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Northamptonshire Police, Fire & Crime Panel Rules of Procedure

1. General

- 1.1 These Rules of Procedure ('the Rules') are made by the Northamptonshire Police, Fire & Crime Panel ('the Panel') in accordance with the Police Reform & Social Responsibility Act 2011 ('the Act') Schedule 6 Part 4 Paragraph 25.
- 1.2 The Rules also take account of the Police, Fire & Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018 ('the Order'), which came into effect on 1 January 2019. Under this Order, the Police, Fire & Crime Commissioner for Northamptonshire was created as the fire and rescue authority for the administrative county of Northamptonshire under section 4A of the Fire and Rescue Services Act 2004.
- 1.3 The Panel will be conducted in accordance with the Rules. The Rules should be read having regard to the Panel Arrangements for the Panel.
- 1.4 If there is any conflict in interpretation between these Rules and the Act or Regulations made under the Act or the Order, the Act and Regulations or Order will prevail.

2. Chair and Deputy Chair of the Police, Fire & Crime Panel

- 2.1 The Chair and Deputy Chair of the Panel shall be elected annually by the Panel from amongst its members at the first Panel meeting in each municipal year.
- 2.2 All members of the Panel are eligible to be nominated as the Chair.
- 2.3 All members of the Panel, with the exception of any councillor representing the same local authority as a councillor who has been appointed as the Chair, are eligible to be nominated as the Deputy Chair.
- 2.4 When the appointment of a Chair or Deputy Chair needs to be made the Panel's Secretariat will inform Panel members of candidates according to the following process:
 - (a) The Secretariat will send out an email to all Panel members confirming the current membership of the Panel, advising members of the need to appoint a Chair and/or Deputy Chair, and inviting any members intending to seek nomination to these positions to confirm this to the Secretariat by a specified time.

- (b) Any members intending to seek nomination should confirm this to the Secretariat by email and include with their confirmation a short statement about their interest in, and suitability for the position.
 - (c) The Secretariat will collate any such confirmations and statements received and circulate them to all Panel members ahead of the Panel meeting that is due to appoint a Chair and/or Deputy Chair.
 - (d) The members intending to seek nomination will be responsible for arranging a proposer and seconder to present their nomination at the Panel meeting due to make the appointment.
 - (e) At the Panel meeting due to make the appointment at the relevant point in the agenda the person presiding at the meeting will invite nominations. Panel members may then propose and second candidates. A member who has not given advance notice of their intention to seek nomination may still be nominated.
- 2.5 In the event that the Chair is absent from a Panel meeting the Deputy Chair will preside. In the event that both the Chair and Deputy Chair are absent from a Panel meeting the Panel will appoint a chair for the purposes of that meeting from amongst the members present.
- 2.6 The Chair shall preside over meetings of the Panel so that its business can be carried out efficiently and with regard to the interests of the community.
- 2.7 The person presiding at a Panel meeting may exercise any power or duty of the Chair at that meeting.
- 2.8 The ruling of the Chair on any matter relating to the Rules of Procedure is final.
- 2.9 The Chair / Deputy Chair may resign from their respective role by giving notice to the Monitoring Officer at the host authority.
- 2.10 The Panel may decide to remove the Chair or Deputy Chair from their respective role if a simple majority of the persons who are members of the Panel at the time when the decision is made vote in favour of making that decision at any time, and on doing so shall give written notice to the Chair or Deputy Chair.
- 2.11 In the event of the resignation or removal of the Chair or Deputy Chair the Panel shall appoint a new Chair or Deputy Chair at its next meeting.
- 2.12 When an appointment to the role of Chair or Deputy Chair needs to be made the person presiding at the Panel meeting will invite nominations from those members present. A vote will then be taken in accordance with Section 5 of these Rules.

3. Meetings of the Police, Fire & Crime Panel

- 3.1 The Panel will hold a minimum of 4 ordinary meetings in a municipal year to carry out its functions.
- 3.2 Extraordinary meetings may also be called from time to time. An extraordinary meeting may be called by:
 - The Panel Chair
 - Any 4 Panel members by giving notice in writing to the Chair and the Monitoring Officer at the host authority.
 - The Monitoring Officer at the host authority.
- 3.3 The Panel shall have the power to determine the location and time of its meetings.

4. Quorum

- 4.1 The quorum for Panel meetings will be 5 members.
- 4.2 During any Panel meeting if the Chair counts the number of members present and declares that there is not a quorum present then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chair. If the Chair does not fix a date, remaining business will be considered at the next ordinary Panel meeting.

5. Voting

- 5.1 Any matter before the Panel will be decided by a simple majority of the Panel members present in the room and voting at the time when the question is put; unless the Act, regulations made under it, or these Rules require otherwise.
- 5.2 The Chair shall take a vote by show of hands or, if there is no dissent, by the affirmation of the meeting.
- 5.3 Where any Panel member requests it immediately after the vote is taken their vote will be recorded in the minutes to show whether they voted for or against the question or abstained from voting.
- 5.4 If there are an equal number of votes for and against the question the Chair shall have a second or casting vote.
- 5.5 If there are more than two people nominated for any position to be filled by the Panel (including the Chair and Deputy Chair) and there is not a clear majority of votes in favour of one person then the name of the person with the least number of votes will be taken off the list and a new vote taken. This process will continue until there is a clear majority of votes for one person.

6. Substitution

- 6.1 Notice that a substitute councillor member of the Panel will attend a Panel meeting should wherever possible be given to the Monitoring Officer at the host authority no later than 1 working day before the date of the Panel meeting in question. However, substitutions may take place up until the time a Panel meeting commences provided written confirmation is given.
- 6.2 A substitute councillor member of the Panel may attend a Panel meeting in that capacity only:
- (a) to take the place of an absent ordinary councillor member; and
 - (b) where the councillor member being substituted will be absent for the whole of the Panel meeting.
- 6.3 Provided that the above conditions have been satisfied the substitute councillor member shall for the duration of the Panel meeting in question retain the right to participate as an ordinary councillor member, and may not be replaced by the councillor member (“the original member”) for whom they are substituting.
- 6.4 However, if the original member who is to be substituted is present at the start of the Panel meeting in question then the substitution shall not have effect for that meeting, so that the substitute councillor member may not speak and/or vote in the capacity of an ordinary councillor member of the Panel.
- 6.5 Where the original member is not present at the start of the Panel meeting at which the substitute councillor member is present, but arrives late, the original member may not speak and/or vote at that meeting as a member of the Panel.

7. Declarations of Interest at Meetings

- 7.1 Councillor members of the Panel shall be subject to the requirements of their respective local authority’s Code of Conduct when carrying out the business of the Police, Fire & Crime Panel and should declare any Disclosable Pecuniary Interest or non-statutory interest that arises in any business of the Panel accordingly.
- 7.2 Independent co-opted members of the Panel shall be subject to the requirements of the host authority’s Code of Conduct and should declare any Disclosable Pecuniary Interest or non-statutory interest that arises in any business of the Panel accordingly.

8. Agenda Items

- 8.1 Any Panel member shall be entitled to give notice to the Monitoring Officer of the host authority that he / she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available Panel meeting. Any such notice must be received no later than 10 working days before the date of the next Panel meeting.

9. Work programme

9.1 The Panel will be responsible for setting its own work programme, taking into account the requirement to undertake effectively its responsibilities and functions as set out in the Act and regulations made under it. In setting its work programme the Panel will also take account of:

- (a) the priorities and wishes of Panel members
- (b) the priorities defined by the Police, Fire & Crime Commissioner.

10. Formation of sub committees and task-and-finish groups

10.1 The Panel may establish sub committees or task-and-finish groups to undertake specific task-based work, subject to Rule 10.2 below.

10.2 The “special functions” of the Panel may not be discharged by a sub committee or task-and-finish group of the Panel. In this paragraph “special functions” means the functions conferred on a Panel by the following sections of the Act:

- (a) Section 28(3) (scrutiny of Police & Crime Plan and Fire & Rescue Plan)
- (b) Section 28(4) (scrutiny of the Annual Report and Fire & Rescue Statement)
- (c) Paragraphs 10-11 of Schedule 1 (scrutiny of senior appointments)
- (d) Schedule 5 (issuing precepts)
- (e) Part 1 of Schedule 8 (scrutiny of appointment of chief constables)

10.3 The work to be undertaken by a sub committee or task-and-finish group of the Panel 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.

11. Reports from the Police, Fire & Crime Panel

11.1 Where the Panel makes a report or recommendations to the Police, Fire & Crime Commissioner it will publish the report or recommendations on its web page and send copies to the Chief Executive of each constituent authority. The Panel may also use any other means of publication it considers appropriate and practical.

11.2 The Panel will by notice in writing require the Police, Fire & Crime Commissioner, as appropriate, within one month of the date on which the Commissioner receives the report or recommendations to:

- (a) Consider the report or recommendations
- (b) Respond to the Police, Fire & Crime Panel indicating what (if any) action the Police, Fire & Crime Commissioner proposes to take
- (c) Where the Police, Fire & Crime Panel has published the report or recommendations, publish the response
- (d) Where the Police, Fire & Crime Panel has provided a copy of the report or recommendations to a member, provide a copy of the response to the member.

- 11.3 The publication of reports or recommendations is subject to the exclusion of any confidential or exempt information as defined in the rules on access to information in the Local Government Act 1972 (as amended).
- 11.4 If the Panel cannot unanimously agree on one single final report to the Police, Fire & Crime Commissioner then one separate minority report may be prepared and submitted to the Commissioner for consideration along with the majority report.

12. Police, Fire & Crime Commissioner and Officers giving account

- 12.1 The Panel may scrutinise and review decisions made or actions taken in connection with the Police, Fire & Crime Commissioner's role. As well as reviewing documentation, in fulfilling its scrutiny role the Panel may require the Police, Fire & Crime Commissioner, and members of the Commissioner's staff, to attend before it (at reasonable notice) to answer any questions which appear to the Panel to be necessary in order to carry out its functions.
- 12.2 Where the Police, Fire & Crime Commissioner, or a member of the Commissioner's staff, is required to attend the Panel under Rule 12.1, the Panel's Secretariat will inform him/her in writing giving, where practical, at least 15 days' notice of the meeting. The notice will state the nature of the item in respect of which attendance to give account is required, 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.
- 12.3 Where, in exceptional circumstances, the Police, Fire & Crime Commissioner or, as appropriate, the member of his/her staff concerned, is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chair of the Panel.
- 12.4 If the Panel requires the Police, Fire & Crime Commissioner to attend before it, the Panel may (at reasonable notice) also request the Chief Constable and/or the Chief Fire Officer to attend before it 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.

13. Attendance by Others

- 13.1 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 and councillors and officers in other parts of the public sector and may invite such people to attend.

14. Rules of Debate

- 14.1 Debate at Panel meetings should be conducted in a manner that supports effective delivery of the responsibilities and functions of the Panel and that its business is carried out efficiently and with regard to the interests of the community.

- 14.2 When the Chair speaks during a debate any Panel member speaking at the time should stop and the meeting should be silent.
- 14.3 If a Panel member persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair may move that the Panel member be not heard further. If seconded, the motion will be voted on without discussion.
- 14.4 If a Panel member who is subject to a motion under Rule 14.3 continues to behave improperly after such a motion is carried, the Chair may move that either the Panel member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.
- 14.5 If there is a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as he/she thinks necessary.
- 14.6 Point of Order: A Panel member may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these Rules of Procedure or the law. The Panel member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the Chair on the matter will be final.
- 14.7 Point of Personal Explanation: A Panel member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Panel member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.
- 14.8 If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair will order their removal from the meeting room.
- 14.9 If there is a general disturbance in any part of the meeting room open to the public, the Chair may call for that part to be cleared.

15. Questions and Addresses by the Public

- 15.1 Members of the public with the permission of the Chair may ask a question or make an address at a Panel meeting on an item on the public part of the agenda.
- 15.2 Questions will be asked and addresses given in the order that notice of them was received, except that the Chair may group together similar questions or addresses.
- 15.3 A question may only be asked or an address given if notice has been given by delivering it in writing or by electronic mail to the Monitoring Officer of the host authority no later than noon 2 working days before the Panel meeting. Each notice of a question must give the name and address of the questioner and must name the person to whom it is to be put, and the nature of the question to

be asked. Each notice of an address must give the name and address of the persons who will address the meeting and the purpose of the address.

15.4 The Chair may reject a question or address if it:

- (a) Is not about a matter for which the Panel has a responsibility or which affects Northamptonshire;
- (b) Is defamatory, frivolous, offensive or vexatious;
- (c) Is substantially the same as a question which has been put or an address made by some other person at the same meeting of the Panel or at another meeting of the Panel in the past 6 months; or
- (d) Requires the disclosure of confidential or exempt information.

15.5 At the Panel meeting the Chair will invite the questioner to put the question to the person named in the notice. Alternatively, the Chair will invite an address to the Panel for a period not exceeding three minutes. Every question must be put and answered without discussion but the person to whom the question has been put may decline to answer it or deal with it by a written answer. Every address must be made without discussion.

16. Access to Information

16.1 The host authority will give at least 5 working days' notice of any Panel meeting by posting details of the meeting at the office of the host authority and on the Panel's web page.

16.2 Agendas and such reports as are available will be issued to Panel members at least 5 working days before a Panel meeting. Agendas and such reports as are available will also be published on the Panel's web page and will be made available for inspection at the office of the host authority.

16.3 If, in exceptional circumstances, an item is added to an agenda later than 5 working days before a meeting, the revised agenda and any report relating to the item will be made available for inspection from the time the item is added to the agenda.

16.4 Members of the public may attend Panel meetings subject to the exceptions set out in Rules below.

16.5 The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed. Confidential information means information provided by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

16.6 The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information as defined by Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

16.7 If the Monitoring Officer of the host authority thinks fit the public may be excluded from access to reports that, in the Monitoring Officer's opinion, relate to items during which the meeting is likely not to be open to the public. Such reports will be marked "not for publication" together with the category of information likely to be disclosed.

17. Carrying out 'Special Functions'

Scrutiny of Proposed Precepts

17.1 The Police, Fire & Crime Commissioner shall notify the Panel of the Police precept and the Fire & Rescue precept ('the proposed precepts') that the Commissioner is proposing to issue for the financial year by 1st February of the relevant financial year.

17.2 The Panel must review the proposed precepts and make reports including recommendations on them to the Commissioner by 8th February of the relevant financial year. The Panel will require a response to these reports and any such recommendations.

17.3 Having reviewed a proposed precept the Panel may:

- (a) Support a precept without qualification or comment
- (b) Support a precept and make recommendations on it
- (c) Veto a proposed precept, provided that the Panel makes that decision by the required majority of at least two-thirds of the people who are members of the Panel at the time when the decision is made.

17.4 If the Panel vetoes a proposed precept, the report to the Commissioner must include a statement that the Panel has vetoed the proposed precept and set out its reasons for doing so.

17.5 In the event of a veto, the Commissioner shall notify the Panel of the precept that the Commissioner now proposes to issue ('the revised precept') by 15th February of the relevant financial year.

17.6 On receiving notification of a revised precept the Panel shall, by 22nd February of the relevant financial year:

- (a) Review the revised precept; and
- (b) Make a report to the Commissioner on the revised precept ('the second report').

17.7 The second report by the Panel may:

- (a) Indicate whether the Panel accepts or rejects the revised precept; and
- (b) Make recommendations, including recommendations as to the precept that should be issued for the financial year.

17.8 The Panel will require a response to the second report and any recommendations it makes.

Scrutiny of the Police & Crime Plan and the Fire & Rescue Plan

17.9 The Panel is a statutory consultee on the development of the Police, Fire & Crime Commissioner's Police & Crime Plan and Fire & Rescue Plan and shall receive a copy of the draft of those Plans or a draft of any variation to them from the Commissioner.

17.10 On receipt of a draft Plan (or variation to it) the Panel must:

- (a) Review the draft Plan or draft variation
- (b) Make a report or recommendations on the draft Plan or draft variation.

Scrutiny of the Annual Report and Fire & Rescue Statement

17.11 The Police, Fire & Crime Commissioner must produce an Annual Report about the exercise of the Commissioner's functions in the financial year and progress in meeting police and crime objectives in the year. As soon as is practicable after producing an Annual Report the Commissioner must send it to the Panel.

17.12 The Fire & Rescue Statement must contain 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.

17.13 The Panel must review the Annual Report and Fire & Rescue Statement and for that purpose must:

- (a) Arrange for a public meeting of the Panel to be held as soon as practicable after it has been sent the Reports.
- (b) Require the Commissioner to attend the public meeting arranged to present the Reports and to answer such questions about them as the Panel members consider appropriate.
- (c) Make a report or recommendations on the Reports to the Commissioner.

Scrutiny of the appointment of a Chief Constable and Chief Fire Officer

17.14 The Police, Fire & Crime Commissioner shall notify the Panel of each proposed appointment of a Chief Constable or a Chief Fire Officer by the Commissioner. In such a case the Commissioner must also notify the Panel of the following information:

- (a) The name of the person who the Commissioner 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.
- (d) The terms and conditions on which the candidate is to be appointed.

- 17.15 The Panel must review the proposed appointment and for that purpose, within a period of 3 weeks beginning with the day on which the Panel receives notification of the proposed appointment, must:
- (a) Hold a public meeting of the Panel at which the candidate is requested to appear for the purpose of answering questions relating to the appointment (“a confirmation hearing”).
 - (b) Make a report to the Commissioner on the proposed appointment including a recommendation as to whether or not the candidate should be appointed or a statement that the Panel has vetoed the proposed appointment.
- 17.16 The Panel must publish its report to the Commissioner.
- 17.17 The Panel may veto the proposed appointment if a decision is made by the required majority of at least two-thirds of the people who are members of the Panel at the time when the decision is made that the candidate should not be appointed as Chief Constable or Chief Fire Officer.
- 17.18 In the event of a veto, the Commissioner shall propose another person for appointment as Chief Constable or Chief Fire Officer (‘a reserve candidate’). 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.
 - (d) The terms and conditions on which the reserve candidate is to be appointed.
- 17.19 The Panel must review the proposed appointment of the reserve candidate and for that purpose, within a period of 3 weeks beginning with the day on which the Panel receives notification of the proposed appointment, must:
- (a) Hold a confirmation hearing.
 - (b) Make a report to the Commissioner on the proposed appointment including a recommendation as to whether or not the reserve candidate should be appointed.
- 17.20 The Panel must publish its report on the proposed appointment of the reserve candidate.

Scrutiny of Senior Appointments

- 17.21 The Police, Fire & Crime Commissioner must notify the Panel of each proposed appointment by the Commissioner of:
- (a) The Commissioner’s Chief Executive
 - (b) The Commissioner’s Chief Finance Officer
 - (c) A Deputy Police, Fire & Crime Commissioner

- 17.22 In such cases the Commissioner must also notify the Panel of the following information:
- (a) The name of the person who the Commissioner 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.
 - (d) The terms and conditions on which the candidate is to be appointed.
- 17.23 The Panel must review the proposed appointment and for that purpose, within a period of 3 weeks beginning with the day on which the Panel receives notification of the proposed appointment, must:
- (a) Hold a confirmation hearing.
 - (b) Make a report to the Commissioner on the proposed appointment including a recommendation as to whether or not the candidate should be appointed.
- 17.24 The Panel must publish its report to the Commissioner.

18. Carrying out other functions

Suspension of the Police, Fire & Crime Commissioner

- 18.1 The Panel may suspend the Police, Fire & Crime Commissioner if it appears to the Panel that:
- (a) The Police, Fire & Crime 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.
- 18.2 Any suspension of the Police, Fire & Crime Commissioner will cease to have effect upon the occurrence of the earliest of the following events:
- (a) The charge being dropped;
 - (b) The Police, Fire & Crime Commissioner being acquitted of the offence;
 - (c) The Police, Fire and Crime Commissioner being convicted of the offence but not being disqualified under Section 66 of the Act by virtue of the conviction; or
 - (d) The termination of the suspension by the Panel.
- 18.3 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.

Appointment of an Acting Police, Fire & Crime Commissioner

- 18.4 The Panel must appoint a person to act as Police, Fire & Crime Commissioner if:
- (a) No person holds the office of Police, Fire & Crime Commissioner;
 - (b) The Police, Fire & Crime Commissioner is incapacitated; or
 - (c) The Police, Fire & Crime Commissioner is suspended.
- 18.5 If the Panel is required to appoint an Acting Police, Fire & Crime Commissioner it will meet to determine the process to be followed in making that appointment, which will comply with these Rules and any legal requirements.
- 18.6 The Panel may appoint a person as Acting Police, Fire & Crime Commissioner only if the person is a member of the Commissioner's staff at the time of the appointment.
- 18.7 In appointing a person as Acting Police, Fire & Crime Commissioner in a case where the Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.
- 18.8 The appointment of an Acting Police, Fire & Crime Commissioner will cease to have effect upon the occurrence of the earliest of the following events:
- (a) The election of a person as Police, Fire & Crime Commissioner;
 - (b) The termination by the Panel, or by the Acting Police, Fire & Crime Commissioner, of the appointment of the Acting Police, Fire & Crime Commissioner;
 - (c) In a case where the Acting Police, Fire & Crime Commissioner is appointed because the Commissioner is incapacitated, the Commissioner ceasing to be incapacitated; or
 - (d) In a case where the Acting Police, Fire & Crime Commissioner is appointed because the Commissioner is suspended, the Commissioner ceasing to be suspended.
- 18.9 In a case where the Acting Police, Fire & Crime Commissioner is appointed because the Commissioner is incapacitated or suspended and a vacancy subsequently occurs in the office of Commissioner, the occurrence of the vacancy does not affect the appointment of the Acting Police, Fire & Crime Commissioner.

Suspension and removal of the Chief Constable or Chief Fire Officer

- 18.10 The Panel must receive notification from the Police, Fire & Crime Commissioner if the Commissioner suspends the Chief Constable or Chief Fire Officer from duty.
- 18.11 The Commissioner must notify the Panel in writing of any proposal by the Commissioner to call upon the Chief Constable or Chief Fire Officer to retire or resign, together with a copy of the reasons given to the Chief Constable or Chief Fire Officer in relation to the proposal. The Commissioner must provide the Panel with a copy of any representations subsequently made to them by the Chief Constable or Chief Fire Officer about the proposal as soon as practicable after the Commissioner is given them.
- 18.12 If, following the receipt of these representations the Commissioner still proposes to call upon the Chief Constable or Chief Fire Officer to retire or resign the Commissioner must notify the Panel accordingly ('the further notification').
- 18.13 Within a period of 6 weeks beginning with the day on which the Panel receives the further notification the Panel must make a recommendation in writing to the Commissioner as to whether or not the Commissioner should call upon the Chief Constable or Chief Fire Officer to retire or resign.
- 18.14 Before making such a recommendation the Panel:
- (a) May consult the Chief Inspector of Constabulary (in relation to the Chief Constable).
 - (b) Must hold a meeting of the Panel from which the public shall be excluded and which the Commissioner and Chief Constable or Chief Fire Officer are entitled to attend to make representations in relation to the proposal ('a scrutiny hearing').
- 18.15 Following the scrutiny hearing, the Panel must publish its recommendation on its web page and send copies to the Chief Executive of each constituent authority. The Panel may also use any other means of publication it considers appropriate and practical.
- 18.16 The Commissioner must consider the Panel's recommendation and may accept or reject it, notifying the Panel accordingly.

Complaints and Conduct Matters

Receipt, recording and referral of complaints and conduct matters

- 18.17 The Monitoring Officer at the host authority will carry out the following functions delegated by the Panel:
- a) To act as the point of contact on behalf of the Panel for all complaints and/or conduct matters relating to the Police, Fire & Crime Commissioner or Deputy Police, Fire & Crime Commissioner.

- b) Upon receiving a complaint, to determine whether the Panel is the appropriate Police, Fire & Crime Panel to deal with it and, if it is, to record the complaint or, if not, to notify the appropriate Panel.
- c) To notify the complainant of the decision not to record a complaint in cases where this is not required because the subject matter of the complaint has been, or is already being, dealt with by way of criminal proceedings against the Commissioner / Deputy Commissioner or the complaint has already been withdrawn.
- d) Where the Monitoring Officer becomes aware of a conduct matter, except where the matter has been recorded as a complaint or has been, or is already being, dealt with by means of criminal proceedings, to record the conduct matter. [A conduct matter is defined as a matter in the case of which there is an indication, whether from the circumstances or otherwise, that a criminal offence may have been committed].
- e) To refer to the Independent Office for Police Conduct (IOPC) a complaint that the Monitoring Officer determines to be a serious complaint as soon as practicable and in any event no later than the end of the day following the day when it first becomes clear that the matter constitutes a serious complaint. [A serious complaint is defined as a qualifying complaint made about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence].
- f) To refer to the IOPC a conduct matter that has been recorded as soon as is practicable and in any event no later than the end of the day following the day when it is recorded.
- g) Where the IOPC requires a complaint or conduct matter to be referred to it to do so as soon as is practicable and in any event no later than the end of the day following the day when the IOPC notifies the Monitoring Officer that the matter is to be referred. In such cases to notify the complainant (where applicable) and the Commissioner / Deputy Commissioner of the referral unless the Monitoring Officer considers that doing so might prejudice a possible future investigation.
- h) Where written notification signed by a complainant (or their solicitor or other authorised agent) that withdraws a complaint or states that the complainant does not wish any further steps to be taken in consequence of the complaint is received, either directly or from the IOPC, to record this. To notify the IOPC in such cases where the complaint is one that has been referred to the IOPC and has not been referred back.
- i) Where a complaint that has not been referred to the IOPC or that has been referred to the IOPC and referred back is withdrawn or discontinued, to determine whether the complaint should be treated as a conduct matter.
- j) Where a complainant indicates that they wish to withdraw or discontinue a complaint but fails to provide written notification signed accordingly:
 - i. To write to the complainant to ascertain whether they wish to withdraw their complaint or do not wish any further steps to be taken in consequence of the complaint.

- ii. If the complainant indicates that they wish to withdraw their complaint or do not wish any further steps to be taken in consequence of the complaint, or they fail to reply within 21 days, to treat the indication as though it had been received in writing signed by the complainant.
 - iii. If the complainant indicates that they do not wish to withdraw or discontinue their complaint, to continue to deal with the complaint in accordance with the Elected Local Policing Bodies (Complaints & Misconduct) Regulations 2012 (“the Regulations”) and the authority delegated by the Panel.
 - iv. To notify the person complained against if the Monitoring Officer records the withdrawal or discontinuation of a complaint or if the complaint is to be treated as a conduct matter, unless it has been previously decided not to notify the person complained against of the complaint because the Monitoring Officer considered that to do so might prejudice any criminal investigation or pending proceedings or would be contrary to the public interest.
- k) To exercise the duties set out in the Regulations regarding the provision of a copy of the record of a complaint to the complainant and a copy of the complaint to the person complained against, unless the Monitoring Officer believes it may prejudice criminal investigations or is contrary to the public interest to provide a copy of the complaint to the person complained against.
 - l) On behalf of the Panel to keep records, in such form as the IOPC may determine, of
 - i. Every complaint or purported complaint that is made to the Panel;
 - ii. Every conduct matter that is recorded;
 - iii. Every action taken under the Regulations by the Monitoring Officer.
 - m) To comply with the requirements of the Regulations relating to the provision of information, documents, evidence or other material to the IOPC when required to do so.
 - n) To provide a half-yearly update report to the Panel about all complaints and conduct matters dealt with in the preceding six months, the actions taken (including any obligations to act, or refrain from acting, that have arisen under the Regulations but have not yet been complied with or have been contravened) and the outcome of the process.
 - o) Where a complaint is received and recorded and where action is required to be taken that falls within the delegated powers and duties of the Complaints Sub Committee (or other authorised individual), to refer the matter no later than 2 working days after the complaint has been recorded to the Complaints Sub Committee via the Panel’s Secretariat (or in the case of an authorised individual to refer the matter directly to that individual).

Informal Resolution of Non-Criminal Complaints

18.18 A Complaints Sub Committee, consisting of three councillor members from the Conservative councillors on the Panel, one councillor member from the Labour councillors on the Panel who may be substituted by the other Labour councillor member, and one independent co-opted member to be drawn from the pool of all three independent co-opted members on the Panel, to be appointed annually by the Panel will carry out the following functions delegated by the Panel:

- a) Where a complaint or conduct matter comes to the Sub Committee's attention it must secure that all appropriate steps are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct in question and to comply with any directions given by the IOPC in this regard.
- b) To provide the IOPC and every member of its staff with such assistance as it may reasonably require in connection with the carrying out of any investigation by the IOPC or by anyone appointed to carry out an investigation on its behalf.
- c) To determine whether a complaint that has been recorded should be subject to Informal Resolution, or should be excluded from Informal Resolution on the grounds identified in the Regulations, and in that case, to determine how to handle the matter or whether to take no action in relation to it. The grounds identified in the Regulations for excluding a complaint from Informal Resolution are:
 - i. The complaint is concerned entirely with the conduct of the Commissioner / Deputy Commissioner in relation to a member of their staff at the time when the conduct is supposed to have taken place.
 - ii. More than 12 months have elapsed between the incident giving rise to the complaint and the making of the complaint, and either no good reason for the delay has been shown or injustice would be likely to be caused by the delay.
 - iii. The matter is already the subject of a complaint.
 - iv. The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.
 - v. The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints.
 - vi. The complaint is repetitious according to the definition in the Regulations.

The complainant must be notified in case where a decision is taken to exclude a complaint from Informal Resolution.

- d) To deal with the Informal Resolution of complaints in accordance with the requirements of the Regulations and for this purpose:

- i. To require the person complained against to provide information or documents or to attend before the Sub Committee to answer questions.
- ii. Having given the parties to the complaint the opportunity to make representations about the proposed publication of the record of the outcome of the Informal Resolution procedure and having considered any such representations, to determine whether publication is in the public interest and, if so, to publish the relevant record.
- iii. To authorise a single Panel Member or a person who is not a Panel member (but who is not the Commissioner / Deputy Commissioner or the Chief Executive of the Office of the Police, Fire & Crime Commissioner) to take any action identified by the Sub Committee as part of the Informal Resolution process.

18.19 Informal Resolution will be carried out in accordance with the Protocol adopted by the Panel that is included with these Rules of Procedure.

18.20 The quorum for meetings of the Complaints Sub Committee to proceed shall be 3 Sub Committee members.

Northamptonshire Police, Fire & Crime Panel

Informal Resolution Protocol regarding non-criminal complaints against the Police, Fire & Crime Commissioner and Deputy Police, Fire & Crime Commissioner for Northamptonshire.

1. The Monitoring Officer of the host authority ('the Monitoring Officer') will act as the first point of contact for all complaints made against the Northamptonshire Police, Fire & Crime Commissioner (PFCC) and Deputy Police, Fire & Crime Commissioner (DPFCC) and will deal with any such complaints in accordance with the requirements of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ("the Regulations").
2. Any complaints received by Panel Members, by any of the Panel's constituent authorities, by the Office of the Police, Fire & Crime Commissioner (OPFCC), or by the Chief Constable of Northamptonshire will be forwarded to the Monitoring Officer as soon as is practicable on their receipt.
3. The Monitoring Officer will determine whether or not a complaint should be recorded.
4. When a complaint is recorded the Monitoring Officer will:
 - (a) Send a copy of the record made of the complaint to the complainant.
 - (b) Send a copy of the complaint to the person complained against, subject to any decision taken not to supply a copy of the complaint or to supply the complaint in a form which keeps anonymous the identity of the complainant; and
 - (c) Refer the record, and copies of all the associated paperwork, to the Panel's Secretariat no later than 2 working days after the complaint has been recorded.
5. On receipt of the complaint the Panel's Secretariat will:
 - (a) Convene a meeting of the Panel's Complaints Sub Committee, normally to be held within three weeks of the Secretariat's receipt of the complaint.
 - (b) Write to the complainant, setting out timescales and providing details about the Informal Resolution procedure; and giving the complainant an opportunity to make further comments in support of their complaint. Where the Panel's Secretariat believes that the circumstances of the case are such that the Complaints Sub Committee may decide to treat the complaint as having been resolved the complainant will be asked to provide their representations in this regard for the Complaints Sub Committee to take into account.
 - (c) Write to the person complained about, setting out timescales and providing details about the Informal Resolution procedure; and giving them an opportunity to make comments in response to the complaint.

6. The Panel's Monitoring Officer will compile a brief report for the Complaints Sub Committee, setting out the pertinent details of the complaint, recording any failure by the person complained about to comment on the complaint and making suggestions for the next steps.
7. The Complaints Sub Committee will first consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Complaints Sub Committee's reasons will be recorded and notified to all parties.
8. If, on considering the report, the Complaints Sub Committee feels that the matter needs to be resolved, it will decide its course of action. In accordance with the Regulations the Complaints Sub Committee may not conduct an investigation. The Complaints Sub Committee may use its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will be likely to amount to investigation and will not therefore be undertaken.
9. The Complaints Sub Committee will consider whether to devise an action plan (to be drawn up by the Panel's Secretariat) and in so doing will take into account any applicable guidance issued by the Secretary of State and may also consider any guidance issued by the Independent Office for Police Conduct (IOPC) pursuant to Section 22 of the Police Reform Act 2002 on local resolution. Any such action plan will include an indicative timeframe.
10. Any such action plan may include (for example):
 - (a) An explanatory letter being written by the Panel's Secretariat (or on behalf of the Complaints Sub Committee),
 - (b) An explanatory letter being written by an officer of the OPFCC,
 - (c) A suggested change to OPFCC policy, practice or action; or
 - (d) A request that an apology is tendered (no apology may be tendered on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology).
11. The Complaints Sub Committee will also decide whether it wishes to:
 - (a) Reconvene to take any steps identified in the action plan,
 - (b) Authorise any named individual (who may not be the PFCC, the DPFCC or the OPFCC Chief Executive) to take any steps in accordance with the action plan; or
 - (c) Refer the matter to the full Police, Fire & Crime Panel recommending that the identified action be taken.

12. Once the actions from the plan have been completed the matter may be referred back to the Complaints Sub Committee or an authorised individual may determine that the matter has been resolved. The Panel's Secretariat must make a record of the outcome of the informal resolution as soon as practicable, normally within 3 working days, after the process is completed and provide copies to the complainant and the person complained against. The matter will then be closed.
13. No part of the record may be published by the Complaints Sub Committee unless, having given the parties an opportunity to make representations about the proposed publication and having considered any such representations, the Complaints Sub Committee considers that publication is in the public interest.
14. The Monitoring Officer will present a half-yearly update report to the full Police, Fire & Crime Panel about all complaints dealt with in the preceding six months, the actions taken (including any obligations to act, or refrain from acting, that have arisen under the Regulations but have not yet been complied with or have been contravened) and the outcome of the process.
15. If, at any stage, the IOPC informs the Panel that they require the complaint to be referred to them, or if the Complaints Sub Committee decides that the complaint should be referred to the IOPC, the Informal Resolution process will be discontinued. The Complaints Sub Committee may only decide that the complaint should be so referred if matters come to light during the Informal Resolution process that indicate the commission of a criminal offence, thus leading to the earlier decision as to whether or not the complaint was a serious complaint being reversed.