

PART 3

RULES OF

PROCEDURE

3. RULES OF PROCEDURE

Chairman of Panel

1. The Chairman of the Panel will be elected in June of each year from amongst the elected Members sitting on the Panel. All panel Members including Independent Members will be entitled to vote but Independent Members will not be eligible to stand for Chairman.
2. A Vice-Chairman will be elected in June of each year from amongst the elected Members sitting on the Panel. All panel Members including Independent Members will be entitled to vote but Independent Members will not be eligible to stand for Vice Chairman.
3. In the event of the resignation or removal of the Chairman, a new Chairman will be elected at the next meeting, from amongst the elected Members sitting on the Panel in accordance with the arrangements set out in rules 1 and 2 above.
4. If both the Chairman and Vice-Chairman are absent from a meeting, the Members present shall choose one of their number from amongst the elected Members to preside over the meeting, subject to Rule 5 below.
5. If the Chairman arrives at a meeting of the Panel or Vice-Chairman arrives at such a meeting from which the Chairman is absent after the time for which the meeting has been summoned, he or she shall preside over the meeting after any question under discussion on his or her arrival has been disposed of but not before then.
6. Any power or duty of the Chairman in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

Quorum

7. The quorum of the Panel shall be at least one quarter of the whole number of the Panel. Members present as substitutes shall be included in calculating whether the meeting is quorate.
8. If during any meeting of the Panel the Chairman, after counting the number of Members present declares that there is not a quorum present, the meeting shall stand adjourned. The consideration of any business not transacted shall be adjourned to a time to be fixed by the Chairman, or, if he or she does not fix a time, to the next ordinary meeting of the Panel.

Access to Information

9. The Access to Information Procedure Rules laid down by the Host Authority will apply with any necessary modifications:

<https://democracy.leics.gov.uk/documents/s180343/Part%204B%20Access%20to%20Information%20Procedure%20Rules.pdf>

Order of Business

10. Except as otherwise provided by Rule 13. below, the order of business at ordinary meetings of the Panel shall be:
 - (a) to choose a person to preside if the Chairman and Vice-Chairman be absent;
 - (b) to confirm the minutes of the last meeting of the Panel;
 - (c) to dispose of business (if any) remaining from the last meeting;
 - (d) to consider reports as specified on the agenda;
 - (e) to consider motions in the order in which the notice has been received;
 - (f) any other items which the Chairman decides are urgent;
11. Business falling under items (a), (b) or (c) of Rule 10 shall not be displaced, but subject thereto the foregoing order of business may be varied: -
 - (a) by the Chairman at his or her discretion; or
 - (b) by a resolution passed at that meeting. A motion to vary the order of business shall be moved and seconded formally and put without discussion.

Minutes of the Panel

12. At a meeting of the Panel at which minutes of a previous meeting are submitted for approval as a correct record, the Chairman shall move that those minutes be so approved.
13. No motion or discussion shall take place upon the minutes, except upon their accuracy, and any matter concerning their accuracy shall be raised by amendment.
14. If no such matter is raised, or if it is raised then as soon as it has been disposed of, the Chairman shall sign the minutes.

Public Question Time

15. The Panel accepts questions from members of the public which can be put to the Police and Crime Commissioner at its meetings. The Procedure for how to put a question at these meetings is set out in Schedule 2.

Amendments to motions

16. An amendment shall be relevant to the motion and shall be either: -
- (a) to refer a subject of debate to a subcommittee or the Police and Crime Commissioner for consideration or re-consideration;
 - (b) to leave out words;
 - (c) to leave out words and insert or add others;
 - (d) to insert or add words;
- but such omission, insertion or addition of words shall not only have the effect of negating a motion before the Panel.
17. Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been disposed of; provided that the Chairman may permit two or more amendments to be discussed (but not voted on) together if he or she considers that this course would facilitate the proper conduct of the Panel's business.
18. If an amendment be lost, other amendments may be moved on the original motion. If an amendment be carried, the motion as amended shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.

Alterations or withdrawal of motion or amendment

19. A proposer of a motion may, with the concurrence of the seconder and the consent of the Panel, alter the motion if the alteration is such that it could properly be affected by an amendment of the motion. A proposer of an amendment may, with the like concurrence and consent, alter the amendment if the amendment as altered could properly have been moved in that form as an amendment. The altered motion or amendment shall if required by the Chairman be reduced into writing and handed to him or her before the consent of the Panel to the alteration is sought.
20. A proposer of a motion or of an amendment may, with the concurrence of the seconder and the consent of the Panel, withdraw the motion or amendment which he or she has proposed, and no Member shall speak upon it after the proposer has thus asked permission for its withdrawal, unless such permission shall have been refused.
21. The giving or refusal of the consent of the Panel to the alteration or withdrawal of a motion or amendment shall be signified without discussion.

Motions and amendments generally

22. A Member may not propose or second a motion or amendment on which he or she is disqualified from voting.

Conduct of Members

23. If any Member in the opinion of the Chairman signified to the Panel, misconducts himself or herself by persistently disregarding the ruling of the

Chair, or by behaving irregularly, improperly, or offensively, or by wilfully obstructing the business of the Panel, or by tedious repetition or unbecoming language in his or her speech, the Chairman or any other Member may move "That the Member named be not further heard", and such a motion if seconded shall be put and determined without discussion.

24. If the Member named continues his or her misconduct after a motion under the last previous paragraph has been carried, the Chairman shall either: -
- (a) move "That the Member named do leave the meeting" (in which case the motion shall be put and determined without seconding or discussion); or
 - (b) adjourn the meeting of the Panel for such period as he or she in his or her discretion shall consider expedient.

Motions affecting persons employed by the Police and Crime Commissioner

25. If any question arises at a meeting of the Panel or a subcommittee as to the appointment, promotion, dismissal, salary, pension, conditions of service or the conduct of any person employed by the Police and Crime Commissioner, such question shall not be the subject of discussion until the body concerned has decided whether or not the power of exclusion of the public shall be exercised, with the exception of confirmatory hearings for the Chief Constable, Deputy Police and Crime Commissioner, Chief Executive and Chief Financial Officer which are required to be held in public.

Right of reply

26. The proposer of a motion shall have the right of reply to the debate: -
- (a) at the close of the debate on the motion;
 - (b) at the close of the debate on an amendment to the motion;
 - (c) before a motion to proceed to next business or that the Panel adjourn or a motion or amendment to refer the subject of debate to a subcommittee or the Police and Crime Commissioner is put;
 - (d) after the closure is carried;
27. The proposer of an amendment shall not have the right of reply to either the debate on the amendment or to the debate on a substantive motion formed by the carrying of the amendment.

Points of order and personal explanations

28. A Member may speak on a point of order or in personal explanation and shall be entitled to be heard forthwith. A point of order shall relate only to an alleged breach of these rules or statutory provision and the Member shall specify the rule or statutory provision and the way in which he or she considers it has been broken. A personal explanation shall be confined to some material part of a former speech by him or her which may appear to have been misunderstood in the present debate.
29. The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be open to discussion.

Next business etc

30. A Member who seeks to avoid a decision being taken on a matter under discussion may, at the conclusion of a speech of another Member, unless the Chairman considers that the matter has been insufficiently discussed, move "that the Panel proceed to the next business" or, if there is no other business to be transacted, "that the Panel adjourn".
31. The proposer of such a motion may speak thereon for five minutes but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion.
32. After the seconding of the motion, the Chairman shall give the mover of the original motion an opportunity to speak on it for not more than five minutes and then put to the vote the motion to proceed to the next business or to adjourn the Panel.
33. If that motion is carried, the original motion shall be considered as withdrawn.

Adjournment of debate

34. A Member who seeks to interrupt a debate so that it may be continued at a later hour or on another occasion may, at the conclusion of the speech of another Member, move that the debate be adjourned to that hour or occasion.
35. If the Member does not specify an hour or occasion, the motion shall be deemed to intend that the debate shall be resumed at the next ordinary meeting of the Panel.
36. The proposer of such a motion may speak thereon for five minutes but the seconding of the motion shall be formal and without comment and there shall be no debate on the motion except that the mover of the original motion may speak on it for not more than five minutes.
37. On the resumption after adjournment of an interrupted debate, the Panel shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Rules of Procedure.

Closure

38. A Member may at the conclusion of the speech of another Member move "that the proposition under discussion be now put" (which is in these Rules referred to as "the closure").
39. The proposal and seconding of the closure motion shall be formal and without comment and there shall be no debate on it. The closure motion shall be put forthwith to the vote unless it appears to the Chairman that the proposition to which it is sought to apply the closure has not been sufficiently discussed.
40. If the closure is carried, the motion or amendment which is the subject of the interrupted debate shall be put without further discussion, subject to the mover of the original motion, first having the right of reply given by Rules 33 - 36.

Voting

41. Every proposition shall, unless otherwise required by these Rules of Procedure or Statute, be determined by show of hands or, at the discretion of the Chairman, by voices. Secret ballots are not permissible under these Rules of Procedure save for voting on the election of a Chairman/Vice Chairman where there is more than one candidate.
42. Subject to para 87 and para 104 of these rules of procedure, every matter shall be determined by a simple majority from amongst those Members present and eligible to vote. (The meaning of the word "present" shall be in accordance with legislation and, where relevant, can include remote/virtual attendance only in the circumstances permitted by law).
43. In the case of equality of votes the Chairman of the meeting shall have a casting vote, whether he or she has or has not voted previously on the same proposition, but no Member in any other circumstance shall cast more than one vote.
44. If an automatic system of recording votes is in operation, the Chairman shall have power to order votes to be given and counted in accordance with the system.
45. In taking the votes on any proposition, those Members only shall be entitled to vote who are present in the meeting room when the proposition is put from the Chair.
46. Any Member present who is a substitute for a regular Member is entitled to vote, if present when the proposition is put.
47. After a proposition is put from the Chair but before the vote is taken, any three Members rising in their places may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his or her vote for or against that proposition or abstained from voting.
48. Where immediately after a vote is taken any Member so requires, there shall be recorded in the minutes of the proceedings of that meeting whether that

person cast his or her vote for the question or against the question or whether he or she abstained from voting.

General disturbances

49. If a member of the public interrupts the proceedings at any meeting the Chairman shall warn him or her. If he or she continues the interruption the Chairman shall order his or her removal from the room. In case of general disturbance in any part of the room open to the public the Chairman shall order that part to be cleared.
50. If, in the opinion of the Chairman, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chairman, in addition to any other power vested in him or her, may without the question being put suspend the meeting for a period not exceeding 30 minutes.

Interests in contracts and other matters

51. If any Member of the Panel has any relevant interest as defined within the Code of Conduct of their appointing Authority (or, in the case of Independent Co-opted Members, Leicestershire County Council's Code of Conduct) in any contract, proposed contract, or other matter, that Member shall declare that interest and withdraw from the meeting while the contract, proposed contract, or other matter, is under consideration by the Panel unless the inability to discuss that matter imposed upon him or her by the Code has been removed by Leicestershire County Council .

Subcommittees and task groups

52. Time limited task and finish groups (subcommittees) may be established from time to time by the Panel to undertake specific task-based work.
53. Subcommittees and task groups shall not have the power to co-opt additional members.
54. The work undertaken by a subcommittee 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.

Meetings of the Panel and Subcommittees

55. The Chairman of the Panel or the chairman of a subcommittee may cause a special meeting of the body concerned to be called at any time. In the absence of the Chairman of the body concerned, the Deputy Chairman of that body may exercise the powers conferred on the Chairman by this Rule.
56. A special meeting of the Panel or subcommittee shall be called on the request of at least one quarter of the whole number of Members of the body concerned by Notice in writing signed by them and given to the Clerk to the Panel and specifying the business for which the meeting is to be called. Appropriate adjustments will be made by the Clerk to accommodate the receipt of such a meeting requisition by electronic means.

Proceedings of the Panel and subcommittees

57. The quorum of a subcommittee, unless a special quorum is otherwise prescribed, shall be at least one quarter of the whole number of the body concerned, provided that in no case shall a quorum be less than three Members.
58. Subject to the provisions of Section 100 of the Local Government Act 1972, all reports and all documents marked as "confidential" or "not for publication" shall be treated as confidential until they become public in the ordinary course of the Panel's or Police and Crime Commissioner's business.
59. No act of a subcommittee shall have effect until approved by the Panel except to the extent that the subcommittee has itself power to act without the approval of the Panel.

Variation and revocation of Rules of Procedure

60. Any motion to add to, vary or revoke these Rules of Procedure shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Panel.

Interpretation of the Rules of Procedure

61. The ruling of the Chairman as to the construction or application of any of these Rules of Procedure, or as to the proceedings of the Panel, shall not be challenged at any meeting of the Panel.

Frequency of Meetings

62. Meetings of the Panel will generally take place six times a year, but extra meetings may be convened with the agreement of the Chairman.

Additional Co-opted Members

63. The Panel is entitled, in order to achieve the balanced appointment objective, to recommend to the Secretary of State that additional Members be co-opted to the Panel. Such Co-opted Members will be elected Members of the local authorities, nominated in accordance with Schedule 1. Any local authority providing additional Co-opted Members will nominate the individual members to act in that capacity and the Panel will accept the nomination. Schedule 1 may be amended from time to time to reflect changes in membership required to achieve the balanced appointment objective.

Work Programme

64. 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. In setting the work programme, the Police and Crime Panel will also take into account the wishes of its Members.
65. The work programme must include the functions described in the terms of reference for the Panel.
66. Any Member of the Police and Crime Panel shall be entitled to give notice to the Secretariat of the Panel that he or she wishes an item relevant to the functions of the Panel to be included on the agenda for the next available meeting, including notice of any motion which he or she wishes to put to the meeting.

Reports from the Police and Crime Panel

67. Where the Police and Crime Panel make a report to the Police and Crime Commissioner, it will publish the report or recommendations (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) and send copies to all the relevant local authorities.
68. The Police and Crime Panel must, by writing, require the Police and Crime Commissioner, as appropriate, within one month of the date on which he or she receives the report or recommendations to:
 - (a) consider the report or recommendations;
 - (b) respond in writing to the Panel indicating what (if any) action the Police and Crime Commissioner proposes to take;
 - (c) where the Panel has published the report or recommendations, publish the response;
 - (d) where the Panel has provided a copy of the report or recommendations to a Member, provide a copy of the response to the Member.
69. The Police and Crime Panel will produce an Annual Report detailing progress against KPIs in achieving outcomes and targets, and highlight how value for money (e.g. benefits, savings, efficiencies etc.) is being achieved and send a copy to the Home Office before 31st July in accordance with the Home Office Grant Agreement

The Key Performance Indicators (KPIs) to be monitored and reported on are:

- (a) The number of public meetings held,
- (b) Scrutiny documents and publications produced, including the Panel's annual report,
- (c) Engagement with the work of the Panel by members of the public and the Police and Crime Commissioner for Leicestershire Police.

Police and Crime Commissioner and officers giving account

- 70. The Police and Crime Panel will scrutinise, and review decisions made, or actions taken in connection with the Police and Crime Commissioner's role. To this end, the Panel may require any papers in the Commissioner's possession (except those that are operationally sensitive) which appear to the Panel to be necessary in order to carry out its functions. In addition, it may require the Police and Crime Commissioner and Members of that 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.
- 71. The Panel may not require any Member of the Police and Crime Commissioner's staff to give any evidence, or produce any document, which discloses advice given to the Commissioner by that person.
- 72. Where the Police and Crime Commissioner, or a Member of that Commissioner's staff, is required to attend the Panel under this provision, the Chairman will inform them in writing giving, where practicable, fifteen days' notice of the meeting. The notice will state the nature of the item on which he or she is required to attend to give account and whether any papers are required for production for the Panel. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 73. If the Police and Crime Panel requires the Police and Crime Commissioner to attend before the Panel, the Panel may (at reasonable notice) request of the Commissioner that the Chief Constable also attend 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.

Attendance by others

- 74. 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.

Carrying out 'Special Functions'

- 75. The special functions of the Panel may not be discharged by a subcommittee of the Panel or a task group. Special functions are those functions conferred on a 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, suspension or removal of the Chief Constable)
76. Reports and recommendations made in relation to the functions outlined in the terms of reference will be carried out in accordance with the procedures outlined at paragraphs 77- 108.

Police and Crime Plan (Section 28 Police Reform & Social Responsibility Act 2011)

77. The Police and Crime Commissioner must issue a Police and Crime Plan within the year in which he or she is elected. The Commissioner may vary the Plan or issue a new one during that time.
78. The Police and Crime Commissioner must send the draft Police and Crime Plan or variation to the Police and Crime Panel in good time to enable the Panel to consider the plan.
79. The Police and Crime Panel, having considered the draft Police and Crime Plan or variation will make a written report or recommendation to the Police and Crime Commissioner in relation to the draft Plan or variation. The Panel will require a written response to the report or recommendation.

PCC's Annual Report (Section 28 Police Reform and Social Responsibility Act 2011)

80. The Police and Crime Commissioner will produce an Annual Report on the exercise of his functions in the financial year and on the progress made on meeting the objectives in the Police and Crime Plan and send a copy to the Police and Crime Panel.
81. The Police and Crime Panel will hold a public meeting, which the Police and Crime Commissioner must attend to present the Annual Report and respond to questions from the Panel.
82. The Police and Crime Panel will make a written report or recommendations on the Annual Report to the Police and Crime Commissioner. The Panel will require a written response to the report or recommendations.

Senior Appointments (Schedule 1 Police Reform and Social Responsibility Act 2011)

83. The Panel has a duty to review the Police and Crime Commissioner's proposed appointments of the Chief Constable, a Chief Executive, a Chief Finance Officer and a Deputy Police and Crime Commissioner. The Panel is required to hold public confirmation hearings for these posts.
84. The Panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged. Guidance on convening confirmatory hearings exists here: <https://cfigs.org.uk/wp-content/uploads/police-and-crime-panels-on-confirmation-hearings.pdf>

Appointment of Chief Constable (Schedule 8 Police Reform & Social Responsibility Act 2011)

85. Where a Chief Constable is to be appointed, the Panel is required to hold a confirmatory hearing within the period of three weeks from the day on which the Panel received notification from the Police and Crime Commissioner.
86. Confirmatory hearings will be held in public and the candidate will be 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.
87. Having considered the appointment, the Panel will be asked to either:
 - (a) support the appointment without qualification or comment
 - (b) support the appointment with associated recommendations
 - (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)

88. If the Panel vetoes the appointment of the Chief Constable, the report to the Commissioner must include a statement that the Panel vetoed the appointment with reasons.
89. Where the Panel exercises its power of veto of the proposed appointment, the Commissioner shall then propose a 'reserve candidate' for appointment as Chief Constable.
90. When a reserve candidate has been proposed, the Panel is required to hold a confirmatory hearing within the period of three weeks from the day on which the Panel received notification from the Police and Crime Commissioner.
91. Having considered the appointment the Panel will be asked to make a report to the Commissioner, which will include a recommendation to the Commissioner as to whether or not the reserve candidate should be appointed.
92. The Commissioner must have regard to the report and will notify the Panel of his decision as to whether or not he accepts or rejects the recommendation.

Appointment of an Acting Police and Crime Commissioner (Part 1 Chapter 6 Section 62 Police Reform and Social Responsibility Act 2011)

93. The Panel must appoint a person as Acting Police and Crime Commissioner if:
 - (a) no person holds the office of Police and Crime Commissioner
 - (b) the Police and Crime Commissioner is incapacitated
 - (c) the Police and Crime Commissioner is suspended
94. The Police and Crime Panel may appoint a person as Acting Police and Crime Commissioner only if the person is a Member of the Police and Crime Commissioner's staff at the time of the appointment or if he or she is the Deputy PCC in which case the Deputy PCC's term of office will run until the acceptance of office by the newly elected PCC, whereupon it will automatically terminate.
95. In appointing a person as Acting Police and Crime Commissioner in a case where the Police and Crime Commissioner is incapacitated, the Panel must have regard to any representations made by the Commissioner in relation to the appointment.
96. The appointment of an Acting Police and Crime 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 Police and Crime Commissioner, of the appointment of the Acting Commissioner;
 - (c) in a case where the Acting Police and Crime Commissioner is appointed because the Police and Crime Commissioner is incapacitated, the Commissioner ceasing to be incapacitated;

- (d) in a case where the Acting Police and Crime Commissioner is appointed because the Police and Crime Commissioner is suspended, the Commissioner ceasing to be suspended.

Suspension and Removal of the Chief Constable

97. Where the Police and Crime Commissioner suspends a Chief Constable from duty, he will inform the Police and Crime Panel as soon as practicable.
98. Where the Police and Crime Commissioner intends to seek the resignation or retirement of the Chief Constable, the Commissioner must provide the Chief Constable with a written explanation of the reasons why he is proposing to call for their resignation or retirement. The Commissioner will also notify the Police and Crime Panel in writing and provide the Panel with a copy of the explanation provided to the Chief Constable.
99. The Police and Crime Commissioner may not call upon the Chief Constable to resign or retire until the scrutiny process involving the Police and Crime Panel has been completed.
100. The Chief Constable will make representations to the Police and Crime Commissioner, which the Commissioner must have regard to and must provide a copy of to the Police and Crime Panel as soon as reasonably practicable. If, following consideration of the written representations, the Commissioner still intends to seek the resignation or retirement of the Chief Constable, he or she must notify the Panel.
101. The Police and Crime Panel will hold a meeting, at which the Police and Crime Commissioner and the Chief Constable may make representations to consider whether or not the Commissioner should call for the resignation or retirement of the Chief Constable.
102. Within six weeks of the notification in paragraph 97 the Panel will make a written recommendation to the Police and Crime Commissioner as to whether he or she should call for the resignation of the Chief Constable. The Panel will require a response to the recommendation.

Proposed precept (Schedule 5 Police Reform & Social Responsibility Act 2011)

103. The Police and Crime Commissioner will notify the Panel of the precept which the Commissioner is proposing to issue for the financial year by 1 February of the relevant financial year. The Panel must review the proposed precept and make a report including recommendations by 8 February of the relevant financial year.
104. Having considered the precept, the Panel will either:
 - (a) support the precept without qualification or comment;
 - (b) support the precept and make recommendations;
 - (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).
105. If the Panel vetoes the proposed precept, the report to the Police and Crime Commissioner must include a statement that the Panel has vetoed the proposed precept with reasons, including an indication as to whether it considers the proposed precept is too high or too low. The Panel will require a response to the report and any such recommendations.
106. Where the Panel exercises its power of veto, the Commissioner must issue a response, notifying the Panel of the revised precept he intends to issue. (If the Panel had vetoed the proposed precept because it was too high, the revised precept must be lower; and if the Panel had vetoed the proposed precept because it was too low, the revised precept must be higher.)
107. When notified of a revised precept, the Panel shall, by 22 February of the relevant financial year, review the revised precept and make a report to the Commissioner, which may indicate with the Panel accepts or rejects the revised precept (a rejection does not prevent the Commissioner from issuing the revised precept as the precept for the financial year) and make recommendations.
108. The Commissioner shall have regard to the second report (and any recommendations) and will issue a response (to be published) to that report, by 1 March of the relevant financial year.

Complaints

109. Complaints against the Police and Crime Commissioner may be brought to the attention of and recorded by the Panel subject to procedures to be agreed by the Panel. Complaints involving suspicion that a criminal offence has been committed must be referred to the Independent Office for Police Conduct. Further guidance on making a referral to the IOPC can be found at [Operational advice note to police and crime panels.pdf \(policeconduct.gov.uk\)](https://www.policeconduct.gov.uk/Operational%20advice%20note%20to%20police%20and%20crime%20panels.pdf)
110. Non-criminal complaints in relation to the Police and Crime Commissioner or any Deputy Police and Crime Commissioner can be considered by the Panel through a hearing. The Panel can examine this through a subcommittee.

111. The Panel may delegate the initial handling of complaints and conduct matters but not its functions relating to the final resolution of a complaint. Part 4 of this Constitution deals with such complaints.
112. A 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;
 - (b) the offence is one which carries a maximum term of imprisonment of two years or more.
113. The suspension of the Police and Crime Commissioner ceases to have effect upon the occurrence of the earliest of the following events:
- (a) the charge being dropped;
 - (b) the Police and Crime Commissioner being acquitted of the offence;
 - (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 by virtue of the conviction;
 - (d) the termination of the suspension by the Police and Crime Panel.

Working with Local Authority Scrutiny Bodies

114. The Panel will act in accordance with any Protocols developed between the Police and Crime Panel and Local Authorities.

Review of Constitution

115. This constitution may be amended at any time by the Police and Crime Panel. The Host Authority will conduct an annual review of the provisions of the Constitution and report to the Panel on the outcome of that review should it be considered appropriate to make any amendments. The Host Authority will carry out a review of the provisions of Schedule 1 at any time upon the occurrence of a change in political balance in the authorities represented on the Panel and report to the Panel on any proposed changes.