

# THE ESSEX POLICE, FIRE AND CRIME PANEL

## FUNCTIONS OF THE PANEL

### PART 1 – INTRODUCTION

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

### PART 2 - FUNCTIONS OF THE PANEL

#### 2. Key Functions

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

- iv) the Chief Constable; and
  - v) the Chief Fire Officer.
- d) suspend the PFCC in specific circumstances,
  - e) appoint an acting PFCC in specific circumstances,
  - f) review the precept which the PFCC is proposing to issue for both the Police and the Fire and Rescue, for each financial year with the power to veto the precept.
  - g) To deal with certain complaints against the PFCC or Deputy PFCC.
- 2.2 The Panel must also review or scrutinise decisions made, or other actions taken by the PFCC in connection with the discharge of the PFCC's functions, and must make reports or recommendation to the PFCC in respect to the discharge of their functions.

### **3. Review of the Police and Crime Plan and the Fire and Rescue Plan**

- 3.1 The Panel is a statutory consultee on the development or variation of the Police and Crime Plan and Fire and Rescue Plan ('the Plans'). The Panel will receive a copy of the draft Plans, or any draft variations, from the PFCC.
- 3.2 The Panel must:
- (a) Hold a meeting in public to review the draft Plans (or variations), and
  - (b) Report or make recommendations on the draft Plans which the PFCC must take into account when approving the final documents.
- 3.3 The PFCC is required to provide a response to any such report or recommendations issued by the Panel.

### **4. Review of the Annual Report and Fire and Rescue Statement**

- 4.1 The PFCC must produce an Annual Report and Fire and Rescue Statement for each financial year (the Reports).
- The Annual report must be about the exercise of the PFCC's functions in that financial year and set out progress in delivering on the priorities set out in the Plan.
  - The Fire and Rescue Statement must 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.

The Panel must review the Reports.

- 4.2 The Panel must:

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

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

## **5. Senior Appointments**

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

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

- a) The name of the person the PFCC is proposing to appoint (the Candidate)
- b) The criteria used to assess the suitability of the Candidate for the appointment,
- c) Why the Candidate satisfies those criteria, and
- d) The terms and conditions on which the Candidate is proposed to be appointed.

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

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

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

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

5.6 The Candidate may appear before the Panel either in person, or by any means which enables the Candidate to participate in the confirmation hearing through means which enable the person to hear, and be heard in, those proceedings as they happen.

- 5.7 The PFCC must notify the Panel of the decision whether or not the PFCC accepts or rejects any recommendation made by the Panel.
- 5.8 When the Panel is considering the proposed appointment of the Chief Constable or the Chief Fire Officer, the Panel may, having reviewed the proposal and having held the confirmation hearing, veto the appointment of the Candidate to this position.
- 5.9 The ability to veto the candidate referred to in paragraph 5.8 is only exercisable by the Panel during the 3 week period beginning on the day the Panel received notification from the PFCC.

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

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

## **7. Power to Suspend the PFCC**

7.1 A Panel may suspend the PFCC if it appears to the Panel that:

- a) The PFCC has been charged in the United Kingdom, the Channel Islands or the Isle of Man with an offence, and
- b) The offence is one which carries a maximum term of imprisonment exceeding two years.

7.2 The suspension of the PFCC ceases to have effect upon the occurrence of the earliest of these events:

- a) The charge being dropped.
- b) The PFCC being acquitted of the offence.
- c) The PFCC being convicted of the offence but not being disqualified under Section 66 of the Police Reform and Social Responsibility Act by virtue of the conviction.
- d) The termination of the suspension by the Panel.

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

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

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

8.1 The Panel must appoint a person to act as PFCC if:

- a) no person holds the office of PFCC,
- b) the PFCC is incapacitated; or
- c) the PFCC is suspended.

8.2 The Panel may appoint a person as acting PFCC only if the person is a member of the PFCC's staff at the time of the appointment.

8.3 In appointing a person as acting commissioner in a case where the PFCC is incapacitated, the Panel must have regard to any representations made by the PFCC in relation to the appointment.

8.4 The appointment of an acting PFCC ceases to have effect upon the occurrence of the earliest of these events:

- a) the election of a person as PFCC.
- b) the termination by the Panel, or by the acting PFCC, of the appointment of the acting PFCC.

- c) in a case where the acting PFCC is appointed because the PFCC is incapacitated, the PFCC ceasing to be incapacitated, or
- d) in a case where the acting PFCC is appointed because the PFCC is suspended, the PFCC ceases to be suspended.

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

## **9. Proposed Precept**

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

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

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

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

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

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

## **10. Complaints about the PFCC or Deputy PFCC**

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