



# Cumbria Office of the Police and Crime Commissioner

**Public Meeting & General Protocols**

# Contents

## Page

- 3.** (1) Meetings of the Police & Crime Commissioner’s Public Accountability Conference
- (2) Chair of the Public Accountability Conference
- (3) Minimum Membership of an Public Accountability Conference
  
- 4.** (4) Minutes of the Public Accountability Conference
- (5) Agenda Items
- (6) Adjournment of meetings
- (7) Decisions, Reserved Matters and Urgency Powers
  
- 6.** (8) Questions by the Public
  
- 7.** (9) General Disturbances
- (10) Interests in Contracts and Other Matters
  
- 8.** (11) Record of Attendances
- (12) Canvassing of and Recommendations for appointment by the Police and Crime Commissioner or the Chief Constable.
- (13) Relatives of the Police and Crime Commissioner or Employees
  
- 9.** (14) Sealing and Attestation of Documents
- (15) Petitions
- (16) Filming and Recording Meetings
  
- 10.** (17) Attendance at the exempt state of Public Accountability Conference
  
- 11.** (18) Joint Audit & Standards Committee
- (19) Appointment of Committees, Sub-Committees and Working Groups
  
- 12.** (20) Meetings of Committees, Sub-Committees and Working groups
- (21) Proceedings of Committees, Sub-Committees and Working Groups
- (22) Chair of Committees, Sub-Committees and Working Groups
  
- 13.** (23) Variation and Revocation of Meetings and General Protocols
- (24) Suspension of Meetings and General Protocols
- (25) Interpretation of Meetings and General Protocols

## Meeting and General Protocol 1

Meetings of the Public Accountability Conference of Police and Crime Commissioner for Cumbria

1. The Police and Crime Commissioner for Cumbria shall determine and publish the schedule of meetings.
2. Police and Crime Commissioner for Cumbria's decision making body will be the Public Accountability Conference.
3. Any ordinary meetings of the Public Accountability Conference convened by the Police and Crime Commissioner for the transaction of general business shall be held in public on such days as may be determined by the Police and Crime Commissioner.
4. The Police and Crime Commissioner may call a special meeting of the Public Accountability Conference at any time. If the office of Police and Crime Commissioner is vacant, or if the Police and Crime Commissioner is unable to act for any reason, the Deputy Police and Crime Commissioner may at any time call a special meeting of the Public Accountability Conference.
5. The term "year" means the period from 1st April in one calendar year to 31st March in the next following year.
6. Unless the Police and Crime Commissioner otherwise determines, all meetings of the Public Accountability Conference shall be held at on the first Wednesday of the month.
7. Save as provided elsewhere in these Meetings and General Protocols, all meetings of the Public Accountability Conference, including any committee, subcommittee and working party meetings shall be called by the Chief Executive.

## Meeting and General Protocol 2

Chair of the Public Accountability Conference Meeting

1. The Chair of the Public Accountability Conference Public Accountability Conference shall be the Police and Crime Commissioner or his/her deputy.
2. Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

## Meeting and General Protocol 3

Minimum Membership of a Public Accountability Conference

1. A meeting of the Public Accountability Conference can only take place in the presence of the Police and Crime Commissioner or the Deputy Police & Crime Commissioner (if one is appointed).
2. If during any meeting of the Public Accountability Conference the Police & Crime Commissioner must leave the meeting, then the meeting shall stand adjourned. The

consideration of any business not transacted shall be adjourned to a time fixed by the Police and Crime Commissioner at the time the meeting is adjourned, or, if no time is fixed, to the next ordinary meeting of the Public Accountability Conference.

## Meeting and General Protocol 4

### Minutes of the Public Accountability Conference

1. Minutes of every meeting of the Public Accountability Conference shall be signed at the same or next suitable meeting of the Public Accountability Conference by the person presiding there at.
2. Matters arising may only be allowed at the discretion of the Chair.
3. If no such matter is raised, or if it is raised, then as soon as it has been disposed of the Chair shall sign the minutes.

## Meeting and General Protocol 5

### Agenda Items

1. The Agenda for a meeting of the Public Accountability Conference shall include consideration of any item requested by the Police and Crime Commissioner, the Deputy Police and Crime Commissioner (if one is appointed) or the Chief Constable, subject to the Chief Executive receiving written notice at least 10 days before the date of the meeting.
2. Subject to the provisions within the Police and Social Responsibility Act 2011, the Freedom of Information Act 2000 and the Local Police Body (Specified Information) Orders 2011 and 2012, the Public Accountability Conference reports and documents marked as “Confidential”, “Exempt”, “Restricted”, “Part II” or “not for publication” shall be treated as confidential until they become public in the ordinary course of the Public Accountability Conference’s business.

## Meeting and General Protocol 6

### Adjournment of Meetings

1. If the Chair seeks to adjourn the meeting so that it may be continued at a later hour or on another occasion s/he may do so.
2. On the resumption after adjournment of a meeting the Public Accountability Conference shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Meeting Protocols.

## Meeting and General Protocol 7

### Decisions, Reserved Matters and Urgency Powers

1. The decision of the Police and Crime Commissioner or the Deputy Police and Crime Commissioner is final.
2. A decision shall be recorded in the minutes of the Public Accountability Conference meeting and shall be published on the website of the Police and Crime Commissioner for Cumbria as soon as possible after the decision has been taken.
3. There is a presumption that all decisions not delegated to the officers will be made by the Police and Crime Commissioner in consultation with/at the Public Accountability Conference. In the event that a decision is needed in respect of an urgent matter that cannot wait for the next meeting of the Public Accountability Conference, the Police and Crime Commissioner or their representative in their absence, may make the relevant decision, if necessary after consulting the Chief Constable in accordance with the reserved decisions.
4. The Police and Crime Commissioner may make any decision that is an exercise of his/her statutory function and does not breach the Policing Protocol Order 2011 or the Financial Management Code of Practice. However any decision on the Reserved Matters listed here will be made after consultation with the Chief Constable and taken at the Public Accountability Conference. The reserved matters referred to are
  - i. How the PCC expects the funds provided to the Chief Constable for policing to be applied
  - ii. How the PCC will hold the Chief Constable to account for the day to day management of the funds provided to the Chief Constable for policing
  - iii. How the Chief Constable will carry out their duty to assist in the exercise of the PCC's functions
  - iv. Completion of any contract for the supply of goods, services, or works, which are outside the remit given under Contract Regulations and Scheme of Consent/Delegation
  - v. Acquisition of any land by the PCC
  - vi. Disposal of any land owned by the PCC
  - vii. Variation of any completed contract which is outside the remit given under Financial Regulations
  - viii. Approval or disapproval of any expenditure proposal, settlement proposal (subject to having been written within the Financial Procedure Rules) or issue concerning a Significant Case i.e. any case (whether or not it involves litigation) where any one or more of the following criteria are met:
    - a. A tribunal or court hearing is likely to generate significant publicity
    - b. There is potential to call into question the effectiveness of the constabulary's response likely to have a significant impact on the confidence of the victim, their family and/or the community and/or damage the reputation of the Cumbria Constabulary or PCC
    - c. Any case that is likely to attract an unusually high compensation award (£50,000 or over) or any liability that the PCC might reasonably regard as being novel, contentious or repercussive
    - d. Discriminatory behaviour is alleged by the appellant
    - e. The case has significant policy / operational / legal implications for the PCC or Cumbria Constabulary
    - f. Involves issues of principle and/or financial policy e.g. medical

## retirements

- ix. Determination of the charges for special police services
- x. Development and monitoring of any collaboration arrangement with other PCCs and chief constables whether inside or outside the North West region
- xi. Approval of budget virements, which are outside the remit given under Financial Regulations
- xii. Approval of the write off of all debts in excess of £10,000

## Meeting and General Protocol 8

### Questions by the Public

1. At each meeting of the Public Accountability Conference (but not of any of its committees) there shall be an opportunity for any resident of the Commissioner's area to ask the Police and Crime Commissioner a question on any matter which is within the powers and duties of the Police and Crime Commissioner. The item on the agenda must not exceed 20 minutes in total.
2. A question may only be asked if written notice has been provided to the Office of the Police and Crime Commissioner's Chief Executive at least three clear working days before the date of the meeting. All questions must include the questioner's name and full postal address.
3. No person may ask more than one question and one additional oral question at any meeting.
4. If questions are submitted from more than one person the questions will be asked in the order in which they were received. No questions shall be put more than 20 minutes after the commencement of the period allowed for questions unless the meeting otherwise agrees. Any questions not responded to at the meeting due to lack of time will receive a written response which will be copied to all members of the Public Accountability Conference, but not minuted.
5. All questions will be directed to the Police and Crime Commissioner who may reply orally at the meeting, in writing after the meeting, or may decline to reply. If the person asking the question agrees, the answer need not be read out at the meeting. If the questioner is not present at the meeting the Police and Crime Commissioner shall decide whether or not the question and answer will be read out.
6. A copy of all written questions and written answers will be circulated at the meeting and appended to the Minutes of the meeting.
7. A member of the public present at the meeting who has put a written question may, with the consent of the Police and Crime Commissioner, ask one additional oral question on the same subject.

8. In responding to an additional oral question the Police and Crime Commissioner may either give a direct oral answer, a written answer to the questioner which will also be circulated to all members of the Public Accountability Conference, or may decline to reply. Additional oral questions and answers will not be appended to the Minutes of the meeting.
9. There will be no discussion or debate on any question put by a member of the public or on the Police and Crime Commissioner's reply.
10. Written questions, and additional oral questions, may be rejected and/or not answered when the Police and Crime Commissioner considers that they –
  - are not on any matter which is within the powers and duties of the Police and Crime Commissioner;
  - relate to an operational matter, in which case they will be referred to the Chief Constable for a written response;
  - are defamatory, frivolous or offensive;
  - are substantially the same as a question which has been put to a meeting of the Public Accountability Conference in the past six months;
  - would require the disclosure of exempt or confidential information; or
  - the person submitting the question is not resident within the Police and Crime Commissioner's area.

The Police and Crime Commissioner will specify the reason for rejecting a question or not providing an answer to it.

## Meeting and General Protocol 9

### General Disturbances

1. If a member of the public interrupts the proceedings at any meeting the Chair shall warn him/her. If he/she continues the interruption the Chair shall order his/her removal from the room. In case of general disturbance in any part of the room open to the public the Chair shall order that part to be cleared.
2. If, in the opinion of the Chair, misconduct or obstruction renders the due and orderly dispatch of business impossible, the Chair, in addition to any other power vested in him/her, may suspend the meeting for a period not exceeding 30 minutes.

## Meeting and General Protocol 10

### Interests in Contracts and Other Matters

1. The Police and Crime Commissioner or the Deputy Police and Crime Commissioner shall withdraw from any meeting if s/he has a disclosable pecuniary interest within the meaning of Paragraph 1 of Schedule A to the Police and Crime Commissioner's

Code of Conduct unless there is a dispensation from the Chair of the Audit & Standards Committee. Where the Police and Crime Commissioner, Deputy Police and Crime Commissioner has declared an interest at a meeting, left the meeting and has chosen to remain within easy reach, s/he shall be recalled before any further business has begun.

2. The Police and Crime Commissioner and Deputy Crime Commissioner will record any interests in accordance with the Code of Conduct on the face of the decision record.

## **Meeting and General Protocol 11**

### Record of Attendances

1. All those attending a meeting of the Public Accountability Conference, or any committee or sub-committee convened by the Police and Crime Commissioner of which he/she is a member, shall sign his/her name in the attendance book or sheet provided for that purpose.

## **Meeting and General Protocol 12**

### Canvassing of and recommendations for appointment by the Police and Crime Commissioner, the Deputy Police and Crime Commissioner or the Chief Constable

1. Canvassing of the Police and Crime Commissioner, the Deputy Police and Crime Commissioner, the Chief Constable or any executive officers of the Office of the Police and Crime Commissioner (OPCC) directly or indirectly for any appointment under the OPCC, as a police officer or member of Police Staff, shall disqualify the candidate concerned for that appointment. The purport of this paragraph of this Meeting and General Protocol shall be included in any form of application.
2. A member of the Public Accountability Conference shall not solicit for any person any appointment under the Public Accountability Conference or as a police officer, but this shall not preclude a member from giving a written testimonial of a candidate's ability, experience, or character for submission to the Public Accountability Conference or the Chief Constable with an application for appointment.

## **Meeting and General Protocol 13**

### Relatives of the Police and Crime Commissioner, the Deputy Police and Crime Commissioner or Employees

1. A candidate for any appointment under the Police and Crime Commissioner who knows that he/she is related to the Police and Crime Commissioner or Deputy Police and Crime Commissioner shall disclose that relationship in his/her application. A candidate who fails to disclose such a relationship shall be liable to be disqualified for the appointment and if appointed shall be liable to dismissal without notice.



2. Every senior officer of the Police and Crime Commissioner’s Office shall disclose to the Chief Executive any relationship known to him/her to exist between him/herself and any person who s/he knows is a candidate for an appointment by the Police and Crime Commissioner.
3. The purport of this General Protocol shall be included in any form of application.
4. For the purpose of this General Protocol “senior officer” means any officer so designated by the Police and Crime Commissioner or under the Police Reform & Social Responsibility Act 2011.

## Meeting and General Protocol 14

### Sealing and Attestation of Documents

1. The common seal of the Police and Crime Commissioner for Cumbria shall be kept in a safe place in the custody of the Chief Executive.
2. The common seal of the Police and Crime Commissioner for Cumbria shall be affixed to a document only on:
  - (a) a resolution of the Public Accountability Conference;
  - (b) a resolution of a committee or sub-committee which the Police and Crime Commissioner has empowered to authorise the use of the seal;
  - (c) a decision by the Police and Crime Commissioner, the Deputy Police and Crime Commissioner, the Public Accountability Conference, or by a duly authorised committee, sub-committee or officer, to do anything where a document under the common seal is necessary to complete the action.
3. The affixing of the common seal shall be attested by the Chief Executive or the person authorised by him/her. An entry of every sealing shall be made and numbered consecutively in a book kept for the purpose and shall be signed by the person who shall have attested the seal.
4. In addition to any other person who may be authorised by the Police and Crime Commissioner for the purpose, the proper officer for the purpose is the Chief Executive.

## Meeting and General Protocol 15

### Petitions

1. Any petition signed by 500 or more members of the public and not required to be dealt with under a procedure regulated by law shall be reported to the Police and Crime Commissioner as quickly as possible. At the request of the petitioners they will be given the opportunity to meet the Police and Crime Commissioner or his/her nominee.

## Meeting and General Protocol 16

### Filming and Recording Meetings

1. Members of the press and public attending a meeting of the Public Accountability Conference may film and audio-record the proceedings and report on the public meeting. The use of social media and taking of photographs is also permitted but should not interfere or disrupt the proceedings.
2. Written commentary is permitted during the meeting; however oral commentary is not as this may disrupt the good order of the meeting.
3. Anyone whose recording activities disrupt the meeting will be excluded from the meeting by order of the Chair. Disruptive behaviour is any action or activity which disrupts the conduct of the meeting and/or impedes other members of the public being able to see, hear or film the proceedings. Examples include:
  - moving to areas outside the areas designated for the public without the consent of the Chair;
  - excessive noise in recording or setting up or re-siting equipment during the meeting;
  - intrusive lighting and use of flash photography; and
  - asking people to repeat statements for the purposes of recording.
4. Recording and filming equipment may only be used in the open part of the public meeting. If at any point the meeting becomes a private meeting all recording and filming equipment must be stopped and removed when members of the press and public are asked to leave the meeting room.
5. Recording and filming equipment must not be left unattended and if found will be removed from the meeting room.
6. Whilst no prior permission is required to allow members of the public and press to film or record a public meeting, it is advisable that anyone wishing to do so advises the Office of the Police & Crime Commissioner in advance to enable arrangements to be made as the Office of the Police & Crime Commissioner is only required to provide reasonable facilities such as a seating area and where appropriate a table.
7. Anyone filming a public meeting of the Public Accountability Conference must not film any children and vulnerable people who may be present, nor may they film any members of the public present without first obtaining their consent.
8. Where it is deemed that any filming or recording during a meeting is not appropriate, at the discretion of the Chair or appropriate officer, that member of the press or public may be asked to stop filming or recording and/or be removed from the meeting room.

## Meeting and General Protocol 17

### Attendance at the exempt stage of Public Accountability Conferences

1. Only the following may remain at the exempt stage of an Public Accountability Conference:
  - (a) The Police & Crime Commissioner and the Deputy Police & Crime Commissioner
  - (b) The Chief Executive
  - (c) The Chief Finance Officer
  - (d) ACPO Officers
  - (e) The Director of Finance & Business Services

- (f) The OPPC Officer taking the Minutes
  - (g) The subject matter expert
2. Subject Matter Experts (SMEs) may be invited to attend for specific items. Their presence should generally be limited to the agenda item in question and they should wait to be called into the meeting by the Chief Executive or his/her representative, as and when required. They should then leave on the completion of the item.
  3. Exempt papers for Public Accountability Conference meetings will be distributed only to those listed at sub paragraphs a-g.

## Meeting and General Protocol 18

### Joint Audit and Standards Committee

1. The terms of reference of the Joint Audit and Standards Committee shall be determined by the Police and Crime Commissioner and the Chief Constable.
2. Substitute members of the JASC are not allowed.
3. The Chair of the JASC shall be a joint appointment of the Police and Crime Commissioner and the Chief Constable.

## Meeting and General Protocol 19

### Appointment of Committees, Sub-Committees and Working Groups

1. The Police and Crime Commissioner and the Chief Constable may appoint a committee, sub-committee or working group as they are required to appoint by or under any statute. They may also appoint other committees, sub-committees or working groups as the Police and Crime Commissioner and Chief Constable deem appropriate and shall determine the Terms of Reference.
2. Subject to any statutory provision the Police and Crime Commissioner, Chief Constable or the Public Accountability Conference:
  - (a) shall determine the period of the appointment of any member of a committee or sub-committee so as to hold office no later than the Police and Crime Commissioner leaves office;
  - (b) may at any time dissolve a committee or sub-committee or alter its membership; every vacancy on a committee or sub-committee shall be reported by the Chief Executive at the first meeting of the Public Accountability Conference after the vacancy has arisen and the Public Accountability Conference may thereupon proceed to fill the vacancy.
3. Every committee, sub-committee or working group appointed by the Police and Crime Commissioner, Chief Constable or Public Accountability Conference may appoint sub-committees for purposes to be specified by the committee or working group. Subject to the requirements of the Police Reform & Social Responsibility Act 2011, these Meetings and General Protocols and to any resolution of the Public Accountability Conference in that behalf, may delegate to any such sub-committee

any power duty or responsibility delegated to the committee by the Public Accountability Conference.

4. A committee shall not appoint any member of a sub-committee or working group so as to hold office later than the end of the term of the incumbent Police and Crime Commissioner at the time of the appointment and may at any time dissolve a sub-committee or working group and also alter its membership. (This does not apply to the JASC where members can run for a maximum of two terms. A term being four years).
5. The Police and Crime Commissioner and Deputy Police and Crime Commissioner may attend and speak at a meeting of any committee, sub-committee, working group or JASC of which they are not members.
6. These Meetings and General Protocols shall, with any necessary modification, apply to meetings of committees and sub-committees.

## Meeting and General Protocol 20

### Meetings of Committees, Sub-Committees and Working groups

1. The Chair of a committee, sub-committee or working group of the Police and Crime Commissioner or Deputy Police and Crime Commissioner may cause a special meeting of the committee, sub-committee or working group to be called at any time.
2. A copy of the agenda of every meeting of a committee, sub-committee or working group together with the index of reports, if any, shall be sent to the Police and Crime Commissioner and/or the Deputy Police and Crime commissioner.

## Meeting and General Protocol 21

### Proceedings of Committees, Sub-Committees and Working Groups

1. The quorum of every committee, sub-committee or working group unless a special quorum is otherwise prescribed, shall be at least one quarter of the whole number of the committee, sub-committee or working group or two, whichever is the greater number.
2. The Police and Crime Commissioner or his/her nominee may attend as an observer at meetings of committees, sub-committees or working groups, (except those, which the Public Accountability Conference may from time to time determine for the purposes of this Meeting and General Protocol) to which he/she is not a member, including meetings or items of business from which the public has been excluded.
3. If given permission by the Chair of the meeting, anyone attending as an observer may speak (but not vote) on any matter.
4. Subject to the provisions within the Police and Social Responsibility Act 2011, the Freedom of Information Act 2000 and the Local Police Body (Specified Information) Orders 2011 and 2012, the Public Accountability Conference and all committee, sub-committee and working group reports and documents marked as “Confidential”, “Exempt”, “Restricted”, “Part II” or “not for publication” shall be treated as

confidential until they become public in the ordinary course of the Public Accountability Conference's business.

5. Except for the JASC, no act of a committee, sub-committee or working group shall have effect until approved by the appointing body except to the extent that the committee has itself power to act without the approval of the Public Accountability Conference and the power so to act has been conferred upon the committee, sub-committee or working group.

## Meeting and General Protocol 22

### Chair of Committees, Sub-Committees and Working Groups

1. The Chair of a committee, sub-committee or working group, which the Public Accountability Conference may from time to time determine for the purposes of this Protocol, shall be appointed by the Public Accountability Conference in accordance with this Meeting and General Protocol and may be removed by the Public Accountability Conference or may resign. If the Public Accountability Conference so decides, the appointment of the Chair of a committee, sub-committee or working group may be left for that body itself to appoint.
2. The appointment of the Chair of a committee, sub-committee or working group shall be determined by the Police and Crime Commissioner, Deputy Police and Crime Commissioner or members of the committee, subcommittee or working group, in accordance with its Terms of reference.
3. If the Chair of a committee or sub-committee is absent from a meeting of the committee, sub-committee or working group, the members present shall choose one of their number to preside over the meeting, subject to paragraph (5) of this Meeting and General Protocol.
4. If the Chair of a committee, sub-committee or working group arrives at a meeting of the committee, sub-committee or working group after the time for which the meeting has been summoned, he/she shall preside over the meeting after any item of business under discussion on his/her arrival has been disposed of but not before then.

## Meeting and General Protocol 23

### Variation and Revocation of Meetings and General Protocols

1. Any decision to add to, vary or revoke these Meetings and General Protocols shall be at the discretion of the Police and Crime Commissioner for Cumbria, and be reported for recording and publication at the next meeting of the Public Accountability Conference.

## Meeting and General Protocol 24

### Suspension of Meetings and General Protocols

1. Any of the preceding Meetings and General Protocols may be suspended so far as regards any business at the meeting where the Police and Crime Commissioner so determines.

## Meeting and General Protocol 25

### Interpretation of Meetings and General Protocols

1. The ruling of the Police and Crime Commissioner as to the construction or application of any of these Meetings and General Protocols or as to any proceedings of the Public Accountability Conference shall be final.