

December 2018 / January 2019		ITEM: dem services to add number
Cabinet		
Changes to the Constitution of the Police, Fire and Crime Panel for Essex		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Leader		
Accountable Assistant Director: David Lawson Assistant Direct of Law & Governance		
Accountable Director: Sean Clark,		
This report is Public		

Executive Summary

The Police and Crime Panel was established in 2012 to hold the Police and Crime Commissioner to account.

In October 2017 the Police and Crime Commissioner assumed responsibility for the fire service and the name of the role changed to the Police, Fire and Crime Commissioner. At the same time, the Police and Crime Panel became the Police, Fire and Crime Panel.

As a result, the functions of the panel have also changed. It is necessary to update the 'panel arrangements. These need to be agreed by all 15 local authorities in the Essex police area, which are Thurrock Council, Southend Council and ECC, and the 12 borough, city or district councils. The panel arrangements have also been updated to reflect the experience of operating the panel over the first 6 years of its existence.

This report asks the Cabinet / Leader to agree the revised panel arrangements on behalf of ECC. A similar report is being considered by the other 14 authorities.

1. Recommendation(s)

1.1 Agree the Panel Arrangements at appendix 1 with effect from 1 February 2019.

1.2 Note that the rules of procedure at appendix 1 will be adopted by the Panel and do not form part of the Panel Arrangements

2. Introduction and Background

2.1 The fifteen Essex councils each appoint one member to the Police, Fire and Crime Panel. They are also required by law to approve the statutory panel arrangements which govern operation of the Panel. The Panel is required by law to adopt its own rules of procedure.

2.2 The current panel arrangements need to be revised as the Panel's functions changed when the Commissioner became the Police, Fire and Crime Commissioner.

2.3 The Panel have now also acquired six years' experience of operation and a number of changes to the rules of procedure are also proposed. For example, the current constitution does not allow the panel to have standing committees whereas the Panel wishes to work in this way for some issues such as dealing with formal complaint.

2.4 One significant change proposed in the draft Panel Arrangements is that, early in 2018, the Panel decided that it wished to introduce the facility to pay allowances to Members of the Panel. This is permitted by law but only if expressly allowed by the Panel Arrangements. The current arrangements do not allow allowances to be paid. The draft arrangements introduce a new rule which permits the Panel to adopt a scheme of allowances. This would allow payment of allowances to local authority panel members and also to the co-opted panel members. The cost of those allowances, if introduced, would be met by a Home Office grant so there would be no cost to Thurrock or the other authorities. It should be emphasised that the revised draft panel arrangements do not themselves introduce allowances, they would just allow the panel to do so if it thought it appropriate. Members of the Panel would not be required to receive an allowance unless they wanted to.

2.5 The draft at appendix one is divided into different sections:

1. Introduction – explains the background to the panel and its functions
2. Functions – describes the panel's statutory powers
3. Functions of the panel – this describes the Panel's statutory powers.
4. Constitution Part I – the statutory Panel Arrangements
5. Constitution part II – rules of procedure made by the Panel
6. Appendix – rules of procedure made by the Panel

2.6 The functions and part 1 of the Constitution (numbers 1-4 above) are to be approved by Thurrock and the other local authorities. The rules of procedure are to be approved by the Panel.

2.7 The Panel and all fifteen local authorities have been consulted on the draft. No opposition to the proposals have been received but some suggestions for improving the wording which have been incorporated into the draft attached to this report at appendix 1.

2.8 The Panel will consider part II of the constitution and the appendix which are the rules of procedure adopted by the Panel.

3. Issues, Options and Analysis of Options

3.1 The panel arrangements are required to be approved by each local authority. The panel approves its own rules of procedure. The two sets of rules need to fit together so that the Panel operates under a single coherent set of rules.

3.2. The Panel is a statutory joint committee of the 15 local authorities with specific statutory functions.

4. Reasons for Recommendation

4.1 All 15 local authorities have been asked to approve this no later than 1 February 2019 when the arrangements will come into force if they have been approved by all authorities.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 All 15 local authorities

6. Impact on corporate policies, priorities, performance and community impact

6.1 No direct impact

7. Implications

7.1 Financial

Implications verified by: **Dammy Adewole**
Management Accountant – Central Services

This decision has no financial implications. The cost of operating the panel is met by a Home Office grant

7.2 Legal

Implications verified by: **Benita Edwards**

Deputy Head of Law & Governance (Regeneration)

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7.3 Diversity and Equality

Implications verified by: **Becky Price**
Team Manager – Community Development and
Equalities, Adults, Housing and Health
Directorate

The Public Sector Equality Duty applies to the Council when it makes decisions. The duty requires us to have regard to the need to:

- (a) Eliminate unlawful discrimination, harassment and victimisation and other behaviour prohibited by the Act. In summary, the Act makes discrimination etc. on the grounds of a protected characteristic unlawful
- (b) Advance equality of opportunity between people who share a protected characteristic and those who do not.
- (c) Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, gender, and sexual orientation. The Act states that 'marriage and civil partnership' is not a relevant protected characteristic for (b) or (c) although it is relevant for (a).

The proposals in this report will not have a disproportionately adverse impact on any people with a particular characteristic as they simply set out how the panel will operate to discharge its statutory duties and powers

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- Consultation with other local authorities and with the Police, Fire and Crime Panel

9. Appendices to the report

- Revised PFCC Panel Arrangements after consultation with other local authorities and with the Police, Fire and Crime Panel

Report Author:

David M G Lawson

Assistant Director of Law & Governance

Legal Services

APPENDIX ONE

THE ESSEX POLICE, FIRE AND CRIME PANEL

FUNCTIONS OF THE PANEL

PART 1 – INTRODUCTION

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the 2011 Act'), requires local authorities to create a Police and Crime Panel). The Panel is responsible for scrutinising and supporting the work of the Police and Crime Commissioner.
- 1.2 The Policing and Crime Act 2017 ('the 2017 Act') introduced new powers for a Police and Crime Commissioner to make a local business case following which the Secretary of State may make an order to make the Commissioner the fire authority for their area.
- 1.3 Under the Police, Fire and Crime Commissioner for Essex (Fire and Rescue Authority) Order 2017 (the Order), which came into effect on 1 October 2017, the Police Crime and Fire Commissioner for Essex was created as the fire and rescue authority for the administrative counties of Essex, Thurrock and Southend under section 4A of the Fire and Rescue Services Act 2004.
- 1.4 The Order provides that the individual elected as the Police and Crime Commissioner for Essex to be the Fire and Rescue Authority, and that they are to be known as the Police, Fire and Crime Commissioner (PFCC).
- 1.5 The 2017 Act amends section 28 (*Powers of Police and Crime Panels*) and Schedule 6 (*Police and Crime Panels*) of the 2011 Act to include the responsibilities of the Police Fire and Crime Commissioner when acting as the fire and rescue authority.
- 1.6 Following the Order, the Commissioner is now known as the Police, Fire and Crime Commissioner and the panel is now known as the Police, Fire and Crime Panel (the Panel).

PART 2 - FUNCTIONS OF THE PANEL

2. Key Functions

- 2.1 The functions of the Panel are to:
 - a) review the draft Police and Crime Plan and the Fire and Rescue Plan and any proposed changes to them
 - b) review the Annual Report and the Fire and Rescue Statement.
 - c) review of the proposed senior appointments of;
 - i) the Deputy PFCC,

- ii) the PFCC's Chief Executive,
 - iii) the PFCC's Chief Finance Officers;
 - iv) the Chief Constable; and
 - v) the Chief Fire Officer.
 - d) suspend the PFCC in specific circumstances,
 - e) appoint an acting PFCC in specific circumstances,
 - f) review the precept which the PFCC is proposing to issue for both the Police and the Fire and Rescue, for each financial year with the power to veto the precept.
 - g) To deal with certain complaints against the PFCC or Deputy PFCC.
- 2.2 The Panel must also review or scrutinise decisions made, or other actions taken by the PFCC in connection with the discharge of the PFCC's functions, and must make reports or recommendation to the PFCC in respect to the discharge of their functions.
- 3. Review of the Police and Crime Plan and the Fire and Rescue Plan**
- 3.1 The Panel is a statutory consultee on the development or variation of the Police and Crime Plan and Fire and Rescue Plan ('the Plans'). The Panel will receive a copy of the draft Plans, or any draft variations, from the PFCC.
- 3.2 The Panel must:
- (a) Hold a meeting in public to review the draft Plans (or variations), and
 - (b) Report or make recommendations on the draft Plans which the PFCC must take into account when approving the final documents.
- 3.3 The PFCC is required to provide a response to any such report or recommendations issued by the Panel.
- 4. Review of the Annual Report and Fire and Rescue Statement**
- 4.1 The PFCC must produce an Annual Report and Fire and Rescue Statement for each financial year (the Reports).
- The Annual report must be about the exercise of the PFCC's functions in that financial year and set out progress in delivering on the priorities set out in the Plan.
 - The Fire and Rescue Statement must contains a statement of the way in which the Commissioner, acting as Fire and Rescue Authority has had regard, in the period covered by the document, to the Fire and Rescue National Framework and to any fire and rescue plan prepared by the authority for that period.

The Panel must review the Reports.

4.2 The Panel must:

- (a) Arrange for a meeting of the Panel to be held in public as soon as practicable after the Panel receives each Report;
- (b) Require the PFCC to attend the meeting to present the Reports to the Panel, and answer such questions about the Reports as the Panel think appropriate; and
- (c) Make a report or recommendations on the Annual Report and Fire and Rescue Statement to the PFCC.

4.3 The PFCC is required to respond to any report or recommendations issued by the Panel.

5. Senior Appointments

5.1 The Panel must be notified by the PFCC of each proposed appointment of the Chief Constable, Chief Fire Officer, Chief Executive of the Office of the PFCC, Chief Finance Officer (of the OPFCC or the Fire and Rescue Authority) and the Deputy PFCC.

5.2 The PFCC must also notify the Panel of the following information:

- a) The name of the person the PFCC is proposing to appoint (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 proposed to be appointed.

5.3 Within 3 weeks, beginning with the day on which the Panel received the notification from the PFCC of the proposed senior appointment, the Panel must:

- a) Review the proposed senior appointment;
- b) Make a report to the PFCC,
- c) The report must include a recommendation as to whether or not the Candidate should be appointed.

5.4 Before making a report under paragraph 5.3 (b), the Panel must hold a confirmation hearing. This is a meeting of the Panel, held in public at which the Candidate is requested to appear for the purpose of answering questions relating to the appointment.

5.5 The confirmation hearing will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case the Chairman will arrange an extraordinary meeting at the request of the Chairman.

- 5.6 The Candidate may appear before the Panel either in person, or by any means which enables the Candidate to participate in the confirmation hearing through means which enable the person to hear, and be heard in, those proceedings as they happen.
- 5.7 The PFCC must notify the Panel of the decision whether or not the PFCC accepts or rejects any recommendation made by the Panel.
- 5.8 When the Panel is considering the proposed appointment of the Chief Constable or the Chief Fire Officer, the Panel may, having reviewed the proposal and having held the confirmation hearing, veto the appointment of the Candidate to this position.
- 5.9 The ability to veto the proposed appointment of the Chief Constable is only exercisable by the Panel during the 3 week period beginning on the day the Panel received notification from the PFCC.

6. Suspension and Removal of the Chief Constable or Chief Fire Officer

- 6.1 If the PFCC suspends the Chief Constable or Chief Fire Officer from duty they must notify the Panel of the suspension.
- 6.2 If the PFCC proposes to call upon the Chief Constable or the Chief Fire Officer to retire or resign they must give the Panel;
 - a) written notification that the PFCC of that fact;
 - b) a copy of the reasons given to the Officer concerned; and
 - c) a copy of any representations made by the Officer against those reasons.
- 6.3 The PFCC cannot call upon the Officer to retire or resign until the Panel has considered the documents and given the PFCC any recommendations as to whether or not the PFCC should call for retirement or resignation.
- 6.4 Before making any recommendation to the PFCC, the Panel;
 - a) may consult with the Chief Inspector of Constabulary; and
 - b) must hold a scrutiny hearing, within 6 weeks beginning on the day on which notification was given by the PFCC.
- 6.5 The scrutiny hearing is a meeting of the Panel held in private at which the PFCC and the Officer concerned are both entitled to attend for the purpose of making representations relating to the proposal.
- 6.6 The Panel must publish the recommendation it makes by sending copies to each of the local authorities who appoint members to the Panel, and by any other means the Panel considers appropriate.

- 6.7 The PFCC must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.

7. Power to Suspend the PFCC

- 7.1 A Panel may suspend the PFCC if it appears to the Panel that:
- a) The PFCC 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.
- 7.2 The suspension of the PFCC ceases to have effect upon the occurrence of the earliest of these events:
- a) The charge being dropped.
 - b) The PFCC being acquitted of the offence.
 - c) The PFCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction.
 - d) The termination of the suspension by the Panel.
- 7.3 In this section references to an offence which carries a maximum term of imprisonment exceeding two years are references to:
- a) An offence which carries such a maximum term in the case of a person who has attained the age of 18 years, or
 - b) An offence for which, in the case of such a person, the sentence is fixed by law as life imprisonment.

8. Appointment of an Acting Police, Fire and Crime Commissioner

- 8.1 The Panel must appoint a person to act as PFCC if:
- a) no person holds the office of PFCC,
 - b) the PFCC is incapacitated; or
 - c) the PFCC is suspended.
- 8.2 The Panel may appoint a person as acting PFCC only if the person is a member of the PFCC's staff at the time of the appointment.
- 8.3 In appointing a person as acting commissioner in a case where the PFCC is incapacitated, the Panel must have regard to any representations made by the PFCC in relation to the appointment.
- 8.4 The appointment of an acting PFCC ceases to have effect upon the occurrence of the earliest of these events:
- a) the election of a person as PFCC.

- b) the termination by the Panel, or by the acting PFCC, of the appointment of the acting PFCC.
- c) in a case where the acting PFCC is appointed because the PFCC is incapacitated, the PFCC ceasing to be incapacitated, or
- d) in a case where the acting PFCC is appointed because the PFCC is suspended, the PFCC ceases to be suspended.

8.5 The rules about the election as PFCC are beyond the scope of this document but generally a by election is required if the PFCC ceases to hold office.

9. Proposed Precept

9.1 The PFCC will notify the Panel of the precepts which the PFCC proposes to issue for the financial year for (i) Policing and (ii) Fire and Rescue Services.

9.2 The Panel must review the proposed precepts and make a report to the PFCC which will include recommendations as to the precept that should be issued for the financial year.

9.3 Having considered the precept, the Panel must decide to either:

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

9.4 If the Panel vetoes the proposed precepts, the report to the PFCC must include a statement that the Panel has vetoed the proposed precepts and give the reasons for that decision.

9.5 The PFCC must, having regard to the report issued by the Panel, provide a response to the report and any recommendations. Such a response shall be published by the Panel. The PFCC must then reconsider and issue a final precept.

10. Complaints about the PFCC or Deputy PFCC

10.1 The Panel can consider any complaint about the PFCC or Deputy PFCC relating to the conduct of the PFCC, other than one which is to be considered by the Independent Office of Police Conduct. Consideration of such a complaint is to be in accordance with a policy adopted by the Panel from time to time and may be delegated to the Monitoring Officer of the Lead Authority or by the Panels Complaints Sub-Committee.

CONSTITUTION OF THE ESSEX POLICE, FIRE AND CRIME PANEL

PART 1 – Composition of the Panel

1. Administration of the Panel

- 1.1 Essex County Council shall act as the Lead Authority in establishing the Police, Fire and Crime Panel and provide the necessary officer support. The Lead Authority will designate one of its officers to act as the Secretary to the Panel.
- 1.2 The Lead Authority will provide such administrative and other support as is necessary to enable the Panel to undertake its functions. Home Office funding is provided to support the administration of the Panel. If no funds are provided by the Home Office, or if those funds are insufficient to cover the costs of running the Panel, the Lead Authority will defray and recover from the other members the costs of administrative support with each authority bearing an equal share of the costs. The budget for the Panel will be agreed annually and the Panel will operate within the allocated budget.
- 1.3 In the event of the Panel being abolished, the Lead Authority will defray and recover from the other member authorities any associated costs exceeding the funding provided by the Home Office, with each authority bearing an equal share of the cost.
- 1.4 The Secretary and any dedicated staff employed to support the Panel will be employed by the Lead Authority, and their terms and conditions of employment will be those of the Lead Authority.

2. Membership

- 2.1 The Panel shall comprise of:
 - 15 councillors, one appointed by each of the fifteen councils in the Essex Police area ('the Councils');
 - two independent members appointed by the Panel; and
 - up to three additional members.
- 2.2 Any Councillor from the 15 appointing Councils is eligible for membership of the Panel. The appointment of elected members to the Panel shall be made by each of the appointing Councils in accordance with their own procedures, having regard to:
 - (1) The balanced appointment objective. The balanced appointment objective is that the local authority members of the Panel should:
 - a) Represent all parts of the police force and fire and rescue service area;

- b) Represent the political make-up of the Councils taken together; and
 - c) Have the skills, knowledge and experience necessary to enable the Panel to discharge its functions effectively.
- (2) The fire and rescue expertise objective. This is the objective that that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority.
- 2.3 Each Council may appoint one or more substitute member who can attend a meeting of the Panel in the absence of the principal member. Any substitution will apply to a particular meeting and takes effect if either the appointing authority or the substituted member gives notice in writing or by email to the Secretary before the start of the meeting concerned.
- 2.4 A Member of the Panel appointed by a Council remains a member of the Panel unless and until:
 - (a) They cease to be a member of the Council which appointed them;
 - (b) They resign as a member of the Panel by giving notice to the Secretary; or
 - (c) The Council which appointed them removes them as a member of the panel or appoints another member in their place.
- 2.5 Two independent members may be co-opted onto the Panel by the Panel from time to time in accordance with section 4 of this document.
- 2.6 Up to three additional nominations will be invited to positions for co-opted members to seek to achieve the balanced appointment objective. The Panel will determine how this should be achieved subject to approval by the Secretary of State.
- 2.7 In co-opting members, the Panel:
 - (a) must secure that (as far as is reasonably practicable) the appointed and co-opted members of the Panel (when taken together) have the skills, knowledge and experience necessary for the police and crime panel to discharge its functions effectively.
 - (b) must consider whether they could co-opt in a way which would enable the fire and rescue expertise objective to be met or to contribute to that objective being met and, if they consider that they could exercise that function to that end, must do so.

The "fire and rescue expertise objective" referred to in this paragraph is the objective that members of the panel (when taken together) have the skills, knowledge and experience necessary for the panel effectively to discharge its functions in relation to the fire and rescue authority.

3 Vacancies in Council appointed Members

- 3.1 A vacancy on the Panel arises when a member ceases to be a member of the panel for any reason.
- 3.2 If a Council does not have an appointed member on the Panel then it shall fill its vacancy as quickly as possible.
- 3.3 If a Council does not appoint a Member in accordance with these requirements, the Secretary will give notice to the Secretary of State must appoint a member to the Panel from the defaulting council in accordance with the provisions of the 2011 Act.
- 3.4 A substitute appointed under paragraph 2.3 may attend meetings in default of a Council appointing a substantive member.

4 Independent Members

- 4.1 The Panel shall appoint two independent members onto the Panel. Each appointment shall be for a term of four years or such other period as the panel may determine.
- 4.2 The selection process for co-opting independent members should include:
 - a) a reasonable period of advertising for the positions.
 - b) the closing date for the receipt of applications should be at least two weeks from the date the advert is first placed.
 - c) Information packs should be prepared and sent to those requesting application forms.
- 4.3 The applications will be considered against eligibility criteria agreed by the Panel. An Appointments Sub-Committee will be established by the Panel to consider applications and conduct the interviews of potential candidates.
- 4.4 The following individuals shall not be appointed as an Independent Member of the Panel:
 - a) A member of staff of the PFCC
 - b) A member of the civilian staff of the Essex police force
 - c) A Member of Parliament
 - d) A member of staff of the Essex Fire and Rescue Authority, or
 - e) A Councillor of one of the Councils
- 4.5 Following interviews of potential candidates, the Appointments Sub-Committee will make recommendations to the Panel about each Candidate's suitability for appointment as an Independent Member.

- 4.6 The Panel may decide to remove either Independent Member at any point and on doing so shall give notice to the Secretary to the Panel.
- 4.7 The term of office of an additional member co-opted to the Panel to reflect better the Political balance across the Police Force and Fire and Rescue Service area shall be for one year or such other period as the Panel may determine. The member may be co-opted for a further term provided that the balanced appointment objective is still met by their co-option.

5 Allowances

- 5.1 The Panel may from time to time decide to pay allowances to members of the Panel. Any allowance shall be in accordance with a scheme approved by the Panel.
- 5.2 No Member of the Panel may claim an allowance from two bodies with respect to their role as a member of the Panel.

6 Promotion of the Panel

- 6.1 The Panel shall be promoted and supported by the Lead Authority through:
- a) The issuing of regular press releases, after consulting the Chairman about the Panel and its work.
 - b) The inclusion of dedicated web pages on the work of the Panel, with the publication of Agendas and minutes. All reports and recommendations made, with responses from the PFCC will be published.

7 Validity of proceedings

- 8.1 The validity of the proceedings of the Panel is not affected by a vacancy in the membership or a defect in the appointment of a member.

8 Amendments to Terms of Reference, Panel Arrangements and Procedure Rules

- 8.1 Any proposed amendments to the Panel Arrangements should be submitted to the Councils for approval. In addition, the Panel will review this document annually and if any changes are necessary these will be submitted to the Councils for approval.

PART 2 - PROCEDURE RULES

9. Annual Meeting

- 9.1 The first ordinary meeting of the panel held after 1 April in any year shall be the annual meeting of the Panel.

10. Chairman and Vice-Chairman

- 10.1 The Chairman will be elected from amongst the members of the Panel.
- 10.2 The election of Chairman shall be the first business transacted at the Annual Meeting. The election shall be by show of hands unless, at a meeting before the annual meeting, the Panel has resolved to elect a chairman for a particular municipal year by secret ballot. Where the Panel proposes to use a secret ballot the process shall be as set out in the appendix.
- 10.2 The Vice-Chairman will be appointed at the Annual Meeting, and this shall be the item of business following the election of Chairman. The Vice Chairman will be elected from amongst the members of the Panel.
- 10.3 In the event of the resignation of the Chairman or Vice Chairman or if either of them ceases to be a member of the Panel, a replacement will be appointed at the next meeting and will be drawn from amongst the Council members sitting on the Panel.
- 10.4 The Chairman shall preside at any meeting of the Panel. The Vice Chairman shall preside in the absence of the Chairman. If neither the Chairman nor the Vice-Chairman is present at a meeting of the Panel, the other members of the Panel shall choose another member of the Panel to preside at the meeting.

11. Meetings

- 11.1 There shall be a minimum of four ordinary meetings held in each year to carry out the functions of the Panel. Each meeting shall not last for more than three hours unless the meeting resolves to extend this time.
- 11.2 These meetings shall be open to the press and public except where the Panel resolves to exclude the press and public in accordance with the law in accordance with part VA of the Local Government Act 1972.
- 11.3 An extraordinary meeting may be called by the Chairman of the Panel, by any five members of the Panel giving notice to the Secretary or by the Monitoring Officer of the PFCC's Office.
- 11.4 The Chairman may cancel or rearrange a meeting.
- 11.5 The meeting at which the Precept is to be considered shall be the only business transacted at that meeting.
- 11.6 All meetings of the Panel will take place at either Essex County Council, County Hall, Chelmsford or at Essex County Fire and Rescue Headquarters, Kelvedon Park, or such other suitable venue selected by the Chairman.
- 11.7 The Secretary will give notice to the public of the time and place of any meeting in accordance with Part VA of the Local Government Act 1972. At

least five clear days before a meeting, the Secretary to the Panel will send a summons by email and, if the Member so requests, by post to every Member at their last known address. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

12. Quorum

- 12.1 A meeting of the Panel cannot take place unless one third of the whole number of its members is present.
- 12.2 If there is no quorum present at the time fixed for start of the meeting the meeting may not commence at that time. If after 1 hour after the time specified for the start of the meeting, the meeting is still not quorate then the meeting shall stand adjourned to another time and date determined by the Secretary.

13. Voting

- 13.1 All members of the Panel may vote in proceedings of the Panel subject to the rules on declarations of interest.
- 13.2 One-third of the voting members present may require that the way all members cast their vote or abstained shall be recorded in the Minutes; such a request must be made before the vote is taken.
- 13.3 In the event of equality of votes the person presiding at the meeting at the meeting will be entitled to a casting vote under paragraph 39(1) of Schedule 12 to the Local Government Act 1972.
- 13.4 There is a non-binding convention that Chairman will exercise the casting vote in favour of the status quo.

14. Work Programme

- 14.1 The Panel will be responsible for setting its own work programme taking into account the priorities defined by the PFCC in terms of policing and crime, and fire and rescue. In setting the work programme the Panel will also take into account the wishes of its members.
- 14.2 The work programme must include the functions set out in the Panel's terms of reference.

15. Agenda items

- 15.1 Any member of the Panel shall be entitled to give notice to the Secretary to the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting.

16. Reports of the Police, Fire and Crime Panel

- 16.1 Where the Panel makes a report to the PFCC, it must publish the report and the recommendations in that report.
- 16.2 The Panel must send copies of any such reports or recommendations to each of the Councils.
- 16.2 The Panel must by notice in writing require the PFCC, as appropriate, within one month of the date on which they receive the report or recommendations:
- a) to consider the report or recommendations;
 - b) to respond to the Panel indicating what (if any) action the PFCC proposes to take; and
 - c) where the Panel has published the report or recommendations, publish the response.
- 16.3 Where the Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.
- 16.4 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 part VA of the Local Government Act 1972.
- 16.5 If the Panel cannot unanimously agree on one single final report to the PFCC then one separate report may be prepared and submitted for consideration along with the majority report.

17. Police, Fire and Crime Commissioner and Officers Giving Account

- 17.1 The Panel may scrutinise and review decisions made or actions taken in connection with the PFCC's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the PFCC, and members of the PFCC's staff, to attend before the Panel to answer any questions which appear to the Panel to be necessary in order to carry out its functions.
- 17.2 If the Panel require the PFCC to attend before the Panel, the Panel may request either or both of the Chief Constable and the Chief Fire Officer to attend before the Panel on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.
- 17.3 When the Panel requests or requires anyone to attend before it under this paragraph it will give reasonable notice and, where practical, this shall be at least 15 days' notice. Where it is necessary for the person attending to produce a report the Panel shall allow sufficient time for preparation of that report.
- 17.4 The Secretary will give anyone who is required or requested to attend a meeting a written notice giving the time, date and place of the meeting. The

notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel.

- 17.5 Where, in exceptional circumstances, an individual who has been given notice under paragraph 17.4 is unable to attend on the required date, an alternative date for attendance may be arranged following consultation with the Chairman.

18. Attendance by Others

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

19. Public Access

- 19.1 Copies of the agenda for meetings of the Panel and any reports for its meetings shall be open to inspection by members of the public at the offices of the Councils with the exception of any report which the Secretary to the Panel determines relates to items which in his or her opinion are likely to be considered at a time when the meeting is not to be open to the public.
- 19.2 Minutes and reports for the meeting shall be published to the extent required by part VA of the Local Government Act 1972.
- 19.3 If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will arrange for their removal from the meeting room and will suspend the meeting until the member of the public has left or been removed.
- 19.4 If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.
- 19.5 A member of the public may attend the meeting and ask a question of the Panel. Such questions should only relate specifically to an item on the agenda for that meeting.

20 Minutes

- 20.1 The Secretary to the Panel shall arrange for written minutes to be taken at each meeting of the Panel and shall present them to the Panel at its next meeting for approval as a correct record. At the next meeting of the Panel, the Chairman shall move that the minutes of the previous meeting be signed as a correct record. If this is agreed, the Chairman shall sign the minutes. The only part of the minutes that can be discussed is their accuracy.

- 20.2 Draft minutes or a summary of the decisions taken at the meeting and a note of the actions arising shall be circulated to the Panel by email no later than 7 days after the date of the meeting.

21. Sub-Committees and Task Groups

- 21.1 The Panel may from time to time establish task groups or sub committees.
- 21.2 The 'special functions' of the Panel may not be discharged by a sub-committee or a task group.
- 21.3 In this paragraph 'special functions' means the following functions conferred on the Panel by the Police Reform and Social Responsibility Act 2011:
- a) Scrutiny of Police and Crime Plan and Fire and Rescue Plan.
 - b) Scrutiny of annual report and the Fire and Rescue Statement.
 - c) Review of senior appointments.
 - d) Considering precepts.
 - e) Scrutiny of appointment of the Chief Constable or Chief Fire Officer.
- 21.4 The work undertaken by a sub-committee or task group will be scoped and defined beforehand. The scope may include the timeframe within which the work is to be completed and the reporting time for the outcome of the work.
- 21.5 Where it is not possible to reach a consensus, attempts will be made to reflect minority views within the report but there is no provision for minority reports from members of Sub-Committees or Task Groups.
- 21.6 Any reports of a Sub-Committee or a Task Group shall be reviewed by the Panel which will decide whether to ratify the findings or recommendations. This shall not apply where a Sub Committee has delegated authority to act.
- 21.7 Paragraph 17 (Police, Fire and Crime Commissioner and Officers giving account) and 18 (Attendance by Others) apply to Sub-Committees and Task Groups in the same way as they apply to the Panel.

Election of Chairman by Secret Ballot

1. This process applies to the election of Chairman for a municipal year only if the Panel has resolved at a meeting before the annual meeting that the Chairman of the Panel will be elected by Secret Ballot for that particular municipal year.
2. The Lead Authority will write to all members of the Panel to invite nominations. No nominations will be accepted after 12 noon on the day before the meeting. A member may nominate any Councillor member of the Panel (including themselves). If no nominations are received by the deadline, the Panel may resolve to accept late nominations.
3. At the annual meeting a proposer and seconder will be invited for each candidate. If a candidate is not proposed and seconded then they shall not be eligible to be elected.
4. The outgoing Chairman or the person presiding at the meeting will confirm with each eligible nominee that they are willing to be appointed as Chairman
5. All nominated persons will be added to the ballot paper if they:
 - Have been proposed and seconded; and
 - Have indicated that they are willing to be appointed as Chairman.
6. If there is only one nominee their name will be put to the meeting for approval.
7. Where there is more than one nominee then a ballot paper will be prepared including the name of each candidate.
8. A ballot paper will be given to each member of the panel who is present at the meeting.
9. A period of 10 minutes (or such other period as the person presiding at the meeting may determine) to cast a vote.
10. Any member of the Panel may ask to have their vote recorded in the minutes in which case they shall hand their ballot paper to the officer so that the way they have voted may be verified.
11. If a tie occurs the outgoing Chairman shall have a second or casting vote
12. If there are more than two candidates nominated and after the vote no candidate has the majority of votes cast then the name of the person having the least number of votes will be eliminated and a fresh vote shall be taken, and so on until a majority of votes is given in favour of one person.

