel in Kent – 8 February 2012
Report to Shadow Police and Crime Panel – 10 May 2012

Kent and Medway Police and Crime Panel

Draft Terms of Reference

Role

The Police Reform and Social Responsibility Act 2011 will replace the Police Authority with a directly elected Police and Crime Commissioner (PCC), with the aim of improving police accountability. The PCC will be elected in November 2012.

Each police force area will set up a Police and Crime Panel (PCP) to scrutinise and maintain a check and balance on the new PCC, although the Panel will not have direct control over the PCC's decisions. The PCP will have similar powers to an overview and scrutiny committee established in accordance with section 21 of the Local Government Act 2000, in that it will be able to require the PCC to attend public meetings; require information in the possession of the PCC; and make recommendations on the draft Police and Crime Plan (for which it is a statutory consultee) and expenditure proposals. The PCP will also have the ability to:

- (a) review and veto the proposed precept
- (b) review and veto the decision to appoint a Chief Constable
- (c) review but not veto the appointment of various other senior staff.

Status

The PCP will be established as a formal joint committee of KCC, Medway Council and all 12 District Councils in Kent. It will also include two independent members. The PCP will be bound by Schedule 12A of the Local Government Act 1972, as amended, in relation to the publication of agendas, minutes and reports.

In terms of the composition of the PCP, the guidance issued by the Local Government Association (LGA) on the role and composition of PCPs states that there is no single, right approach to composition. In particular, it states that it would be possible to take a mixed approach, with the PCP comprising both executive and non-executive members. In addition, the Home Office and LGA guidance states that the councillor membership of PCPs should reflect the geography, population size and political balance of the force area.. This is consistent with the legal requirement to meet the balanced appointment objective in the Police and Social Responsibility Act

Members of the PCP are expected to subscribe to and comply with the Code of Conduct adopted by their own authority. No code of conduct will have precedence over another.

Terms of Reference:

Italics refer to Police Reform and Social Responsibility Act 2011

1. To review and make a report or recommendation on the draft Police and Crime Plan, or draft variation. *s28 (3)(a) & (3)(b)*
2. To hold a public meeting, question the PCC and make a report or recommendation on the annual report of the PCC. *s28 (4)*
3. To hold a confirmation hearing and review, make a report, and recommendation (as necessary) in respect of proposed senior appointments made by the PCC. *s28 (5)*
4. To review and make a report and/or recommendation on the proposed appointment of the Chief Constable (the panel can veto the PCC's proposals on this with a two thirds majority vote). *s28 (5) and sch8*
5. To review and make a report and/or recommendation on the proposed precept (the panel can veto the PCC's proposals on this with a two thirds majority vote). *s28(5) and sch5*
6. To review or scrutinise decisions made, or other action taken, by the PCC in connection with the discharge of the PCC's functions. *s28(6)*
7. To make reports or recommendations to the PCC with respect to the discharge of the PCC's functions. *s28(7) to (9)*
8. To support the effective exercise of the functions of the PCC. *s28(2)*
9. To fulfil functions in relation to complaints against the PCC, in accordance with the responsibilities accorded to the PCP by the Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. *sch7 para3 (regs)*
10. To appoint an Acting PCC if necessary. *s62*
11. To suspend the PCC if it appears to the Panel that the PCC has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years. *s30*

Kent and Medway Police and Crime Panel

Panel Arrangements

1. Operating Arrangements

- 1.1 Kent County Council shall act as the host authority for the Police and Crime Panel (PCP) for the purposes of planning and delivery of the PCP's work programme, the provision of accommodation and officer support. *Agreed by Kent Forum 08.02.12 and sch6 para 24*
- 1.2 The host authority will provide such administrative and other support as will be necessary to enable the Panel to undertake its functions. Home Office funding is expected for at least the first year (Panel Arrangements 6.2). Thereafter, if no funds are provided by the Home Office, or if those funds are insufficient to cover the costs of running the PCP, the Host Authority will defray and recover from the other members the costs of administrative support. The budget for the PCP will be agreed annually and the PCP will operate within the allocated budget. *(to be agreed by Shadow PCP)*
- 1.3 The PCP will comprise 14 local councillors (one representative from each council within the force area) and two independent members. *sch6 para 4*
- 1.4 Additional members may be co-opted onto the PCP, as long as the two independent members are also included, the size of the PCP does not exceed 20 and the Secretary of State approves the membership arrangements. *sch6 para 4*

2. Membership

- 2.1 All county councillors and district councillors are eligible to be members of the PCP. *sch6 para 5*
- 2.2 The Police Crime Commissioner (PCC) cannot be a member of the PCP. *sch6 para 21-23*
- 2.3 Sitting MPs, MEPs, staff of the PCC and civilian police staff may not be co-opted onto the PCP. *sch6 para 21-23*
- 2.4 All members of the PCP may vote in proceedings of the PCP *sch6 para 26*
- 2.5 Appointments of elected Members to the PCP shall be made by each of the councils in accordance with their own procedures provided that the balanced appointment objective is met. The balanced appointment objective requires that the local authority members of the PCP should:
- a) represent all parts of the police force area;
 - b) represent the political make-up of the councils taken together; and
 - c) have the skills, knowledge and experience necessary for the PCP to discharge its functions effectively

sch6 para 31-32

2.6 The PCP shall also include two independent Members appointed by the PCP. The PCP might decide to seek independent members from specific organisations to address any skills/knowledge/experience gaps, or following a public advertisement. *sch6 para 7*

2.7 The PCP may also resolve to co-opt further members with the agreement of the Secretary of State provided that the number of co-opted members shall not take the overall membership of the Panel above 20. *sch6 para 7*

3. Casual Vacancies

3.1 A vacancy arises when a member resigns from the PCP.

3.2 Each council will fill vacancies in accordance with the arrangements in their Constitution. Vacancies for independent members will be filled in accordance with the selection process outlined in section 4. (*Shadow Panel*)

4. Independent Members *sch 6 para 4*

4.1 The PCP shall appoint two independent Members for a term of four years starting in November 2012. *Sch 6 para 4. Term for Shadow Panel*)

4.2 The selection process for appointing independent members is to be agreed by the Shadow Panel.

4.3 Information packs should be prepared and sent to those requesting application forms.

4.4 The applications will be considered against eligibility criteria agreed by the PCP and then it is proposed that an Appointments Sub Committee be established to consider applications and interview candidates.

4.5 Following the interviews, the Appointments Sub Committee will make recommendations to the PCP about membership.

4.6 The PCP may decide to change either Independent Member at any point and on doing so shall give notice to the Head of Democratic Services (KCC).

4.7 Where the appointed Independent Member is an expert the nominating body may change their nominee at any point and on doing so shall give notice to the Head of Democratic Services (KCC)

5. Appointment of Members *sch6 para 4*

5.1 The councils shall each appoint an elected Member to be a Member of the Panel. Additional nominations will be invited to positions for co-opted members in line with the membership composition agreed by the PCP and each of the councils and subject to approval by the Secretary of State. Named substitutes may also be appointed and notified to the Head of Democratic Services (HDS) at KCC.

5.2 In the event that a council does not appoint a Member in accordance with these requirements, the Secretary of State must appoint a member to the PCP from the defaulting council in accordance with the provisions in the Act. *sch6 para 4*

5.3 PCP member term of office should be one year but renewable and independent co-opted members should be 4 years. *(Shadow Panel 10.05.12)*

5.4 A council may decide in accordance with its procedures to remove their appointed member from the PCP at any point and on doing so shall give notice to the Head of Democratic Services (KCC). *(Shadow Panel)*

5.5 An appointed member may resign from the PCP by giving written notice the Head of Democratic Services (KCC) and to their council. *(Shadow Panel)*

5.6 In the event that any appointed member resigns from the PCP, or is removed by a council, the council shall immediately take steps to nominate and appoint an alternative member to the PCP. Each Council should give notice that their member has been changed. *(Shadow Panel)*

5.7 Members appointed to the PCP may be re-appointed for a further term provided that the balanced appointment objective is met by that re-appointment. *(Shadow Panel)*

6. Support for the Panel

6.1 Any dedicated staff employed to support the PCP will be employed by the Host Authority, and their terms and conditions will be that of the Host Authority. *(Shadow Panel)*

6.2 The Home Office is expected to provide £53,330 plus up to £920 towards expenses per panel member, for at least the first year and thereafter, if no funds are provided by the Home Office, or if those funds are insufficient to cover the costs of running the PCP, all councils will contribute equally towards the actual costs incurred by the Host Authority. The budget for the panel will be agreed annually and the PCP will operate within the allocated budget. *Sch 6 para 11(2b)*

6.3 In the event of the PCP being wound up the Host Authority will defray and recover from the other members any associated costs exceeding the funding provided by the Home Office. *(Shadow Panel)*

7. Allowances *sch6 para 28 (must make provision about payment of allowances – for local determination)*

7.1 Each council has the discretion to pay allowances to its representatives on the PCP. Any allowances payable to elected Members shall be determined and borne by the appointing councils.

7.2 The Host Authority, on behalf of the PCP, may pay an allowance to co-optees if this is agreed as part of the annual budget approved by the PCP.

8. Promotion of, and support for, the panel *sch6 para 29*

8.1 The Panel shall be promoted and supported by the Host Authority through:

- (a) the issuing of regular press releases about the PCP and its work;
- (b) the inclusion of dedicated web pages on the work of the PCP, with the publication of meeting agendas and minutes. All reports and recommendations made, with responses from the PCC will be published. Information on member attendance will be included.

8.2 Support and guidance shall be provided to Executive and non-Executive Members and officers of the councils in relation to the functions of the PCP by the provision of initial briefing sessions before the election of the PCC, and the provision of annual briefing sessions thereafter.

8.3 The Shadow PCP might wish to consider developing a communications protocol which could include who will speak on behalf of the PCP in media statements, interviews etc.

9. Validity of proceedings *sch6 para 30*

9.1 The validity of the proceedings of the PCP is not affected by a vacancy in the membership or a defect in the appointment of a member.

10 Amendments to Terms of Reference and Procedure Rules

10.1 Any proposed amendments to the Terms of Reference or the Procedure Rules of the PCP should be submitted to the PCP and each authority for approval. The PCP will review and re-confirm the Terms of Reference and Procedure Rules annually. (*Shadow Panel*)

Kent and Medway Police and Crime Panel

Procedure Rules (*sch 6 para 25 (1)*)

1. Chairman and Vice Chairman of the Police and Crime Panel

- 1.1 The Chairman and Vice-Chairman of the PCP will be elected from its membership at the first meeting and thereafter annually. *sch6 para 25 (2)* (*Shadow Panel decision to elect annually*)
- 1.2 The Chairman and Vice-Chairman remain in office until the election of their successors, they resign or the PCP votes their removal (in cases of misconduct or that the Chairman or Vice-Chairman do not allow the PCP to effectively deliver its functions as set out in the Terms of Reference). In the latter two cases, an election for their successor should be held as soon as possible. (*Shadow Panel*)
- 1.3 In the absence of the Chairman, the Vice-Chairman will preside, in the absence of the Chairman and the Vice-Chairman, the meeting will elect a chairman for that meeting only. (*Shadow Panel*)

2. Meetings (*Shadow Panel*)

- 2.1 The PCP will meet in public at least four times per year to carry out its functions.
- 2.2 Extraordinary meetings may also be called from time to time as the PCP considers is necessary.
- 2.3 An extraordinary meeting may be called by the Chairman or by four members of the PCP.
- 2.4 In exceptional circumstances, the Chairman may cancel or rearrange a meeting of the PCP.

3. Quorum

- 3.1 The quorum for a meeting of the PCP is one third of its total membership. (*Shadow Panel*)

4. Voting

- 4.1 All members of the PCP may vote in proceedings of the PCP subject to Code of Conduct and rules on declarations of interest *sch6 para 26*
- 4.2 One-third of the voting members present may require that the way all members cast their vote or against or to abstain shall be recorded in the Minutes; such a request must be made before the vote is taken. (*Shadow Panel*)

5. Work Programme (*Shadow Panel*)

- 5.1 The PCP will be responsible for setting its own work programme, taking into account the priorities defined by the PCC. In setting the work programme, the PCP will also take into account the wishes of its members.
- 5.2 The work programme must include the functions described in the terms of reference for the PCP.

6. Agenda Items (*Shadow Panel*)

- 6.1 Any member of the PCP shall be entitled to give 9 clear working days notice to the Head of Democratic Services (KCC) that they wish an item relevant to the functions of the PCP to be included on the agenda for the next available meeting. This shall then be discussed with the Chairman and Vice-Chairman.
- 6.2 The PCP agenda will be issued to members at least 5 clear working days before the meeting. It will also be published on each council's website and by any other means the PCP considers appropriate.

7. Sub-Committees and Task Groups *sch6 para 25*

- 7.1 The PCP may establish sub-committees or task groups to undertake specific task based work.
- 7.2 The sub-committees and task groups may not undertake the Special Functions of the PCP referred to at paragraph 11.2 below. *sch6 para 27 (1)*
- 7.3 A sub-committee of the PCP may not co-opt members. *sch6 para 25(4)*
- 7.4 The work undertaken by a sub-committee or task group will be scoped and defined beforehand, together with the timeframe within which the work is to be completed and the reporting time for the outcome of the work. (*Shadow Panel*)

8. Reports

- 8.1 Where the PCP makes a report to the PCC, it may publish the report or recommendations by sending copies to each of the councils, and by any other means the PCP considers appropriate. *s28 (7)*
- 8.2 The PCP must, by notice in writing, require the PCC within one month of the date on which they receive the report or recommendations to:
- a) consider the report or recommendations;
 - b) respond to the PCP in writing indicating what (if any) action the PCC proposes to take;
 - c) where the PCP has published the report or recommendations, publish the response from the PCC in the same manner

- d) where the PCP has provided a copy of the report or recommendations to a PCP member, provide a copy of the responses to the PCP member.

s29 although decision of Shadow panel

8.3 The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information as defined in the rules on access to information in the Local Government Act 1972 (as amended).

8.4 If the PCP cannot unanimously agree on one single final report to the PCC, then separate reports may be prepared and submitted for consideration along with the majority report. (*Shadow Panel*)

9. Police and Crime Commissioner and Officers giving account s29

9.1 The PCP may scrutinise and review decisions made or actions taken in the discharge of the PCC's duties and make reports or recommendations to the PCC with respect to the discharge of those duties.

9.2 As well as reviewing documentation, in fulfilling its scrutiny role the PCP may require the PCC, and members of the PCC's staff, to attend before it (at reasonable notice) to answer questions which appear to the PCP to be necessary in order to carry out its functions.

9.3 Where the PCC, or a member of the PCC's staff, is required to attend the PCP in accordance with this provision, the PCC will be given, where practical, 15 working days notice of the requirement to attend. The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required for production for the PCP.

9.4 Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance shall be arranged following consultation with the Chairman.

9.5 If the PCP requires the PCC to attend before it, the PCP may also (at reasonable notice) request the Chief Constable to attend the PCP in order for it to carry out its functions.

10. Attendance by others s29

10.1 The PCP may invite but not require persons other than those referred to above to address it, discuss issues of local concern and/or answer questions. This may include, for example, residents, stakeholders, councillors who are not members of the PCP and officers from other parts of the public sector.

11. Special functions sch6 para 27

11.1 The special functions of a PCP may not be discharged by a committee or sub-committee of the PCP.

11.2 The Special Functions of the PCP are those functions conferred by:

- a) Section 28(3) (scrutiny of police and crime plan);
- b) Section 28(4) (scrutiny of annual report);
- c) Paragraphs 10 and 11 of Schedule 1 (scrutiny of senior appointments);
- d) Schedule 5 (issuing precepts);
- e) Part 1 of Schedule 8 (scrutiny of appointment of Chief Constables).

11.3 Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedure outlined at paragraph 8 – Panel Reports.

12. Police and Crime Plan s28 (3)

12.1 The PCP is a statutory consultee on the development of the PCC's Police and Crime Plan and will receive a copy of the draft Plan, or a draft of any variation to it, from the PCC.

12.2 The PCP must:

- a) hold a public meeting to review the draft Police and Crime Plan (or a variation to it), and
- b) report or make recommendations on the draft Plan which the PCC must take into account.

13. Annual Report s28 (4)

13.1 The PCC must produce an Annual Report about the exercise of their functions in the financial year and progress in meeting police and crime objectives in the year. The report must be sent to the PCP for consideration.

13.2 The PCP must comment upon the Annual Report of the PCC, and for that purpose must:

- a) arrange for a public meeting of the PCP to be held as soon as practicable after the PCP 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 PCP think appropriate;
- c) make a report or recommendations on the Annual Report to the PCC.

14. Appointment of the Chief Constable s28 (5) and sch8

14.1 The PCP must review the proposed appointment by the PCC of the Chief Constable. *sch8 (4)(2)*

14.2 The PCP will receive notification of the proposed appointment from the PCC, which will include: *sch8 (3)(1-2)*

- (a) the name of the candidate;
- (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.

14.3 Within three weeks of the receipt of notification the PCP must consider and review the proposed appointment, and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period shall not include the 'post election period', being any period between the date of poll at the ordinary election of the PCC, and the date of declaration of acceptance of office of the PCC. *sch8 (4)*

14.4 Before reporting and recommending on the proposed appointment, the PCP must convene a public meeting ('confirmation hearing') of the PCP where the candidate must attend for the purposes of answering questions relating to the appointment. *sch8, (6)*

14.5 The PCP must publish the report by sending copies to each of the councils, and by any other means the PCP considers appropriate. *sch8, (4)(7)*

14.6 The PCC may accept or reject the PCP's recommendation and must notify the PCP accordingly. *sch8 (7)(10)*

14.7 In relation to the appointment of a candidate for the position of Chief Constable, the PCP also has the power to veto the appointment by the required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made. *sch8 (5)*

14.8 A confirmation hearing as in paragraph 14.4 must be held before an appointment is vetoed. *sch8 (6)*

14.9 If the PCP vetoes the appointment under paragraph 14.7, the report referred to at paragraph 14.3 above must include a statement to that effect. *sch8 (5)(2)*

14.10 If the PCP vetoes an appointment, the PCC must not appoint that candidate as Chief Constable. *sch8 (8)(2)*

15. Senior Appointments *sch1 para9-11*

15.1 The PCP must review the PCC's proposed appointments of Chief Executive, Chief Finance Officer and Deputy PCC.

15.2 The PCP shall receive notification of the proposed appointments from the PCC including:

- (a) the name of the candidate;
- (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.

15.3 Within three weeks of the receipt of notification, the PCP must consider and review the proposed appointment and report to the PCC with a recommendation as to whether the candidate should be appointed. The three week period shall not include the 'post election period'.

15.4 Before reporting and recommending on the proposed appointment, the PCP must convene a public confirmation hearing where the candidate must attend for the purposes of answering questions relating to the appointment.

15.5 The PCP must publish the report by sending copies to each of the councils, and by any other means the PCP considers appropriate.

15.6 The PCC may accept or reject the PCP's recommendation and must notify the PCP accordingly.

16. Proposed Precept *sch 5*

16.1 The PCC must notify the PCP of the precept which the PCC is proposing to issue for the financial year. The PCP must review the proposed precept and make a report which may include recommendations.

16.2 Having considered the precept, the PCP must:

- (a) support the precept without qualification or comment; or
- (b) support the precept and make recommendations; or
- (c) veto the proposed precept (by the required majority of at least two thirds of the persons who are members of the PCP at the time when the decision is made).

16.3 If the PCP vetoes the proposed precept, the report to the PCC must include a statement that gives the PCP's reasons and requires a response from the PCC to the report and any such recommendations.

17. Appointment of an Acting Police and Crime Commissioner *s62*

17.1 The PCP must appoint a person to act as PCC if:

- (a) no person holds the office of PCC
- (b) the PCC is incapacitated
- (c) the PCC is suspended *s62 (1)*

17.2 The PCP may appoint a person as acting PCC only if the person is a member of the PCC's staff at the time of appointment. *s62 (2)*

17.3 In appointing a person as acting PCC in a case where the PCC is incapacitated, the PCP must have regard to any representations made by the PCC in relation to the appointment. *s62 (3)*

17.4 The appointment of an acting PCC ceases to have effect upon the occurrence of the earliest of these events: s62 (6)

- (a) the election of a person a PCC;
- (b) the termination by the PCP, or by the acting PCC, of the appointment of the acting PCC;
- (c) in a case where the acting PCC is appointed because the PCC is incapacitated, the PCC ceasing to be incapacitated, or
- (d) in a case where the acting PCC is appointed because the PCC is suspended, the PCC ceasing to be suspended

17.5 Where the acting PCC is appointed because the PCC is incapacitated or suspended, the acting PCC's appointment does not terminate because a vacancy occurs in the office of PCC. s62 (7)

18. Complaints and suspension of the PCC sch 7

18.1 Serious complaints which involve allegations which may amount to a criminal offence by the PCC or senior office holders are dealt with by the Independent Police Complaints Commission (the 'IPCC').

18.2 Non-criminal complaints in relation to the PCC or other office holder can be considered by the PCP through a hearing. The PCP can examine this through a sub-committee following Procedure Rule 7.

18.3 The PCP may suspend the PCC if it appears to the PCP 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.

18.4 The suspension of the PCC ceases to have effect upon the occurrence of the earlier 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 PR&SR Act by virtue of the conviction of
- (d) the termination of the suspension by the PCP

18.5 In this section reference to an offence which carries a maximum term of imprisonment exceeding two years are reference to:

- (a) an offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
- (b) an offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment

19. Suspension and Removal of the Chief Constable sch 8 (11)

- 19.1 If a PCC suspends a Chief Constable from duty the PCC must notify the relevant PCP of the suspension
- 19.2 A PCC must not call upon a Chief Constable to retire until the end of the scrutiny process which will occur:
- (a) at the end of six weeks from the PCP having received notification if the PCP has not by then given the PCC a recommendation as to whether or not they should call for the retirement or resignation; or
 - (b) the PCC notifies the PCP of a decision about whether they accept the PCP's recommendations in relation to resignation or retirement.
- 19.3 The PCC must also notify the PCP in writing of their proposal to call upon the Chief Constable to retire or resign together with a copy of the reasons given to the Chief Constable and any representation from the Chief Constable in relation to that proposal.
- 19.4 If the PCC is still proposing to call upon the Chief Constable to resign, they must notify the PCP accordingly (the 'further notification').
- 19.5 Within six weeks from the date of receiving the further notification, the PCP must make a recommendation in writing to the PCC as to whether or not they should call for the retirement or resignation. Before making any recommendation, the PCP may consult the chief inspector of constabulary, and must hold a scrutiny meeting.
- 19.6 The scrutiny hearing which must be held by the PCP is a PCP meeting in private to which the PCC and Chief Constable are entitled to attend 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 or video link.
- 19.7 The PCP must publish the recommendation it makes by sending copies to each of the councils, and by any other means the PCP considers appropriate.
- 19.8 The PCC must consider the PCP's recommendation and may accept or reject it, notifying the PCP accordingly.
- 19.9 In calculating the six week period, the post election period is ignored. The post election period begins with the day of the poll at an ordinary election of a PCC under section 50 of the PR & SR Act 2011 and ends with the day on which the person elected as PCC delivers a declaration of acceptance of office under section 70 of the PR & SR Act 2011.
- 20 Any proposed amendments to the Terms of Reference or the Procedure Rules of the PCP should be submitted to the PCP for its approval. If an amendment is proposed the HDS would bring a report to the next meeting of the PCP for consideration. The PCP will review and re-confirm the Terms of Reference and Procedure Rules annually.

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From: Peter Sass – Head of Democratic Services

To: Shadow Kent and Medway Police and Crime Panel – 24 July 2012

Subject: Appointment of Independent Co-opted Members

Summary: This report invites the Shadow Police and Crime Panel (PCP) to discuss and agree the appointment process for the panel's two independent co-opted members.

Unrestricted

1. Introduction

- 1.1 The PCP must co-opt two non-political independent persons onto the panel (Schedule 6 Part 2 Section 4(3)(a) of the Police Reform and Social Responsibility Act 2011). A person may not be a co-opted member of the police and crime panel for a police area if the person is any of the following:
- (a) a member of the staff of the police and crime commissioner for that police area;
 - (b) a member of the civilian staff of the police force for that police area;
 - (c) a Member of Parliament;
 - (d) a member of the National Assembly for Wales;
 - (e) a member of the Scottish Parliament;
 - (f) a member of the European Parliament.

As lay members the panel's two independent co-opted members should have skills and knowledge to assist the PCP in discharging its functions effectively.

2. Recruitment of two independent co-opted members

- 2.1 The Local Government Association has produced some guidance on appointing independent co-opted members, this is attached at Appendix 1. It is suggested that the draft text contained within Annex 1 and Annex 2 of the LGA guidance document be adapted for an advert and application pack to recruit the two independent co-opted members onto Kent and Medway's Police and Crime Panel.

3. Recommendations

- 3.1 The Shadow Police and Crime Panel is asked to agree one of the following options for the selection process for the Independent co-opted members
- 3.1.1 A selection panel of the shadow panel be established to short-list and interview the independent co-opted persons. The selection panel should

report back to the shadow panel before the successful candidate is appointed by the formal panel in November 2012.

3.1.2 The Shadow Police and Crime Panel itself carries out the short-listing and interviewing of the independent co-opted persons. The formal Panel will make the final appointments of the two independent co-opted persons in November 2012.

Appendices:

Appendix 1: LGA Police and crime panels. Guidance on appointing independent co-opted members

Background Documents:

Report to Shadow Kent and Medway Police and Crime Panel – 10.05.12

Police and crime panels

Guidance on appointing independent
co-opted members





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Introduction

The appointment of independent co-optees provides an opportunity to readjust the experience, knowledge and skills available across the membership of a police and crime panel. By carefully selecting individuals that complement the councillors nominated to the panel, independent co-optees can be used to fill experience, knowledge and skills gaps to help make the panel more effective.

This guide builds on several other pieces of LGA advice designed to assist host authorities to establish and operate police and crime panels in liaison and partnership with the other authorities in their police force area. It should be read alongside the LGA's advice on panel terms of reference and rules of procedure, and also its guidance on panel arrangements and political balance, which deals with the appointment of councillor co-optees to create geographical and political balance.

Additional councillor co-optees can be sought through well established local authority communication channels, and hence this guidance just deals with independent co-optees.

Scope of this guidance

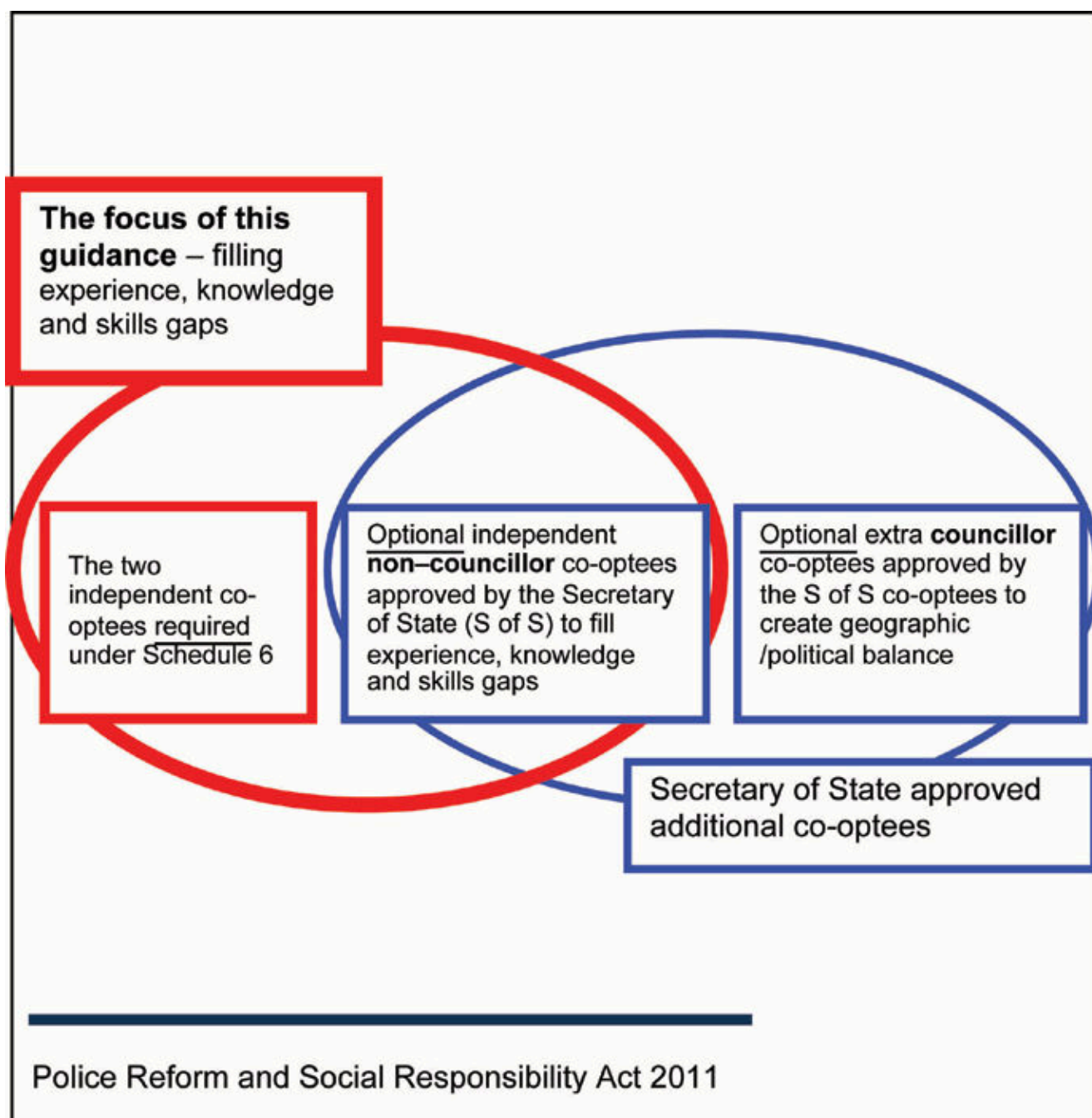
This guidance focuses on the two types of external independent co-optees illustrated in **figure 1**, with reference to Schedule 6 of the Police Reform and Social Responsibility Act 2011, and covers:

- the two compulsory non-political independent members required by Schedule 6 Part 2 Section 4(3)(a) and
- the optional additional non political co-opted members which may be specified by resolution (and subsequent agreement by the Secretary of State) under Schedule 6 Part 2 Section 4(4).

Thanks go to North Yorkshire County Council and Buckinghamshire County Council for sharing some of their documentation on establishing police and crime panels and allowing the LGA to use some of their text in this document.

Figure 1

Diagram showing types of co-optees and their functions on the panel



Advice on timetabling

General

It is desirable, where possible to appoint all co-optees in a time frame which allows them to be inducted and trained together with the rest of the panel members. This would save time and resources by avoiding the need to arrange separate induction and training events.

Advanced planning to integrate co-optees early on also has the advantage of allowing the membership to gel and hence function effectively as soon as possible. Planning for the appointment of co-optees must take account of the fact that the panel will need to be involved at key points in the process of seeking, short-listing and appointing co-optees.

The timetable set out in **figure 2** is not intended to be seen as the only approach, but is instead a suggested plan, which will need to be considered and varied as necessary to reflect local circumstances.

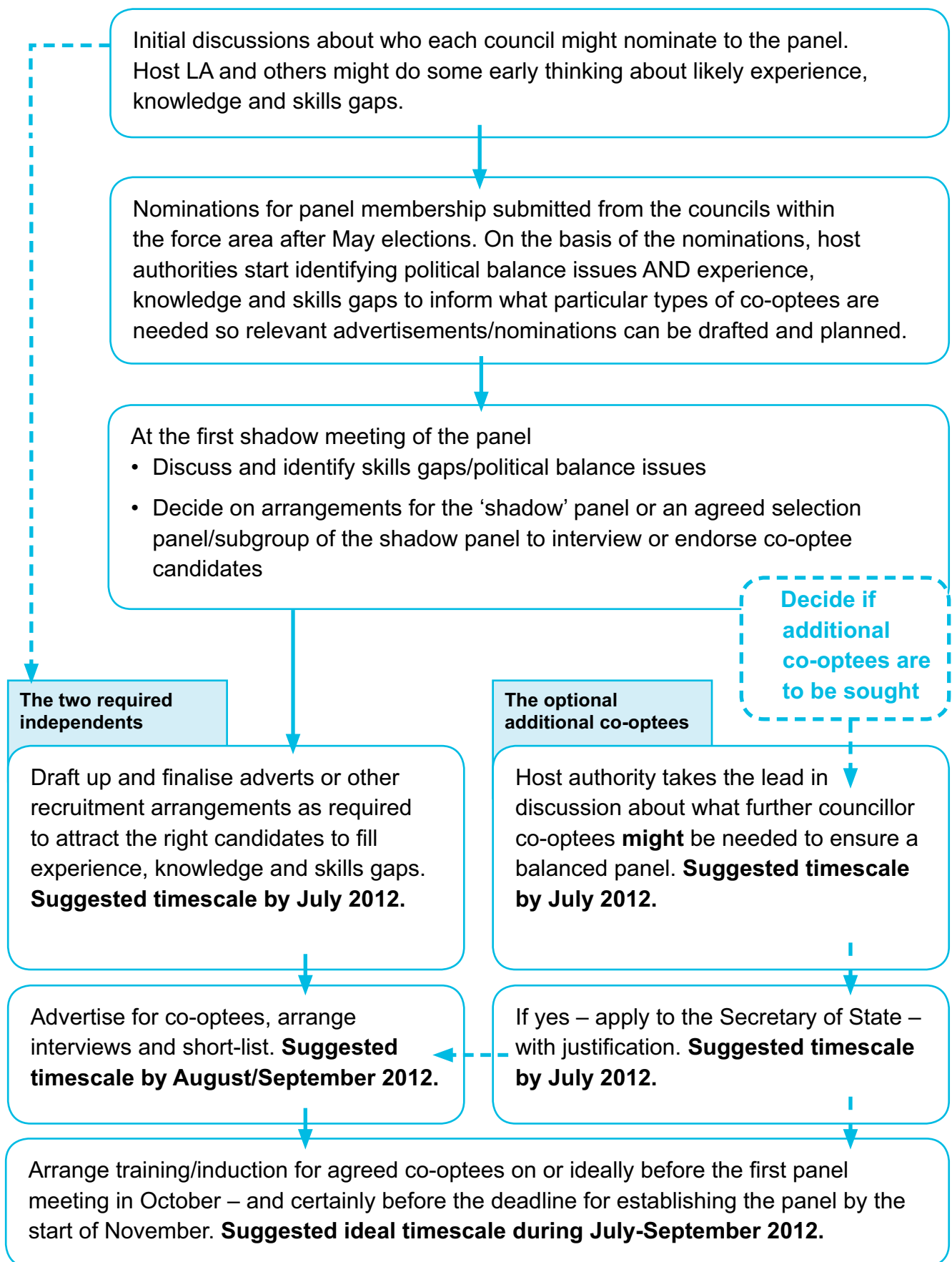
Some councils have decided to seek co-optees before the panel membership has been clarified, using a generic advert, as indicated by the dotted line on the left-hand side of **figure 2**. It has been suggested that this approach would generate a wide range of applicants who can be short-listed in line with the gaps in the panel membership which become known, or at least confirmed, later in the process.

Seeking co-optees early

Where any gaps in the panel's experience, knowledge and skills can be identified earlier than suggested in the diagram, arrangements for seeking co-optees could be brought forward from the scheduling indicated in the diagram.

Figure 2

Advice on timetabling



Further considerations

The arrangements and the time scheduling for seeking co-optees will need to be separately assessed in each police force area as different issues and circumstances may apply, for example:

- In some police areas the draft panel arrangements might state that the only co-optees will be the two required independent non-political appointments.
- Once the two required co-optees have been identified, a subsequent assessment of the need for further co-optees may be undertaken (if the total number on the panel is less than 20). This might show that there are still significant gaps in experience knowledge/skills etc.
- The draft panel arrangements in some areas might state at the outset that additional independent non-political co-optees will be needed. In such cases where the Secretary of State has endorsed the additional co-optees, these could be sought at the same time as the two required independent co-optees.
- As and when the panel membership changes as a result of, for example, members stepping down or being replaced, a review of panel membership and co-optees will be needed.

Determining gaps in panel membership

General

Gaps in panel membership should be determined against the overall objective to create a panel that satisfies the 'balanced appointment objective'. This has been covered in the guidance produced by the LGA entitled 'Panel arrangements and the balanced appointment objective' and so is not repeated here in detail.

A panel that meets the balanced appointment objective would have a membership which, when considered collectively, would be geographically and politically representative, and crucially would include the necessary experience, knowledge and skills to be effective.

It is possible that the balanced appointment objective may not be achieved after the first round of councillor nominations to the panel. This may be because these initial nominations were decided on the basis of identifying suitable and representative nominee(s) from the perspective of each individual council, rather than in the wider interests of whether the make-up of the panel overall is balanced.

As councils nominate members, and the make-up of the panel starts to emerge, it will be important to analyse what gaps might exist in experience, knowledge and skills. It is suggested that the 'gap analysis' should be carried out on a holistic basis, which recognises that the councillor panel nominees will (in addition to providing their political input) also have some very useful and relevant experience, knowledge and skills.

This guidance does not seek to dictate exactly how gaps in the panel are determined, but it is hoped that the framework provided here will assist.

Experience, knowledge and skills across the panel

Experience: The experience of individuals is often linked with relevant knowledge and skills they might have. Exploring the experience of individuals is therefore a good starting point in assessing the likely effectiveness of the panel.

The following provides some suggestions of the kinds of experience/and background of individuals which may indicate that individuals have relevant knowledge and skills to offer. It is not a comprehensive or exclusive list, but suggests a range of relevant experience which would be useful to draw on from individuals across the whole panel.

Suggested useful experience for panel members:

- previous experience in the health sector eg work with PCTs, or future involvement with the local Health and Wellbeing Board or a clinical commissioning group
- voluntary or paid work and experience with victim support groups
- involvement and experience of restorative justice
- work with the police and resultant awareness of policing issues from both a strategic and delivery perspective
- community involvement with, for example, neighbourhood watch or a parish and town council
- work with the criminal justice system
- youth work and youth justice work
- work as a magistrate
- work in management of a business
- prominent people in the community working in the area of community safety
- experience with the voluntary and community sector generally
- fire and rescue services
- experience in the education sector
- experience of drug and alcohol issues
- relevant current academic experience in policing and crime and anti-social behaviour issues
- work with the probation service and links to the local probation trust, or other relevant knowledge or experience in this area
- reformed ex-offenders who might offer a valuable perspective on policing and crime and anti-social behaviour issues, and possibly restorative justice

- experience of challenging and scrutinising from other fields.

Skills: The following skills should collectively be well enough represented so as to create a panel culture which results in:

- **Strategic thinking:** To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.
- **Good judgements:** To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top level appointments or considering complaints against the police and crime commissioner (PCC).
- **Supportive approaches:** To be able to support the PCC and the other members of the panel in delivering their duties.
- **Effective scrutiny and challenge:** To be able to rigorously scrutinise and challenge constructively without becoming confrontational, using appropriate data, evidence and resources.
- **Effective analysis:** To interpret and question complex written material, including financial and statistical information and other data such as performance measures, and identify the salient points.
- **Effective communication:** To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the panel, the PCC and the public.

The above experience and skills lists might be used as the criteria on which to base an analysis of existing 'shadow' panel members and for seeking co-optees to fill any gaps identified. As part of the process, it should be recognised that individual panel members will not have experience, knowledge and skills in equal measure.

Some individuals lacking in particular areas will make up for this with other experience, knowledge and skills they may have. The objective to consider in identifying gaps in the membership is: which would affect the effective functioning of the panel?

Training and knowledge: Before coming to conclusions about the significance of any gaps identified, it would also make sense to consider whether, for example, gaps, particularly in knowledge, might be addressed by training and on-the-job experience, rather than necessarily by seeking additional further co-optees.

Gaps in the panel associated with diversity

The panel membership should, where possible, reflect the diversity of the community they serve, for example in terms of:

- age
- gender
- faith
- ethnicity
- sexuality
- disability.

Whilst these matters would be considered when councillor nominations are submitted by individual authorities, the collective panel membership result might not be representative of the overall diversity of the population in the force area. It is suggested that the host authority should take a lead in monitoring the situation and determining what adjustment might be needed, and whether that could be addressed by the appointment of co-optees.

Further considerations

The first meeting of a shadow panel provides an opportunity for members to both get to know each other and to share areas of expertise to help analyse against the suggested framework above whether there are any significant gaps in the panel's collective experience.

It is worth noting that gaps in experience, knowledge and skills will change over time, particularly after elections and resignations of panel members. Regular gap analysis reviews will be needed to ensure the panel continues to have the right experience, knowledge, and skills to be effective.

The process for finding and appointing the right co-optees

Once the gaps on the panel have been identified, the next stage is to advertise and then seek nominations for independent co-optees as required. The candidate specification requirements used locally and targeting of adverts should be considered in the light of the gap analysis referred to in the previous chapter. Any additional councillor co-optees being sought should also be considered, in case their experience, knowledge and skills may affect the position.

It is suggested that officers from the host authority will normally manage the administration of the recruitment process on behalf of the panel. The process should not be dissimilar to that involved in seeking independent co-optees for standards and audit committees which officers working in democratic services will already be familiar with. The following therefore just highlights some issues which are particularly pertinent to police and crime panels.

Setting up a selection panel

At an early point in the process in establishing a police and crime panel, thought should be given to how the independent candidates will be short-listed, interviewed and selected (see **figure 2**). Whilst this is a function of the police and crime panel (or before November the panel in shadow format) there are some different options for how this can be carried out.

The default option is that the police and crime panel (or 'shadow' panel) carries out this function itself. However not all areas have established a shadow panel, and where they do exist, there is a risk that the work involved would be overwhelming (ie due to the time necessary to sift applicants, short-list and interview).

Alternatively these matters might be delegated to an agreed selection panel or sub-committee of the (shadow) panel. For example this might consist of the panel chair and perhaps two or three others, working to a clear framework ideally agreed by the whole panel. The selection panel/sub committee would, if possible, have some experience of selection procedures, but would also be supported by officers from the host authority.

The make-up of the selection panel/sub committee need not be politically balanced as the selection of independent co-optees should not be linked to political allegiance. It is envisaged that a selection panel/sub committee would refer any key issues back to the panel for discussion before the panel formally appoints successful candidates.

Advertising for independent co-optees candidates

It is not the role of this guide to advise on how advertising is carried out. Whilst traditional options include paid-for adverts in newspapers, this is not required and may not be the best approach. It is suggested the most appropriate and effective advertising arrangements, particularly in terms of targeting, will depend on what type of candidates are being sought.

Opportunities should be taken for 'free' advertising through press releases; existing council and police websites and publications; existing mailings to parish councils and voluntary organisations. This should help to maximise the likelihood of a strong and diverse field of suitable candidates. Applications from candidates in underrepresented groups should be encouraged through this process.

There is a requirement for the selection procedures to be fair and transparent. There is a precedent for this to be an open application process, as this is the approach that has been taken for police authorities and standards committees.

Within an open recruitment process, likely candidates and organisations that have an interest and expertise could still be targeted to ensure that suitable candidates come forward.

Given there are no resources available for paid targeted advertising, it is suggested that costs might be minimised through each local authority undertaking the following, where possible:

- advertisement by local promotion of the opportunity via local community, safety partnerships and voluntary and community sector organisations
- advertisement through use of free externally-focused publications
- utilising existing mailing lists to parish councils and other local voluntary groups.

The host authority could also seek to generate interest through:

- advertisement via the police authority
- advertisement on the national public appointments website
- advertisement via volunteering networks.

Application forms

Text which might be used or adapted for a potential advert is included in **Annex 1**.

Criminal record checks

It is suggested that an opportunity should be given on the form for applicants to flag-up criminal or other issues which might cause embarrassment or conflicts of interest.

The application form used for independent co-optees might, for example, include a declaration in relation to any past criminal activity or integrity issues as follows:

“Is there anything in your private or working life, or in your past, or, to your knowledge, in that of any member of your family or close friends, which, if it became generally known, might bring you or the [‘anywhere Blogshire’] Police and Crime Panel into disrepute, or call into question your integrity, authority or standing as a member of the Panel? If yes, please give details”.

Disabled candidates

The form should include a reference to disabled applicants, which asks for example, if they have any particular requirements in order to attend an interview.

Information for candidates

Some suggestions for information that candidates may find useful have been provided in annex 2.

Standard information about welcoming applicants from a range of diverse backgrounds should be included.

Short-listing and assessing candidates

The assessment of candidates will depend on the experience, knowledge and skills in the panel make-up, and what would best complement the councillor panel members. The following are more general issues to consider.

Although the independent co-optees may be sought for something they can bring to the panel to fill a particular gap, they should also be able to draw on wider, more general, experience. A factor in the assessment of independent candidates might be their involvement in community activities, such as volunteering as school governors, with their trade association, or as youth workers.

Candidates wishing to be independent co-opted members would not be assessed against their personal political interests.

The selection panel should ensure that candidates short-listed reflect a wide range of people in the community. It is suggested that where possible this would include those who have direct experience of crime, either as victim or someone who might have some understanding of those who commit crime and their relationship with the police. In this context a reformed criminal might be considered.

The selection panel should avoid simply resorting to people that the authority or panel members already know, for example ex-councillors who previously served on the police authority. On the other hand, if the panel membership does not already include any ex-police authority members, candidates with some police authority experience may have much to offer. They would however need to apply fresh thinking and not simply default to re-creation of police authority practice.

Selection panels should seek to agree a balanced short-list to ensure that a representative range of social groups are included, particularly, ethnic minority communities, women, people with disabilities, and young people.

Some key checklist points to consider when short-listing

Matters which are prerequisites to panel membership

Satisfies eligibility criteria below?

Where further independent co-optee nominees are to be sought, it will be important at the outset to be clear about who cannot be considered for a position on the panel, namely:

- anyone under 18-years-old
- the PCC or a member of their staff
- MPs
- members of the National Assembly for Wales or the Scottish Parliament
- members of the European Parliament
- members of the local authorities in the region
- police officers¹
- persons who do not live or work in the police force area
- civil servants engaged in political activity.

Criminal record checks ok

Satisfies person specification (see annex 2 appendix 4)

Matters which might complement the existing panel membership

Effect on existing panel membership	Improves balance	Makes no difference	Detrimental effect
Experience			
Particular knowledge			
Particular skills			
Ideally, lives and works in the area			
Effect on diversity balance of panel			

¹ Police officers are not covered by the restrictions on membership of the panel in Section 22 in Schedule 6. Also police officers do not fall within Section 22 (a) as members of staff of the PCC as this category covers people appointed under Section 6 of Schedule 1. However, under section 1(2)(a) of Schedule 1 to the Police Regulations 2003 (S.I. 2003/527) a member of a police force may not "take any active part in politics". The Home Office would regard co-option to a panel, for the purpose of scrutinising an elected PCC, as taking an active part in politics, and accordingly as being prohibited for police officers.

Interviews

It is envisaged that interviews would be carried out by the whole panel or by a sub-committee or a selection panel. Those interviewing should be persons who are also members of the police and crime panel itself. It is suggested that relevant officers from the host local authority would also attend to provide the necessary human resources and administrative support.

The relevant competency criteria at interview will be the same as that identified at an early stage in the information to potential candidates, see **Annex 2**.

The panel may identify the key areas they would like to bring out in answers to questions on competencies which are particularly relevant to any currently identified gaps in the panel's experience, knowledge and skills. The interview might also explore with the candidate some of the 'desirable' matters identified in the person specification in **Annex 2 appendix 4**.

Recommendations for appointment should be made on merit and ability judged against a competency based framework of criteria with any specific additional elements that are needed to complement the panel membership.

Final selection

It is suggested that the final selection decisions will be discussed, if necessary, by the wider panel and endorsed before notification to the candidate and subsequent formal appointment by the wider panel.

Feedback to candidates

This guidance does not attempt to prescribe how feedback should be given. However, authorities should note the recommendation in a Home Office review from 2003 around the appointment of co-opted members which suggests that procedures need to be put in place to ensure feedback is available in a fair and balanced way to all candidates seeking appointment.

Where possible unsuccessful candidates might be provided with alternative suggested options for local voluntary work.

Allowances for co-optees

It is envisaged that all co-optees will be paid the same expenses as for any other joint scrutiny committee. Some information about allowances and expenses for operating panels is available in a letter circulated from the Home Office dated 23 January 2012. This stated that there would be £53,000 for support and training costs. In addition, £920 will be made available per member of the panel (including additional co-optees) to fund the same expenses as the other members of the panel.

There is no requirement to pay allowances to co-opted members and it is left to authorities to decide if they should be paid. If the decision is made to pay the co-opted members an allowance for this needs to be reflected in the panel arrangements.

Complaints

Host authorities should establish or identify an existing complaints procedure for dealing with any complaints about the candidate application arrangements. It is envisaged that established procedures will be used for this, with any amendments if necessary.

It has been suggested that complaints about the conduct of independent co-optees once in post are not covered by councils' codes of conduct under the Localism Act. A solution would be to ensure the independent co-optees are covered by the Nolan principles and associated procedures applicable to the host authority. This would require the independent members to specifically sign an agreement to that effect as part of their appointment.

Standardised suggested application documentation

Some of the administration for achieving the above might be standardised on the basis of the advice and models suggested in this guidance. The information in the following annexes may be helpful in providing a template for candidate information packs. It should be noted however that the detail will have to be considered and amended carefully to make it relevant locally.

Annex 1– Draft text for generic advert to encourage potential applicants

Advert

On the 15 November 2012, the XXXX will be electing its first police and crime commissioner who will be responsible for setting the priorities and resources for XXXX Police, as well as supporting broader community safety activities across the region.

In addition to this a police and crime panel will also be established to scrutinise the work of the PCC. The purpose of this role is to assist the PCC through providing independent challenge as a critical friend.

The panel will be made up of one representative from each of the XX local authorities in the force area, and two independent co-opted members.

The commissioner will be required to consult with the panel on their plans and budget for policing, as well as the level of council tax and the appointment of a chief constable.

The panel is looking for two committed and energetic people who either live or work within the [name force area] to serve as co-opted independent members from summer 2012 for a four-year term. This is an exciting opportunity to be involved from the start with new and very different arrangements for reducing crime and disorder.

The role of a panel member will be an important and demanding one. The typical commitment required from a member of the panel is expected to average one day a month, including preparation time.

Meetings will generally be held in evenings at varying locations throughout the XXXX. All panel members will be able to claim reasonable travelling expenses. All panel members will receive induction and other appropriate training.

For a copy of the application pack see www.#####.###.uk/##### or telephone #####. The closing date for applications is XX XXXX 2012.

The panel wishes to reflect the breadth of communities in the XXXX area and welcomes applications from all eligible people irrespective of gender, ethnic origin, religious belief, sexual orientation, disability or any other factor.

Annex 2 – Information pack for candidates

Information pack for candidates to be members of police and crime panels including job description/associated text for panel members for discussion

Contents:	Appendix
Letter to potential applicants	1
Background to the post	2
Eligibility criteria for independent panel members:	3
Draft person specification for panel members	4
Roles and responsibilities of independent co-optees on the panel and the Nolan principles	5
Draft application form	6

Appendix 1 – Letter to potential applicants

[Based on documentation from N Yorkshire – and shared with their permission]

Dear Applicant

Thank you for your interest in becoming a co-opted independent member of XXXX police and crime panel.

The panel will be part of the new governance and accountability arrangements for policing in XXXX. The panel's role will be to maintain a regular check and balance on the performance of the directly elected police and crime commissioner (to be elected on 15 November 2012).

The panel is looking for [XXXX eg two] committed and energetic people to serve as co-opted independent members from summer 2012 for a four year term. This is an exciting opportunity to be involved from the start of new and very different arrangements.

The role of a panel member will be an important and demanding one. In considering your application you should be aware that the typical commitment required from a member of the panel is expected to average one day a month, including preparation time. Meetings will generally be held during normal office hours at varying locations throughout XXXX.

All panel members will be able to claim reasonable travelling expenses and a small allowance (to be determined). All panel members will receive induction and other appropriate training.

Further information is attached:

- background to the post
- eligibility criteria
- person specification
- roles and responsibilities
- application form.

The closing date for applications is XXXX, after which the local authority panel members will consider and assess all applications received. It is expected that short-listed candidates will be invited for interview [amend as applicable] in the second half of June 2012 and that formal appointments will be made in early July 2012 [amend as necessary to reflect dates which are realistic locally].

You will note that the application form asks for details of two referees. We intend to take up references for short-listed candidates, prior to interview. If you would not wish us to contact your referees at that stage then please indicate with your application.

The panel wishes to reflect the breadth of communities in [XXXX police area] and welcomes applications from all eligible people – irrespective of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex (ie gender), sexual orientation, marriage and civil partnership.

If you wish to discuss any aspect in more detail please contact #####.

Appendix 2 – Background to the post

The panel will be part of the new governance and accountability arrangements for policing in [xxx xxxxx]. The panel's role will be to maintain a regular check and balance on the performance of the directly elected police and crime commissioner (to be elected on 15 November 2012).

The panel requires energetic people to serve as panel members from summer 2012 for a four-year term. This is an exciting opportunity to be involved from the start with new and very different arrangements.

The role of a panel member will be an important and demanding one. In considering your application you should be aware that the typical commitment required from a member of the panel is expected to average one day a month, including preparation time.

Meetings will generally be held during normal office hours at varying locations throughout [xxxx xxxxx].

All panel members will be able to claim reasonable travelling expenses and a small allowance (to be determined). All panel members will receive induction and other appropriate training.

Appendix 3 – Eligibility criteria for independent panel members

The following cannot be considered for a position on the panel, namely:

- anyone under 18 years old
- the PCC or a member of their staff
- MPs
- members of the National Assembly for Wales the Scottish Parliament
- members of the European Parliament
- police officers²
- persons who do not live or work in the police force area
- civil servants engaged in political activity.

Please also note:

Independent non-councillor co-optees (either those required and any optional independent co-optees added later) must not be local authority councillors.

² Police officers are not covered by the restrictions on membership of the panel in Section 22 in Schedule 6. Also police officers do not fall within Section 22 (a) as members of staff of the PCC as this category covers people appointed under Section 6 of Schedule 1. However, under section 1(2)(a) of Schedule 1 to the Police Regulations 2003 (S.I. 2003/527) a member of a police force may not “take any active part in politics”. The Home Office would regard co-option to a panel, for the purpose of scrutinising an elected PCC, as taking an active part in politics, and accordingly as being prohibited for police officers.

Appendix 4 – Draft person specification for panel members

For the appointment of panel members, including independent and councillor co-optees, on interview the assessors will consider potential candidates against the following criteria:

Abilities/skills

As well as being of good character, candidates will need to possess most, if not all, of the following competencies:

- **The ability to think strategically:** To have breadth of vision, to rise above detail, and to see problems and issues from a wider, forward-looking perspective and to make appropriate linkages.
- **The ability to make good judgements:** To take a balanced, open-minded and objective approach, for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top-level appointments or considering complaints against the police and crime commissioner.
- **The ability to be supportive:** To be able to support the PCC and the other members of the panel in delivering their duties.
- **The ability to scrutinise and challenge:** To be able to rigorously scrutinise and challenge constructively without becoming confrontational, using appropriate data, evidence and resources.
- **The ability to be analytical:** To interpret and question complex written material, including financial and statistical information and other data such as performance measures and identify the salient points.
- **The ability to communicate effectively:** To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the panel, the PCC and the public.

Other requirements and considerations

- Candidates must be able to attend meetings in the evenings (Monday to Friday 9am to 5pm) at varying locations throughout the [xxxx] area at least six times a year, as well as attend any appropriate training sessions.
- Candidates should have the time, energy and commitment to prepare for and attend regular meetings. We suggest that they would need to allocate a minimum of one day per month to devote to this role.
- Candidates should have a willingness to learn.

Note: Candidates must be eligible for the role (see eligibility criteria separately listed in this job information pack).

The following personal skills and qualities are also very important:

- **Team working:** The ability to play an effective role in meetings through listening, persuading and showing respect for the views of others.

- **Self-confidence:** The skill to challenge accepted views constructively without becoming confrontational.
- **Enthusiasm and drive:** The ability to be proactive in seeking out learning and developmental opportunities to enhance knowledge and understanding (for example, on financial matters and statutory requirements).
- **Respect for others:** The capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference.
- **Integrity:** The necessity to embrace high standards of conduct and ethics and be committed to upholding human rights and equality of opportunity for all.
- **Decisiveness:** The ability to show resilience even in challenging circumstances, remaining calm and confident and able to make difficult decisions.

It is also important for candidates to:

be able to:

- consider their own biases and prejudices
- work with people from all areas within the police force area
- work with people from diverse backgrounds
- work with people with and without disabilities
- work with people from a variety of faiths and cultures
- work with people who may be gay, lesbian, bisexual or transgender.

It would also be useful if candidates:

have experience of:

- working with other people on issues of mutual interest over a period of time (eg voluntary work)
- situations where they needed to compromise
- interacting or working with people of all ages
- interacting or working with people who have different political views and/or religious beliefs
- interacting or working with people who are physically and/or mentally impaired.

have an interest in:

- policing issues and current affairs, specifically in respect of the ways in which they affect people locally
- challenging and combating institutional discrimination
- the issues associated with recruiting, promoting and retaining staff from under-represented groups
- engaging with and representing local people and/or specialists within their field of expertise.

Appendix 5 – Roles and responsibilities of independent co-optees on the panel

Note: independent co-optees will be treated equally as other elected members on the panel and therefore have the same responsibilities and duties.

All co-optees are full voting members and will have access to the same level of support and information as elected members on the panel. The core role of both elected members and independent co-optees on the panel is to:

- scrutinise the work of the PCC to ensure that the PCC is discharging its functions effectively
- bring any specialist knowledge, skills, experience and expertise they may have to the scrutiny work of the panel
- ensure that there is an effective independent challenge to the PCC and that this challenge is constructive to support the PCC in carrying out their role
- act as a non-party-political voice for those who live and/or work in the XXXX area.

Responsibilities of co-optees

A co-opted member of the police and crime panel is expected to:

- attend all formal meetings of the panel (approx 4-6 per year)
- establish good relations with other members, officers and co-optees
- attend additional meetings eg working groups or evidence gathering sessions, as required
- prepare for each meeting by reading the agenda, papers and additional information to familiarise yourself with the issues to be covered during the meeting. Prior to the meeting consider the questions you may wish to put to the police and crime commissioner and other expert witnesses
- listen carefully at the meetings, ask questions in a way which is non-judgmental, respect confidentiality and help the panel to make practical suggestions for improvements in services
- assist in the preparation of reports and the formulation of recommendations; this may involve volunteering to participate in a task group to conduct a scrutiny review
- attend training and development events as needed
- abide by the panel arrangements and rules of procedure which set out how the police and crime panel will operate in the [xxxx] area
- keep abreast of the key issues in relation to the responsibilities of the police and crime commissioner and the priorities within the police and crime plan
- contribute to achieving an open, accountable and transparent decision-making process in relation to policing and community safety issues in the [xxxxx] area.

Note: all panel members would also be expected to adhere to the ‘seven principles of public life’ which are listed below:

Nolan principles³

Selflessness: Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership: Holders of public office should promote and support these principles by leadership and example.

³ Nolan Committee's First Report on Standards in Public Life from the First Report of the Committee on Standards in Public Life (1995).

Appendix 6 – Application form

[Example documentation from N Yorkshire – shared with their permission to be amended and adapted by others as required]

Confidential

Application form to be a Co-opted Independent Member of North Yorkshire Police and Crime Panel

Please write in black ink or type. Do not include a CV or other information.

Please return this completed application form by 1 June 2012 either:

- by post to Assistant Director (Policy and Partnerships), North Yorkshire County Council, County Hall, Northallerton DL7 8AD; or
- by email as an attachment in Word format

Further information about North Yorkshire Police and Crime Panel is available on www.nypartnerships.org.uk/pcp

1. Personal details

The information in this section will not form part of the shortlisting process and will be separated from your application form upon receipt.

Title (Mr/Mrs/Ms etc)
Name in full (please also give any other names by which you have been known)
Permanent home address
How long have you lived at this address?
If less than five years at this address, please give details of your previous address(es)

Daytime telephone number	Evening telephone number

Mobile telephone number	Email address

Date of birth

Please say whether there is any special provision, equipment or assistance we can provide to help you attend an interview

--

References: Please give details of two people, not related to you, who have agreed to be contacted by us about your application. It would be helpful if one referee was familiar with your community activities. We intend to take up references for shortlisted candidates, prior to interview. If you do not wish us to contact your referees at that stage then please indicate this clearly.

Name		Name	
Address		Address	
Tel No:		Tel No:	
Email:		Email:	
Position:		Position:	

Please sign and date this form

I declare that the information I have given is true and complete.

Signed	Date
--------------	------------

2. Equality monitoring questions

The information in this section will not form part of the recruitment process and will be separated from your application form upon receipt. The information provided will be used for monitoring purposes and to help us to develop our policies and practice. The information provided will be treated confidentially and be subject to the provisions under current equality and data protection legislation. You do not have to answer these questions. However, by answering the questions you will help us to make sure that our recruitment is fair and accessible to everyone.

Gender	
What is your gender? <input type="checkbox"/> Male <input type="checkbox"/> Female	
Age	
Which age category are you in?	
<input type="checkbox"/> 18-19	<input type="checkbox"/> 20-29
<input type="checkbox"/> 30-39	<input type="checkbox"/> 40-49
<input type="checkbox"/> 50-64	<input type="checkbox"/> 65-74
<input type="checkbox"/> 75-84	<input type="checkbox"/> 85 +
Disability	
Do you consider yourself to be a disabled person or to have a long-term, limiting condition?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	
Ethnicity	
What is your ethnic group? Please choose one section from A – E, and then tick one box to best describe your ethnic group or background.	
A White <input type="checkbox"/> English/Welsh/Scottish/Northern Irish/British <input type="checkbox"/> Irish <input type="checkbox"/> Gypsy or Irish Traveller <input type="checkbox"/> Any other White background, please write in	B Mixed/multiple ethnic groups <input type="checkbox"/> White and Black Caribbean <input type="checkbox"/> White and Black African <input type="checkbox"/> White and Asian <input type="checkbox"/> Any other Mixed/multiple ethnic background, please write in
C Asian <input type="checkbox"/> Pakistani <input type="checkbox"/> Bangladeshi <input type="checkbox"/> Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Any other Asian background, please write in	D Black/African/Caribbean/Black British <input type="checkbox"/> African <input type="checkbox"/> Caribbean <input type="checkbox"/> Any other Black/African/Caribbean background, please write in
E Other ethnic group <input type="checkbox"/> Arab <input type="checkbox"/> Any other ethnic group, please write in	

3. Personal history

What is your current employment status and occupation, if any?		
Please give details of part-time and full-time employment, voluntary work, career breaks and any other work you do or have done in the local community. If you do not live in North Yorkshire or the City of York and/or have not done so during the past 12 months please include the main location of your work if this is different from your employer's address.		
Name and address of organisation	Dates position held (from/to)	Positions held and nature of responsibility

Please give details of any involvement in local community activities not already mentioned above

--

Please list any academic, professional and/or vocational qualifications

Date obtained

--	--

4. Required competencies, personal skills and qualities

Please give brief examples to demonstrate how you meet the following competencies	
1. The ability to think strategically To have breadth of vision – to rise above detail, and to see problems and issues from a wider, forward-looking perspective – and to make appropriate linkages.	
2. The ability to make good judgements To take a balanced, open-minded and objective approach – for example, in evaluating the priorities of the police and crime commissioner, assessing candidates for top level appointments or considering complaints against the police and crime commissioner.	
3. The ability to be open to change To be able to challenge accepted views constructively without becoming confrontational, and to recognise and respond positively to the need for change.	
4. The ability to scrutinise and challenge To be able to rigorously scrutinise and challenge constructively, using appropriate data, evidence and resources.	
5. The ability to be analytical To interpret and question complex written material – including financial and statistical information and other data such as performance measures – and identify the salient points.	
6. The ability to communicate effectively To be able to communicate effectively both verbally and in writing – and to interact positively with other members of the panel, the police and crime commissioner, and the public.	

Please give brief examples to demonstrate the extent to which you possess the following personal skills and qualities

1. Team working

The ability to play an effective role in meetings through listening, persuading and showing respect for the views of others.

2. Self-confidence

The skill to challenge accepted views constructively without becoming confrontational.

3. Enthusiasm and drive

The ability to be proactive in seeking out learning and developmental opportunities to enhance knowledge and understanding (for example, on financial matters and statutory requirements).

4. Respect for others

The capacity to treat all people fairly and with respect, to value diversity and respond sensitively to difference.

5. Integrity

The necessity to embrace high standards of conduct and ethics and be committed to upholding human rights and equality of opportunity for all.

6. Decisiveness

The ability to show resilience even in challenging circumstances, remaining calm and confident and able to make difficult decisions.

Please give details of your experience (in a paid or unpaid role) in community safety, victim support, criminal justice and related issues

5. Why do you want to be a co-opted independent member?

Please say why you are interested in becoming a co-opted independent member of the North Yorkshire Police and Crime Panel

6. Other information

If you are employed, is your employer willing to release you to carry out the duties of a co-opted independent member of the North Yorkshire Police and Crime Panel?

Do you hold, or have recently held, any of the following positions?

- The police and crime commissioner for North Yorkshire
- A member of the staff of the police and crime commissioner for North Yorkshire
- A member of the civilian staff of the North Yorkshire police force
- A Member of Parliament, the National Assembly for Wales, the Scottish Parliament or the European Parliament
- A Member of Craven District Council, Hambleton District Council, Harrogate Borough Council, North Yorkshire County Council, Richmondshire District Council, Ryedale District Council, Scarborough Borough Council, Selby District Council or City of York Council
- A police officer

If yes, please give details.

Is there anything in your private or working life, or in your past, or, to your knowledge, in that of any member of your family or close friends, which, if it became generally known, might bring you or the North Yorkshire Police and Crime Panel into disrepute, or call into question your integrity, authority or standing as a member of the Panel? If yes, please give details.



Local Government Association

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For a copy in Braille, larger print or audio,
please contact us on 020 7664 3000.
We consider requests on an individual basis.

From: Peter Sass – Head of Democratic Services

To: Shadow Kent and Medway Police and Crime Panel – 24 July 2012

Subject: Code of Conduct for Kent and Medway's Police and Crime Panel Members

Summary: This report invites the Shadow Police and Crime Panel (PCP) to discuss and agree a Code of Conduct for Members of the Panel

Unrestricted

1. Code of Conduct for Members of the PCP

- 1.1 All authorities in Kent and Medway must, with effect from 1 July 2012 adopt a new code of conduct. Discussions are ongoing in Kent around whether to adopt a 'Kent Code' and in view of this it is suggested that PCP Members be bound by the Code adopted by their own authority and that the Independent Persons be asked to sign up to the 'Code of Conduct for Board Members of Public Bodies'.
- 1.2 The 'Code of Conduct for Board Members of Public Bodies' is attached at Appendix 1.

2. Recommendations

- 2.1 The Shadow Police and Crime Panel is asked to agree that its Members be bound by the code of conduct adopted by their own authority and that the two co-opted Independent persons be asked to sign up to the 'Code of Conduct for Board Members of Public Bodies'.

Appendices:

Appendix 1: Code of Conduct for Board Members of Public Bodies

Background Documents:

Report to Shadow Kent and Medway Police and Crime Panel – 10.05.12

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CABINET OFFICE

**CODE OF CONDUCT FOR BOARD MEMBERS OF PUBLIC
BODIES**

JUNE 2011

FOREWORD

The Government expects all holders of public office to work to the highest personal and professional standards. In support of this, all non-executive board members of UK public bodies¹ must abide by the principles set out in this Code of Conduct. The Code sets out, clearly and openly, the standards expected from those who serve on the boards of UK public bodies and should form part of individual members' terms and conditions of appointment. Any breach of the Code should be viewed as a breach of those terms and conditions of appointment.

This *Code* replaces *Guidance on Codes of Practice for Board Members of Public Bodies* issued by the Cabinet Office in 2004.

Any questions on the *Code* should be directed to:

Propriety and Ethics Team
Cabinet Office
70 Whitehall
LONDON
SW1A 2AS

Tel: 020 7276 0269/0387

Copies of the *Code* can be downloaded from:

www.cabinetoffice.gov.uk/content/public-bodies-and-appointments

¹ The principles set out in this Code should apply to all non-executive members on the boards of Government Departments, non-Ministerial Departments, Executive Agencies, Executive and Advisory non-department public bodies (NDPBs) and national public corporations.

CODE OF CONDUCT FOR BOARD MEMBERS OF PUBLIC BODIES

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CODE OF CONDUCT FOR BOARD MEMBERS OF PUBLIC BODIES

1. INTRODUCTION

- 1.1 As a public office-holder, your behaviour and actions must be governed by the principles set out in this Code of Conduct. It is your responsibility to ensure that you are familiar with, and comply with, all the relevant provisions of the Code.

2. KEY PRINCIPLES OF PUBLIC LIFE

- 2.1 The key principles upon which this Code of Conduct is based are the Seven Principle of Public Life². These are:

Selflessness

You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence you in the performance of your official duties.

Objectivity

In carrying out public business, including awarding contracts and recommending individuals for rewards and benefits, you should make choices on merit.

Accountability

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate for your office.

² *Standards in Public Life: First Report of the Committee on Standards in Public Life*. Volume 1: Report. CM 2850-I.

Openness

You should be as open as possible about the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty

You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

You should promote and support these principles by leadership and example.

- 2.2 These principles should inform your actions and decisions as a board member.

3. GENERAL CONDUCT

Use of Public Funds

- 3.1 You have a duty to ensure the safeguarding of public funds³ and the proper custody of assets which have been publicly funded.
- 3.2 You must carry out your fiduciary obligations responsibly – that is, take appropriate measures to ensure that the body uses resources efficiently, economically and effectively, avoiding waste and extravagance. It will always be an improper use of public funds for public bodies to employ consultants or other companies to lobby Parliament, Government or political parties.

Allowances

- 3.3 You must comply with the rules set by the board and the public body regarding remuneration, allowances and expenses. It is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

³ This should be taken to include all forms of receipts from fees, charges and other sources.

Gifts and Hospitality

- 3.4 You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.
- 3.5 You must never canvass or seek gifts or hospitality.
- 3.6 You must comply with the rules set by the body on the acceptance of gifts and hospitality. You should inform the Chief Executive (or equivalent) of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the body.
- 3.7 You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the public body into disrepute.

Use of Official Resources

- 3.8 You must not misuse official resources⁴ for personal gain or for political purposes. Use of such resources must be in line with the body's rules on their usage.

Use of Official Information

- 3.9 You must not misuse information gained in the course of your public service for personal gain or for political purpose.⁵
- 3.10 You must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after you have left the board.

Political Activity⁶

- 3.11 In your public role, you should be, and be seen to be, politically impartial. You should not occupy a paid party political post or hold a particularly sensitive or high-profile role in a political party. You should

⁴ This includes facilities, equipment, stationery, telephony and other services.

⁵ Board members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation

⁶ If you are an MP, Member of the House of Lords, Member of a Devolved Administration or Local Councillor, you are exempt from these requirements - although you should still exercise proper discretion on matters directly related to the work of the body and recognise that certain political activities may be incompatible with your role as a board member.

abstain from all controversial political activity and comply with Cabinet Office rules on attendance at Party Conferences⁷.

- 3.12 On matters directly related to the work of the body, you should not make political statements or engage in any other political activity.
- 3.13 In your official capacity, you should be even-handed in all dealings with political parties.
- 3.14 Subject to the above, you may engage in political activity but should, at all times, remain conscious of your responsibilities as a board member and exercise proper discretion. You should inform the Chair and/or the parent Department before undertaking any significant political activity.

Employment and Appointments

- 3.15 If you wish to take up new employment or appointments during your term of office, you must inform the Chair and/or the relevant parent Department.
- 3.16 On leaving office, you must comply with the rules of the body on the acceptance of future employment or appointments.

4. MEMBERS' INTERESTS

- 4.1 You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your private interests – financial or otherwise.
- 4.2 You must comply with the rules of the body on handling conflicts of interests. As a minimum, these will require you to declare publicly any private interests which may, or may be perceived to, conflict with your public duties⁸. The rules will also require you to remove yourself from the discussion or determination of matters in which you have a financial interest. In matters in which you have a non-financial interest, you should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.⁹

⁷ www.cabinetoffice.gov.uk/content/public-bodies-and-appointments

⁸ In general, all financial interests should be declared. When considering what non-financial interests should be declared, you should ask yourself whether a member of the public, acting reasonably, would consider that the interest in question might influence your words, actions or decisions.

⁹ These are common law provisions.

- 4.3 It is your responsibility to ensure that you are familiar with the body's rules on handling conflicts of interests, that you comply with these rules and that your entry in the body's register of members' interests is accurate and up-to-date.

5 RESPONSIBILITIES AS A BOARD MEMBER

- 5.1 You should play a full and active role in the work of the body. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the body.
- 5.2 You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.
- 5.3 You must comply with any statutory or administrative requirements relating to your post¹⁰.
- 5.4 You should respect the principle of collective decision-making and corporate responsibility. This means that, once the board has made a decision, you should support that decision.
- 5.5 You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.

6. RESPONSIBILITIES TOWARDS EMPLOYEES

- 6.1 You will treat any staff employed by the body with courtesy and respect. It is expected that employees will show you the same consideration in return.
- 6.2 You will not ask or encourage employees to act in any way which would conflict with their own Code of Conduct.

¹⁰ In the case of a body incorporated under the Companies Act or the Companies (Northern Ireland) Order, you will also be subject to the duties of directors under company law. In the case of a body that has charitable status, you will also be subject to the duties of trustees under charities law.

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From: Peter Sass – Head of Democratic Services

To: Shadow Kent and Medway Police and Crime Panel – 24 July 2012

Subject: Communications Protocol for Kent and Medway's Police and Crime Panel

Summary: This protocol has been written as a basis for all communications between the Kent and Medway Police and Crime Panel and the media.

Unrestricted

1. Introduction

- 1.1 The Kent and Medway Police and Crime Panel (PCP) is being established to scrutinise the work of the Police and Crime Commissioner. The Panel is made up of one representative from each of the 14 local authorities in the force area, a further four councillor representatives from the local authorities and two independent co-opted members.
- 1.2 Kent County Council is currently the host authority for the PCP.

2. Protocol

- 2.1 The Chairman of the PCP (except in his absence in which case the Vice-Chairman) should be the official spokesperson for the panel unless a spokesperson has been identified by the Chairman.
- 2.2 If a panel member wishes to present the views of their own council this should be in line with their own Council's protocol for communicating with the media and a copy should be sent to the host authority.
- 2.3 Kent County Council's press office will respond to day to day inquiries from the media by issuing statements and/or arranging interviews with members or officers as appropriate. This will be following discussions with the Chairman and Vice Chairman of the Panel and the Head of Democratic Services, KCC.
- 2.4 The media will be invited and are entitled to attend all formal meetings of the Police and Crime Panel unless matters of an exempt nature are to be discussed.

3. Publication of Agenda and Minutes

- 3.1 PCP agenda and minutes will be published on the host authority's website and a link will be sent to all interested parties.

3.2 The possibility of a dedicated website can be explored as the role of the PCP develops.

4. Recommendations

4.1 The Shadow Police and Crime Panel is asked to approve the communications protocol for Kent and Medway's Police and Crime Panel.

From: Peter Sass – Head of Democratic Services

To: Shadow Kent and Medway Police and Crime Panel – 24 July 2012

Subject: Work programme for Kent and Medway's Police and Crime Panel

Summary: This work programme sets out the duties which the Kent and Medway Police and Crime Panel (PCP) must fulfil following the election of the Police and Crime Commissioner (PCC) on 15 November 2012.

Unrestricted

1. Introduction

1.1 The Kent and Medway Police and Crime Panel (PCP) will have similar powers to an overview and scrutiny committee established in accordance with section 21 of the Local Government Act 2000, in that it will be able to:

- (a) require the PCC to attend public meetings
- (b) require information in the possession of the PCC
- (c) make recommendations on the draft Police and Crime Plan (for which it is a statutory consultee) and expenditure proposals
- (d) review and veto the proposed precept
- (e) review and veto the decision to appoint a Chief Constable
- (f) review but not veto the appointment of various other senior staff

2. Work programme

2.1 To enable the PCP to discharge its functions effectively a work programme has been set out below, detailing key deadlines for submission of information by the PCC and PCP.

3. Recommendations

3.1 The Shadow Police and Crime Panel agree the work programme for the formal panel as set out below.

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Workplan for the Kent and Medway Police and Crime Panel.

Statutory Responsibility of the PCP	Deadline/Meeting date
PCP's role in complaint handling – discussion with officer from Kent Police Authority.	Shadow PCP - 4 October 2012
PCC takes office – the PCP may wish to meet shortly after this date	22 November 2012
The PCC must notify the PCP of their proposed precept.	by 21 December 2012
The PCP must review the proposed precept	by 15 January 2013.
The PCC must notify the Panel of each proposed appointment of the Chief Executive, Chief Finance Officer or Deputy PCC	<p>The PCP must hold a public confirmation hearing to review the proposed senior appointment and must make a report to the PCC that includes a recommendation as to whether or not the candidate should be appointed. The PCP can request that the proposed candidate appears at the confirmation hearing to answer questions.</p> <p>The PCP must comply with these requirements within three weeks of the notification of the proposed appointment. If the PCC were to give notice of their intention to appoint a DPCC on 22 November the PCP would be required to respond by 13 December</p>
The PCP must arrange for a public meeting of the panel to be held as soon as practicable after the panel is sent a copy of the PCC's Annual Report.	<p>This will typically be as soon as 'practicable' after the end of the financial year, but there is no stipulated date by which this must be produced.</p> <p>It is current practice for the Police Authority's Annual Report to be published in June.</p>
The PCP must review or scrutinise decisions made or other action taken, by the PCC in connection with the discharge of the PCCs functions.	This scrutiny by the PCP is likely to be ad-hoc and cannot be planned into a set programme of meetings. Where significant decisions need to be made, there may therefore need to be provision for extraordinary meetings of the panel to be convened.

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