

# Public Document Pack



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PUBLIC

To: Members of Derbyshire Police and Crime Panel

Wednesday, 19 June 2019

Dear Councillor,

Please attend a meeting of the **Derbyshire Police and Crime Panel** to be held at **10.00 am** on **Thursday, 27 June 2019** in Council Chamber, County Hall, Matlock, DE4 3AG, the agenda for which is set out below.

Yours faithfully,

A handwritten signature in cursive script that reads 'Janie Berry'.

**JANIE BERRY**  
**Director of Legal and Democratic Services**

## **A G E N D A**

### **PART I - NON-EXEMPT ITEMS**

1. Co-option of Councillor Members - Report of the Director of Legal and Democratic Services (Pages 1 - 6)
2. Appointment of Chairman
3. Appointment of Vice-Chairman
4. Apologies for Absence

To receive apologies for absence (if any)

5. Declarations of Interest

To receive declarations of interest (if any)

6. Minutes (Pages 7 - 10)

To confirm the non-exempt minutes of the meeting of the Derbyshire Police and Crime Panel held on 24 January 2019

7. To consider the report of the Director of Legal & Democratic Services, Derbyshire Council Council, on Rules of Procedure and Terms of Reference for the Derbyshire Police and Crime Panel (Pages 11 - 22)

8. Collaboration between the Derbyshire Constabulary and Derbyshire Fire & Rescue Service (Pages 23 - 26)

9. Announcements from the PCC

10. Proposed visit to Police HQ - Update

11. Forthcoming Events

National Police and Crime Panel Annual Conference - Tuesday 19 November, Warwick Conference Centre

12. Date of Next Meeting

12 September 2019 at 10 am

**DERBYSHIRE POLICE AND CRIME PANEL****27 June 2019****Report of the Director of Legal & Democratic Services of Derbyshire  
County Council****CO-OPTION OF COUNCILLOR MEMBERS****1. Purpose of the Report**

To enable the Panel to review its composition following the commencement of the new municipal year and to co-opt seven additional Councillor Members to ensure that the Panel meets the balanced appointment objective.

**2. Information and Analysis**

Schedule 6 of the Police Reform and Social Responsibility Act 2011 outlines the responsibilities councils have in establishing and maintaining a police and crime panel.

The Act makes detailed provisions for panel composition under Parts 2 and 4 of Schedule 6. These include;

- For police areas with ten or fewer councils, the number of members required on the police and crime panel is ten councillors plus two independent co-optee members who are not councillors.
- The initial allocation of seats for an area with ten (as in Derbyshire) or fewer councils within the area of the police force is one seat per authority, with each authority nominating a councillor member.
- Local authorities and Panels must ensure that the balanced appointment objective as stipulated in paragraph 31(5) of Schedule 6 of the Police Reform and Social Responsibility Act 2011 is met. The balanced appointment objective is the objective that, when taken together, local authority members:
  - a. represent all parts of the relevant police area;
  - b. represent the political makeup of the relevant local authorities (when taken together); and
  - c. have the skills, knowledge and experience necessary to discharge the panel's functions effectively.

- Therefore, to meet the balanced appointment objective as far as possible, and so achieve political balance, seats on the police and crime panel must be allocated in proportion to the total number of seats held by each political party across the entire police force area.
- The initial allocation of ten seats, plus the two co-opted members, is unlikely to achieve a balanced panel as authorities usually put forward a member of the controlling party. Therefore, the Panel has a duty to consider whether the appointment of additional co-optees would better achieve the balanced appointment objective and must appoint the appropriate number of co-optees to adjust the Panel to achieve political balance. The Secretary of State must approve the any additional co-options and additional councillor members can only be co-opted on to the Panel provided that there are two independent co-optee already on it.
- In co-opting both independent and councillor members, the panel must ensure that as far as reasonably practicable, the appointed and co-opted members, when taken together, have the skills, knowledge and experience necessary to discharge the functions of the panel effectively.

In May 2019, elections took place across the districts and boroughs and in Derby City, and the political balance of the Police and Crime Panel has been calculated against the election results. The outcome of the elections has had an impact on the overall political balance of the Panel across the county and the political groups were invited to nominate members to the Panel to meet the political balance requirements.

The appendices to this report set out the balanced appointment objective and the number of cooptees required to achieve the balanced appointment objective.

Each of the ten constituent authorities in Derbyshire has nominated a Panel for the new municipal year from its majority group and this has resulted in a panel of six Conservative Members and four Labour Members. This does not meet the balanced appointment directive as it is not a balanced Panel. Therefore, it is proposed that seven additional members be co-opted to achieve a more balanced Panel and better meet the objective;

- one Conservative
- three Labour
- two Liberal Democrats
- one Independent

The constituent councils and political groups have liaised together and the following six Councillors are proposed for co-option;

- Councillor Jonathan Swale, Derby City Council (Conservative)
- Councillor Paul Pegg, Derby City Council (Labour)
- Councillor Becki Woods, Derbyshire County Council (Labour)
- Councillor John Frudd, Erewash Borough Council (Labour)
- Councillor Paul Niblock, Chesterfield Borough Council (Liberal Democrat)
- Councillor Robert Mee, Erewash Borough Council (Liberal Democrat)

Two nominations have been received for co-option for the Independent seat;

- Councillor Deborah Watson – Bolsover District Council
- Councillor Mick Bagshaw – Chesterfield Borough Council

This will, therefore, necessitate a vote to determine which Independent Councillor is to be appointed to the Panel.

The Panel already has two co-opted independent non-Councillor members who were appointed in January 2017 for a four year term and so the Panel is able to resolve to appoint additional Councillor Members, subject to the approval of the Secretary of State.

### **3. Other considerations**

In preparing this report the relevance of the following factors has been considered: financial, legal prevention of crime and disorder, equality and diversity, human resources, environmental, health and transport considerations.

### **4. Background papers**

File held by the Director of Legal & Democratic Services specifies in this report to fulfil its duty regarding the balanced appointment objective.

### **5. Officer's Recommendation**

That the Panel co-opts seven additional Councillor Members as described in the report in order to fulfil its obligations regarding the balanced appointment objective.

**Janie Berry**  
**Director of Legal & Democratic Services**  
**Derbyshire County Council**

**Police and Crime Panel****Balanced Appointment Objective**

Political make-up of the 10 constituent local authorities (taken together)

Council	Cons.	Lab	Lib Dems	Ind	UKIP	Green	Total
Amber Valley	18	26	0	0	0	1	45
Bolsover	2	18	1	16	0		37
Chesterfield	0	28	17	3	0		48
Derby City	20	16	7	3	5		51
Derbyshire County	37	24	3	0	0		64
Derbyshire Dales	20	6	8	3	0	2	39
Erewash	27	19	1	0	0		47
NE Derbyshire	30	18	3	2	0		53
High Peak	16	22	3		0	2	43
South Derbyshire	22	14	0	0	0		36
<b>TOTAL</b>	<b>192</b>	<b>191</b>	<b>43</b>	<b>27</b>	<b>5</b>	<b>5</b>	<b>463</b>
<b>TOTAL % of seats</b>	<b>41.46%</b>	<b>41.25%</b>	<b>9.28%</b>	<b>5.83%</b>	<b>1.07%</b>	<b>1.07%</b>	

## Appendix Two

The table below shows the number of co-optees required to achieve the balanced appointment objective. Please note that the maximum number of political co-optees allowed is 7 (given there are 10 constituent members and 2 independent members, out of a maximum Panel size of 20):

Number of political co-optees.	Conservative	Labour	Lib Dem	Indpndnt	Total number of Councillors on Panel
<b>% of Total seats in Derbyshire</b>	<b>41.46%</b>	<b>41.25%</b>	<b>9.28%</b>	<b>5.83%</b>	
0	6	4	0		10
%	60%	40%	0%		
1	6	5	0		11
%	55%	45%	0%		
2	6	6	0		12
%	50%	50%	0%		
3	6	6	1		13
%	46%	46%	7.7%		
4	7	6	1		14
%	50%	43%	7%		
5	7	7	1		15
%	47%	47%	7%		
6	7	7	2		16
%	44%	44%	12%		
6	7	7	1	1	16
%	44%	44%	6%	6%	
7	7	7	2	1	17
%	41%	41%	12%	6%	

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Agenda Item 6

**MINUTES** of a meeting of the **DERBYSHIRE POLICE AND CRIME PANEL** held on 24 January 2019 at County Hall, Matlock.

**PRESENT**

Councillor C Hart (in the Chair)

Councillors C Dale (Derbyshire County Council), Chris Ludlow (Chesterfield Borough Council), H Elliott (Derbyshire County Council), J Frudd (Erewash Borough Council), G Hickton (Erewash Borough Council), B Jackson (Derby City Council) J McCabe (High Peak Borough Council), J Lilley (NE Derbyshire District Council), C Moesby (Bolsover District Council - substitute member), D Muller (South Derbyshire District Council) J Orton (Amber Valley Borough Council), P Pegg (Derby City Council), G Potter (Derby City Council), G Purdy (Derbyshire Dales District Council), and Dr S Handsley and V Newbury (Independent Members).

Derbyshire County Council officers also in attendance: J Berry, Director of Legal Services, P Handford (Director of Finance and ICT), E Wild (Legal Services) and I Walters (Democratic Services Officer).

P Goodman, Chief Constable, H Dhindsa, Police and Crime Commissioner, K Gillott, Deputy Police and Crime Commissioner D Peet, Chief Executive, Office of the Police and Crime Commissioner, Andrew Dale, Chief Finance Officer, Office of the Police and Crime Commissioner and S Allsop, Interim Director of Finance and Business Services, Derbyshire Constabulary.

Also in attendance was one member of the public

Apologies for absence were submitted on behalf of Councillors B Atkins (Derbyshire County Council) H Gilmour (Bolsover District Council)

**01/19      MINUTES   RESOLVED** that the Minutes of the meeting of the Derbyshire Police and Crime Panel held on 15 November 2018 be confirmed as a correct record and signed by the Chairman, subject to a reference being added to the request made by Councillor Lilley at the previous meeting that all venues for future meetings should have appropriate facilities for people with hearing impairments.

**02/19      PROPOSED PRECEPT 2019/20** Hardyal Dhindsa, Police and Crime Commissioner for Derbyshire, presented to the Panel his proposed precept for the forthcoming financial year in accordance with the duty under the Police Reform and Social Responsibility Act 2011. The Commissioner informed the Panel of his proposal to issue a precept increase of £24.00 per

year to the current Band D precept of £192.60, which would give a Band D precept for 2019/20 of £216.60.

The Commissioner, invited Peter Goodman, Chief Constable to provide members with an insight into what a precept increase of £24 would provide.

The Commissioner was questioned in detail by Panel members with regard to his proposed precept increase.

**RESOLVED** to approve the proposed precept for 2019/20 without qualification or comment.

**03/19      RENEWAL OF SUBSCRIPTION TO THE EAST MIDLANDS POLICE AND CRIME PANEL NETWORK** The Director of Legal Services, Derbyshire County Council, asked Members to consider the proposal to renew the subscription to the support network for East Midlands Police and Crime Panels for 2019/20.

In 2014 East Midlands Councils had supported Frontline Consulting in the establishment of an East Midlands Police and Crime Panel Network. The aim of the Network was to give representatives of the Panels the opportunity to link up on a regional basis with other Police and Crime Panels and explore issues of common interest, exchange information and share good practice.

In January 2014 the Panel had agreed to join the network at a cost of £500 and review its membership on an annual basis. Derbyshire Panel Members had benefited from the national conferences each year and the ability to share good practice. The consensus from subscribing members was that the Network was very helpful and useful with some participants noting particularly that Frontline Consulting's nationwide experience and knowledge of PCP's was very valuable.

Furthermore, due to the success of the East Midlands Network, there were plans for other regional networks to form and also a national Police and Crime Panel. Being part of the network would enable the Derbyshire PCP to contribute to these developments.

**RESOLVED** to approve that Derbyshire Police and Crime Panel renew its membership of the East Midlands Police and Crime Panel Network for 2019/20.

**04/19      FORTHCOMING EVENTS** No forthcoming events were reported.

**05/19      PROPOSED TIMETABLE OF MEETINGS 2018/19** It was proposed that the Police and Crime Panel timetable of meetings for the year 2019/20 as follows –

- Thursday 23 May 2019
- Thursday 4 July 2019
- Thursday 12 September 2019
- Thursday 21 November 2019
- Thursday 23 January 2020 – precept meeting
- Thursday 13 February 2020 - 2nd precept meeting (if veto exercised)
- Thursday 19 March 2020

Following a discussion amongst members with regards to venues for future meetings, Councillor Frudd proposed that future meetings should revert back to County Hall rather than being held at different venues across the County, this was duly seconded by Councillor Woods. Following a vote it was carried that all future meetings would be held in the Council Chamber at County Hall commencing at 10am. It was anticipated that the previously agreed visit by the Panel to Police Headquarters would still take place in July.

It was recognised that there needed to be a degree of flexibility with any work planning process and the Panel should note that it would be possible to vary the timetable throughout the year should pressing matters arise.

In addition to the above meetings, a principal role for the Panel would be to conduct confirmation hearings for the Police and Crime Commissioner's senior appointments. When notification of these appointments was made the Panel must review the senior appointment and make a report to the Police and Crime Commissioner within a period of three weeks.

**RESOLVED** to approve the timetable of meetings for 2019/20.

**06/19      DATE OF NEXT MEETING      RESOLVED** to note that the next meeting of the Derbyshire Police and Crime Panel would take place on Thursday 21 March 2019 at 10.00 am in the Council Chamber at County Hall, Matlock.

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**DERBYSHIRE POLICE AND CRIME PANEL****27 June 2019****Report to the Director of Legal & Democratic Services of Derbyshire  
County Council****RULES OF PROCEDURE and TERMS OF REFERENCE****1. Purpose of the Report**

To note the Rules of Procedure and Terms of Reference adopted by the Panel in 2013.

**2. Information and Analysis****Rules of Procedure**

The Police Reform and Social Responsibility Act 2011 states that a Police and Crime Panel must adopt rules of procedure. A panel's rules should include provisions about the appointment, resignation and removal of the chairman of the panel, the method of making decisions and the formation of sub-committees.

The Rules of Procedure attached at Appendix 1 are those adopted by the Panel in January 2013.

**Terms of Reference**

The Terms of Reference (Appendix 2) for the Panel outline the duties and powers given to the Panel by the Police Reform and Social Responsibility Act 2011. The terms of Reference attached at Appendix 2 were adopted by the Panel in 2013.

At the Panel meeting, on the 22<sup>nd</sup> of March 2018, the Panel indicated that it would be helpful to reconsider the Rules of Procedure and Terms of Reference in order to enable the Panel to consider and develop more

effective methods of scrutiny and to bring them to the attention of new Members to the Panel appointed following the local elections in May 2018.

**3. Other Considerations**

In preparing this report, the relevance of the following factors has been considered: financial, legal, prevention of crime and disorder, equality and diversity, human resources, environmental, health and transport considerations.

**4. Background Papers**

The file is currently held by the Director of Legal Services.

**5. Officer's Recommendation**

That the Committee notes the attached Rules of Procedure and Terms of Reference.

**Janie Berry**  
**Director of Legal & Democratic Services**

## **Appendix 1**

### **Derbyshire Police and Crime Panel Rules of Procedure**

#### **1. Chairman of the Police and Crime Panel**

- 1.1 The Chairman and Vice-Chairman of the Police and Crime Panel will be appointed by the Panel Members at the beginning of the municipal year.
- 1.2 The Chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman in the following municipal year.
- 1.3 In the event of the resignation or disqualification of the Chairman, a new Chairman will be appointed at the next meeting.

#### **2. Meetings of the Police and Crime Panel**

- 2.1 There shall be a minimum of four ordinary meetings of the Police and Crime Panel held in public in each municipal year to carry out the functions of the Panel. In addition, extraordinary meetings may be called from time to time.
- 2.2 An extraordinary meeting may be called by the Chairman, by four members of the Panel or by the Director of Legal Services of the host authority.

#### **3. Quorum**

- 3. A meeting of the Police and Crime Panel cannot take place unless at least one quarter the whole number of its members is present.

#### **4. Substitutes**

- 4. A nominated substitute will be appointed for each Councillor Member by their authority.

#### **5. Voting**

- 5.1 All Panel Members (or their nominated substitutes) may vote in proceedings of the Panel. Voting will be by show of hands and by simple majority unless otherwise required.
- 5.2 If there are equal numbers of votes for or against, the Chairman will have a second or casting vote. There will be no restriction on how the Chairman may choose to exercise a casting vote.

## **6. Disorderly Conduct**

6. The Chairman may, in the event of a disturbance interfering with the orderly despatch of business, adjourn or suspend a meeting for such period as the Chairman considers appropriate.

## **7. Work Programme**

- 7.1 The Police and Crime Panel will be responsible for setting its own work programme taking into account the priorities defined by the Police and Crime Commissioner.
- 7.2 The work programme must, as appropriate, reflect the responsibilities set out in the Terms of Reference for the Panel.

## **8. Agenda Items**

- 8.1 The agenda for a meeting of the Police and Crime Panel shall include consideration of any item requested by a member of the Panel, subject to the Director of Legal Services of the host authority receiving written notice at least 10 working days before the date of the meeting.
- 8.2 The Panel's agenda will be issued to Panel members at least five clear working days before the meeting (unless the Chairman is satisfied that there is good reason to consider an urgent item). It will also be published on the host authority's website and by sending copies to each of the authorities and by any other means the Panel considers appropriate.

## **9. Notice of Meetings**

- 9.1 Ordinary meetings will take place in accordance with a programme decided by the Panel, and will start at the time decided by the Panel.
- 9.2 Members of the Police and Crime Panel will be given at least 5 clear working days' notice of a meeting of the Panel (unless the Chairman is satisfied that there is good reason to hold an urgent meeting).

## **10. Reports from the Police and Crime Panel**

- 10.1 Where the Police and Crime Panel makes a report to the Police and Crime Commissioner, it will publish the report or recommendations.
- 10.2 The Police and Crime Commissioner (within such timescale as the Panel may determine) must:
  - (a) consider the report or recommendations;
  - (b) respond to the Police and Crime Panel indicating what (if any) action the Police and Crime Commissioner proposes to take; and
  - (c) publish the response.
- 10.3 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).

- 10.4 If the Police and Crime Panel cannot unanimously agree on one single final report to the Police and Crime Commissioner then one separate report may be prepared and submitted for consideration along with the majority report.

## **11. Police and Crime Commissioner and Officers Giving Account**

- 11.1 The Police and Crime Panel may scrutinise and review decisions made or actions taken in connection with the Police and Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role it may require the Police and Crime Commissioner, and members of the Commissioner's staff, to attend before the Panel (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.
- 11.2 Where the Police and Crime Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under this provision the Chairman will inform them in writing giving, where practical, 15 days' notice of the meeting. The notice will state the nature of the item in respect of which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 11.3 Where, in exceptional circumstances, the Police and Crime Commissioner is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chairman of the Panel.
- 11.4 If the Police and Crime Panel requires the Police and Crime Commissioner to attend before the Panel, the Panel may (at reasonable notice) request the Chief Constable to attend before the Panel on the same occasion to answer any questions which appear to the Panel to be necessary in order for it to carry out its functions.

## **12 Attendance by Others**

The Police and Crime 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.

## **13 Sub-Committees and Task Groups**

- 13.1 Time limited task groups may be established from time to time by the Police and Crime Panel to undertake specific task based work.
- 13.2 The special functions of the Police and Crime Panel may not be discharged by a sub-committee of the Panel or a task group.<sup>4</sup>
- 13.3 'Special functions' means the functions conferred on a Police and Crime Panel by

- (a) Section 28(3) of the Police Reform and Social Responsibility Act 2011 (scrutiny of police and crime plan).
  - (b) Section 28(4) of the Police Reform and Social Responsibility Act 2011 (scrutiny of annual report).
  - (c) Paragraphs 10 and 11 of Schedule 1 of the Police Reform and Social Responsibility Act 2011 (review of senior appointments).
  - (d) Schedule 5 of the Police Reform and Social Responsibility Act 2011 (issuing precepts).
  - (e) Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act 2011 (scrutiny of appointment of the Chief Constable).
- 13.4 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.

#### **14.1 Carrying Out 'Special Functions'**

[N.B. The procedure in relation to the making of reports and recommendations is set out in paragraph 10 above.]

##### **14.1 Police and Crime Plan**

- 14.1.1 Before issuing or varying a police and crime plan, the Police and Crime Commissioner must send a draft of the plan or variation to the Police and Crime Panel.
- 14.1.2 The Panel must review the draft police and crime plan or draft variation and make a report or recommendations.
- 14.1.3 The Commissioner must have regard to any report or recommendations made by the Panel in relation to the draft plan or variation.
- 14.1.4 The Commissioner must give the Panel a response to any such report or recommendations and publish any such response.

#### **14.2 Annual Report**

- 14.2.1 The Police and Crime Commissioner must produce a report (annual report) on the exercise of the body's functions in each financial year and the progress which has been made in the financial year in meeting the police and crime objectives in the police and crime plan.<sup>5</sup>
- 14.2.2 The Panel must arrange for a public meeting of the Panel to be held as soon as practicable after the Panel is sent an annual report from the Commissioner's office.
- 14.2.3 The Police and Crime Commissioner must attend before the Panel at a public meeting arranged by the Panel to present the report and answer the Panel's questions on the report.
- 14.2.4 The Panel is to review the annual report and make a report or recommendations on the annual report to the Commissioner.
- 14.2.5 The Commissioner must give the Panel a response to any report or recommendations on the annual report and publish any such response.

#### **14.3 Senior appointments**

- 14.3.1 The Panel is required by the Police Reform and Social Responsibility Act 2011 to review the Police and Crime Commissioner's proposed appointments of the Chief Constable, the Chief Executive, the Chief Finance Officer and the Deputy Police and Crime Commissioner. The Panel is required to hold confirmation hearings in public in relation to these posts.
- 14.3.2 The Panel will be notified by the Police and Crime Commissioner of the need for a confirmation hearing in respect of proposed senior appointments. The Panel must review the proposed senior appointment, make a report and include a recommendation as to whether or not the candidate should be appointed.
- 14.3.3 The Panel is required to report on senior appointments within a period of three weeks, beginning with the day on which the Panel receives the notification from the Commissioner of the proposed senior appointment.
- 14.3.4 In calculating the period of three weeks any relevant post-election period is ignored. This begins with the day of the poll at an ordinary election of the Police and Crime Commissioner and ends with the day on which the person elected as Commissioner delivers a declaration of acceptance of office.
- 14.3.5 Confirmation hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.

#### **14.4 Appointment of Chief Constable**

- 14.4.1 For a confirmation hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel has the requirement to publish the report and make a recommendation on the appointment and the power to veto the appointment.
- 14.4.2 Having considered the appointment, the Panel will be asked to either:-6
  - (a) support the appointment without qualification or comment;
  - (b) support the appointment with associated recommendations; or
  - (c) veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).
- 14.4.3 If the Panel vetoes the appointment of the candidate, the report to the Commissioner must include a statement that the Panel has vetoed the appointment with reasons.
- 14.4.4 Where the Panel exercises the power to veto the proposed appointment, the Commissioner shall propose another person for appointment as Chief Constable (a reserve candidate).
- 14.4.5 The Commissioner proposes a reserve candidate by notifying the Panel of the following information:
  - (a) the name of the reserve candidate;
  - (b) the criteria used to assess the suitability of the reserve candidate for the appointment;
  - (c) why the reserve candidate satisfies those criteria; and
  - (d) the terms of conditions on which the reserve candidate would be appointed.

- 14.4.6 Within the period of three weeks, beginning on the day on which the Panel receives notification of the proposal of the reserve candidate, the Panel shall:
- (a) review the proposed appointment; and
  - (b) make a report to the Police and Crime Commissioner on the proposed appointment.
- The report must include a recommendation to the Commissioner on whether or not the reserve candidate should be appointed.
- 14.4.7 The Commissioner should have regard for the report detailed at 14.4.6(b), and notify the Panel of his decision as to whether he accepts or rejects the recommendation.
- 14.4.8 The Police and Crime Commissioner may then appoint the reserve candidate as Chief Constable or propose another person for appointment as Chief Constable (who would then be treated as a reserve candidate as at 14.4.6).

#### **14.5 Suspension and removal of the Chief Constable**

- 14.5.1 If the Police and Crime Commissioner suspends the Chief Constable the Panel must be notified.
- 14.5.2 The Panel must be given written notification if the Commissioner is proposing to call upon the Chief Constable to retire or resign. In addition, the Panel must be provided with a copy of the reasons given to the Chief Constable for the proposal.
- 14.5.3 The Panel will consider any representations made by the Chief Constable as soon as practicable after the Commissioner has provided the Panel with them.
- 14.5.4 The Panel must make recommendation to the Police and Crime Commissioner as to whether or not the Commissioner should call for retirement or resignation.
- 14.5.5 The recommendation must be given to the Police and Crime Commissioner in writing before the end of the period of six weeks beginning with the day on which the Panel receives the written notification of the Commissioner's proposal.
- 14.5.6 In calculating the period of six weeks any relevant post-election period is ignored. This begins with the day of the poll at an ordinary election of the Police and Crime Commissioner and ends with the day on which the person elected as Commissioner delivers a declaration of acceptance of office.
- 14.5.7 Before making the recommendation, the Panel may consult with the Chief Inspector of Constabulary and must hold a scrutiny hearing in private. The Police and Crime Commissioner and the Chief Constable are both entitled to attend.
- 14.5.8 The recommendation must be published and the Police and Crime Commissioner must consider the recommendation and notify the Panel as to whether or not it has been accepted.

#### **14.6 Appointment of an Acting Police and Crime Commissioner**

- 14.6.1 The Police and Crime Panel must appoint a person to act as Police and Crime Commissioner if:
- (a) no person holds the office of Police and Crime Commissioner;

- (b) the Police and Crime Commissioner is incapacitated; or
  - (c) the Police and Crime Commissioner is suspended.<sup>8</sup>
- 14.6.2 The Police and Crime Panel may appoint a person as Acting Commissioner only if the person is a member of the Police and Crime Commissioner's staff at the time of the appointment.
- 14.6.3 In appointing a person as Acting Commissioner in a case where the Police and Crime Commissioner is incapacitated, the Police and Crime Panel must have regard to any representations made by the Commissioner in relation to the appointment.
- 14.6.4 The appointment of an Acting Commissioner ceases to have effect upon the occurrence of the earliest of these events:
- (a) the election of a person as Police and Crime Commissioner;
  - (b) the termination by the Police and Crime Panel, or by the Acting Commissioner, of the appointment of the Acting Commissioner;
  - (c) in a case where the Acting Commissioner is appointed because the Police and Crime Commissioner is incapacitated, the Commissioner ceasing to be incapacitated; or
  - (d) in a case where the Acting Commissioner is appointed because the Police and Crime Commissioner is suspended, the Commissioner ceasing to be suspended.

#### **14.7 Proposed precept**

- 14.7.1 The Police and Crime Commissioner will notify the Police and Crime Panel by 1<sup>st</sup> February of the relevant financial year of the precept which the Commissioner is proposing to issue for the financial year. The Panel must review the proposed precept by 8<sup>th</sup> February of the relevant financial year and make a report including recommendations.
- 14.7.2 Having considered the precept, the Police and Crime Panel will either:
- (a) support the precept without qualification or comment;
  - (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 Panel at the time when the decision is made).
- 14.7.3 If the Panel vetoes the proposed precept, the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept with reasons. The Panel will require a response to the report and any such recommendations.
- 14.7.4 Where the Panel exercises the power of veto, the Police and Crime Commissioner shall, by 15<sup>th</sup> February of the relevant financial year, notify the Police and Crime Panel of the precept he/she now proposes to issue subject to the following:
- (a) where the Panel report indicates that the Panel vetoes the proposed precept because it is too high, the revised precept shall be lower than the proposed precept;

- (b) where the Panel report indicates that the Panel vetoes the proposed precept because it is too low, the revised precept shall be higher than the proposed precept.
- 14.7.5 On receiving a response containing notification of a revised precept under the regulation the Panel shall, by 22 February of the relevant financial year:
  - (a) review the revised precept; and
  - (b) make a report (second report) to the Commissioner on the revised precept.
- 14.7.6 The Commissioner shall, by 1<sup>st</sup> March of the relevant financial year, have regard to the second report, give the Panel a response and publish the response.
- 14.7.7 The Commissioner may then issue the revised precept for the financial year or issue a different precept still subject to the requirements noted at 14.7.4.

## **14.8 Complaints**

- 14.8.1 The Police and Crime Panel will establish and maintain arrangements for the consideration of complaints against the Police and Crime Commissioner and his/her Deputy in accordance with The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
- 14.9 Suspension of the Police and Crime Commissioner
  - 14.9.1 The Police and Crime Panel may suspend the Police and Crime Commissioner if it appears to the Panel that:
    - (a) the Commissioner has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
    - (b) the offence is one which carries a maximum term of imprisonment exceeding two years.
  - 14.9.2 The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of these events:
    - (a) the charge being dropped;
    - (b) the Police and Crime Commissioner being acquitted of the offence;10
    - (c) the Police and Crime Commissioner being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act 2011 by virtue of the conviction; or
    - (d) the termination of the suspension by the Police and Crime Panel.
  - 14.9.3 In this paragraph 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.

## **15. Interpretation**

The ruling of the Chairman as to the application and meaning of any of these Procedure Rules shall not be challenged at any meeting of the Panel.

**Derbyshire Police and Crime Panel**

**Terms of Reference**

1. To review the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner. The Panel must make a report or recommendations on the draft plan or variation to the Commissioner.
2. To review the annual report and make a report or recommendations on the report to the Commissioner. The Panel is to arrange a public meeting at which they ask the Commissioner questions, as appropriate, on the annual report.
3. To hold a confirmation hearing and review, make a report, and recommendation in respect of proposed senior appointments made by the Police and Crime Commissioner. This includes:-
  - (a) the Commissioner's Chief Executive;
  - (b) the Commissioner's Chief Finance Officer;
  - (c) a Deputy Police and Crime Commissioner; and
  - (d) the Chief Constable.The Panel has the power to veto the appointment of the Chief Constable.
4. To review and make a report and recommendations (as necessary) on the proposed precept. The Panel has the power to veto the proposed precept.
5. To review or scrutinise decisions made, or other action taken, by the Police and Crime Commissioner in connection with the discharge of the Commissioner's functions.
6. To make reports or recommendations to the Police and Crime Commissioner with respect to the discharge of the Commissioner's functions.
7. To support the effective exercise of the functions of the Police and Crime Commissioner.
8. To fulfil functions in relation to complaints about conduct matters, in accordance with the responsibilities accorded to the Panel by the Police Reform and Social Responsibility Act 2011 (the Act).
9. To appoint an Acting Police and Crime Commissioner if necessary.
10. To suspend the Police and Crime Commissioner if it appears to the Panel that the Commissioner has been charged with a relevant offence (as defined by the Act).
11. To exercise any other functions delegated to the Police and Crime Panel under the Act, as required.

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**POLICE AND CRIME PANEL****27th June 2019****REPORT OF THE POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE****Update on Police & Fire Collaboration****1. PURPOSE OF THE REPORT**

- 1.1 To provide the Police and Crime Panel with an update on collaboration activity between Derbyshire Constabulary and Derbyshire Fire and Rescue Service

**2. BACKGROUND**

- 2.1 My predecessor, Alan Charles, and I have both recognised the value in a close working relationship between all of the 'blue light services'.
- 2.2 Because of the footprints of both the Police and Fire Service being coterminous it has been easier to progress joint working between these two services than with the Ambulance Service who, through EMAS, cover the whole of the East Midlands region.
- 2.3 This natural fit between services has also been recognised by Government who include a raft of enabling legislation to support collaboration within the Policing and Crime Act 2017.
- 2.4 Part of this enabling legislation has included the local Police and Crime Commissioner taking over the governance of the local Fire and Rescue Service, replacing the local Fire Authority.
- 2.5 Other models are also permitted, including a merger under a single employer.
- 2.6 Business cases for any proposed alignment need to be submitted to the Secretary of State for their approval, and will often look to find local agreement to support the proposal (though this is not always the case).
- 2.7 As PCC I have been very clear, both in my election manifesto in 2016, and in my Police and Crime Plan 2016-21 that I have no interest, or ambition, to replace the Fire Authority as I believe the two services can work closely together without the need for this governance change. This belief has not changed.

**3.0 JOINT HQ**

- 3.1 When Alan Charles was Police and Crime Commissioner he, and the Chief Constable, were approached by Derbyshire Fire and Rescue Service to see if there was scope for the two services to work together.

## Agenda Item 8

- 3.2 Both the Police and Fire Services needed to undertake modernisation work on their headquarters sites to make the facilities fit for purpose.
- 3.3 Through negotiations between the two services, and their respective governance bodies, it was agreed that there was potential to develop a joint HQ site at the Force's Butterley Hall site in Ripley. Papers were produced, and published, outlining the business cases and it was agreed to collaborate on a joint site at Ripley.
- 3.4 Whilst the police service has the ability through section 22A of The Police Act 1996 (as amended) to enter into a collaboration agreement, this type of agreement was not an option open to a collaboration between policing and fire.
- 3.5 Following extensive research, discussion and external advice on a variety of different approaches to deliver a collaboration, the use of a Limited Liability Partnership (LLP) as the vehicle to deliver a joint HQ building was agreed as the best way forward and the DPFP LLP was established.
- 3.6 The LLP has two members – the Police and Crime Commissioner for Derbyshire and the Chair of the Derbyshire Fire and Rescue Authority. Business of the Board is undertaken by a small group of senior officers including the Chief Constable, Chief Fire Officer, the PCC and Joint Police/Fire CFO, the PCC's Chief Executive Officer and the Joint Head of Estates.
- 3.7 The LLP owns the building and leases space to the Police and Fire Services. In accordance with legislative requirements the LLP must work to make an annual profit and those profits are then shared between the members, based on each organisation's share of the lease.

### **4.0 JOINT TRAINING CENTRE (JTC)**

- 4.1 Building upon the success of the HQ build project, it was decided that the need for new training facilities for both blue light services would be best delivered through a jointly designed training facility on the Butterley Hall campus.
- 4.2 The ability to deliver this was greatly eased by the ability to deliver this project through the LLP.
- 4.3 The resulting training facility offers state of the art facilities to the two individual services, but also promotes joint training opportunities, further strengthening the relationship between the two services.
- 4.4 This facility is pretty unique in the UK and has attracted a great deal of interest from other police and fire services from around the country.
- 4.5 The use of the LLP as a vehicle to deliver collaborative working has also been of interest to a number of services who may also have a PCC who is not interested in taking over fire governance but who wants to promote collaboration.
- 4.6 In July 2019 Her Royal Highness The Princess Royal will undertake an official visit to learn about collaboration in Derbyshire and see the shared resources.

## **5.0 NON LLP ARRANGEMENTS**

- 5.1 Not all areas where the Police and Fire Services are sharing estate/buildings are delivered through the LLP. In some areas, such as Ashbourne, the Force are using available space within existing Fire estate to house Safer Neighbourhood Teams.
- 5.2 In total seventeen potential sites across the County are being looked at for this type of co-location.
- 5.2 These smaller scale projects allow both services to maximise upon the opportunities afforded by the estate both services own up and down the County.

## **6.0 COLLABORATION IS MORE THAN SHARED BUILDINGS**

- 6.1 Whilst the development of shared estate had been the initial driver to collaboration, it had never been the intention to simply share a building.
- 6.2 The design of the layout of the HQ build has allowed those engaged in similar areas of work, such as finance or HR to be located in similar parts of the building promoting greater inter agency working.
- 6.3 When an opportunity for a Joint Head of Estates arose, both the Police and Fire services agreed that this is a model that should be trialled to see if it was able to deliver efficiencies whilst maintaining the quality of service to both parties. This pilot was a success and agreement to make this a permanent arrangement was reached between both services.
- 6.4 More recently a pilot was started to see if a joint Chief Finance Officer role would be able to align strategic finance across the two organisations. A formal report on the effectiveness of this pilot will go to the Fire Authority in due course to potentially approve the model (subject to its evaluation).
- 6.5 Work on further joint/shared roles and functions continues between the Force and Fire chief officer teams. (The OPCC is represented within these strategic meetings.)
- 6.4 Discussions also take place between me and the Chair of the Fire Authority.

## **7.0 THE FUTURE**

- 7.1 Work to explore further joint working opportunities and co-locations continue.
- 7.2 Plans have been submitted for development of the Fire Service's site at Ascot Drive in Derby to house a number of policing functions, replacing an existing Force site at Cotton Lane.
- 7.3 As stated at 3.4 of this report, the use of a s.22A agreement to underpin collaboration was not an option as this was limited to policing collaborations. However, under section 1 of the Policing and Crime Act 2017, similar arrangements for collaboration between police, fire and/or ambulance services can be defined.

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- 7.4 Work is currently underway to develop a s.1 agreement to define what the intentions for collaboration are, and importantly, what they are not.
- 7.5 Whilst it is difficult to put a value on the savings made through co-location and closer working, it is a matter of record that the joint programmes delivered through the LLP arrangement have delivered significant savings and improved value for money compared to the costs of delivering similar projects as a lone agency.
- 7.6 Whilst financial savings are, of course, welcomed and needed in this time of austerity, the primary driver for this work has been, and remains, a genuine desire from both services to work more effectively and efficiently. Co-location is part of this but so is aligning workstreams and processes to allow each service to maximise on potential economies of scale and co-commissioned services.
- 7.7 As a result of this shared vision for the future, both the Chief Constable and Chief Fire Officer have agreed that their organisations are preferred partners when it comes to collaboration. An example of this would be the 'Safer Together' campaign.
- 7.8 Anecdotally I have been made aware of a number of occasions where frontline staff from both services have developed new and innovative ways of working together due to knowing each other and learning about each other's business.
- 7.5 As PCC I remain committed to collaborative working but also do not see the need for a governance takeover in order to deliver greater efficiencies and effectiveness from these two emergency services, ensuring that the people are Derbyshire are kept safe.

### **8.0 RECOMMENDATIONS**

- i. That the Police and Crime Panel gain assurance that the PCC is fulfilling his statutory duty to collaborate
- ii. That the Police and Crime Panel visit the Joint HQ and Joint Training Centre to see the collaborative work between the two blue light services in action

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