



## **POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE**

### **MEETINGS AND GENERAL PROTOCOLS**

V1.1 December 2012

**POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE  
MEETINGS AND GENERAL PROTOCOLS**

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## **MEETINGS AND GENERAL PROTOCOL 1**

Meetings of the Strategic Governance Board of Police and Crime Commissioner for Derbyshire and the JARAC

1. The Police and Crime Commissioner for Derbyshire shall determine and publish the schedule of meetings annually at the start of the financial year.
2. Police and Crime Commissioner for Derbyshire's decision making body will be the Strategic Governance Board.
3. Any ordinary meetings of the Strategic Governance Board 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 Strategic Governance Board 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 Strategic Governance Board.
5. The term "year" means the period from 1<sup>st</sup> April in one calendar year to 31<sup>st</sup> March in the next following year.
6. Unless the Police and Crime Commissioner otherwise determines, all meetings of the Strategic Governance Board shall be held at 14.00 on a Monday. The venue will be determined to afford public access across the county.
7. Save as provided elsewhere in these Meetings and General Protocols, all meetings of the Strategic Governance Board, including any committee, sub-committee and working party meetings shall be called by the Chief Executive.

## **MEETINGS AND GENERAL PROTOCOL 2**

### Chair of the Strategic Governance Board Meeting

1. The Chair of the Strategic Governance Board 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.

## **MEETINGS AND GENERAL PROTOCOL 3**

### Quorum

1. The quorum for meetings of the Strategic Governance Board shall be at least the presence of the Police and Crime Commissioner or their deputy. The quorum for the JARAC shall be three
2. If during any meeting of the Strategic Governance Board the meeting becomes inquorate 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 not fixed, to the next ordinary meeting of the Strategic Governance Board.

## **MEETINGS AND GENERAL PROTOCOL 4**

### Minutes of the Strategic Governance Board and JARAC

1. Minutes of every meeting of the Strategic Governance Board and JARAC shall be signed at the same or next suitable meeting of the Strategic Governance Board by the person presiding thereat.
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.

## **MEETINGS AND GENERAL PROTOCOL 5**

### Agenda Items

1. The Agenda for a meeting of the Strategic Governance Board shall include consideration of any item requested by the Police and Crime Commissioner, the Deputy Police and Crime Commissioner 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 Strategic Governance Board 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 Strategic Governance Board’s business.

## **MEETINGS 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 Strategic Governance Board shall proceed to the further consideration of the adjourned business as though the meeting had been continuous for the purposes of these Meeting Protocols.

## **MEETINGS 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 Strategic Governance Board meeting and shall be published on the website of the Police and Crime

Commissioner for Derbyshire as soon as possible after the decision has been taken.

3. Decisions taken between Strategic Governance Board meetings shall be reported to the next Board meeting.
4. 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 SGB. In the event that a decision is needed in respect of an urgent matter that cannot wait for the next meeting of the SGB, 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.
5. 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 Strategic Governance Board. 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 Derbyshire 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 the Derbyshire 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 East Midland 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



## **MEETINGS AND GENERAL PROTOCOL 8**

### 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.

## **MEETINGS AND GENERAL PROTOCOL 9**

### Interests in Contracts and Other Matters

1. The Police and Crime Commissioner or the Deputy Police and Crime Commissioner or a member of the JARAC 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 and the Code of Conduct for Audit, Risk and Assurance Committee members, unless there is a dispensation from the Chief Executive. Where the Police and Crime Commissioner, Deputy Police and Crime Commissioner or member of the JARAC 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.

## **MEETINGS AND GENERAL PROTOCOL 10**

### Record of Attendances

1. All those attending a meeting of the Strategic Governance Board, 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.

## **MEETINGS AND GENERAL PROTOCOL 11**

### 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 Strategic Governance Board shall not solicit for any person any appointment under the Strategic Governance Board 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 Strategic Governance Board or the Chief Constable with an application for appointment.

## **MEETINGS AND GENERAL PROTOCOL 12**

### 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.

## **MEETINGS AND GENERAL PROTOCOL 13**

### Sealing and Attestation of Documents

1. The common seal of the Police and Crime Commissioner for Derbyshire 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 Derbyshire shall be affixed to a document only on:
  - (a) a resolution of the Strategic Governance Board;
  - (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 Strategic Governance Board,

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.

## **MEETINGS AND GENERAL PROTOCOL 14**

### Petitions

1. Any petition signed by **XXX** 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.

## **MEETINGS AND GENERAL PROTOCOL 15**

### Recordings at Meetings

1. No-one may make unauthorised recordings of any kind other than written notes unless the Chair has given permission. If anyone does so without permission the Chair can either require the person to leave at once and/or adjourn the meeting for as long as s/he thinks fit.

## **MEETINGS AND GENERAL PROTOCOL 16**

### Attendance at the exempt stage of Strategic Governance Board Meetings

1. Only the following may remain at the exempt stage of a Strategic Governance Board Meeting:

- (a) The Police and Crime Commissioner and the Deputy Police and Crime Commissioner
  - (b) ACPO Officers
  - (c) The Chief Executive
  - (d) The Treasurer
  - (e) The Director of Finance & Business Services
  - (f) The Deputy Chief Executive
  - (g) The OPPC Officer taking the Minutes
  - (h) 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 Strategic Governance Board meetings will be distributed only to those listed at sub paragraphs a-h.

## **MEETINGS AND GENERAL PROTOCOL 17**

### Joint Audit Risk and Assurance Committee

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

## **MEETINGS AND GENERAL PROTOCOL 18**

### 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 Strategic Governance Board:
  - (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 Strategic Governance Board after the vacancy has arisen and the Strategic Governance Board 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 Strategic Governance Board 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 Strategic Governance Board in that behalf, may delegate to any such sub-committee any power duty or responsibility delegated to the committee by the Strategic Governance Board.
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 JARAC where members can run for a maximum of two terms. A term being five 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 JARAC 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.

## **MEETINGS AND GENERAL PROTOCOL 19**

### 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. JARAC agendas shall be sent to the Chief Constable.

## **MEETINGS AND GENERAL PROTOCOL 20**

### 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 Strategic Governance Board 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 Strategic Governance Board 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 Strategic Governance Board’s business.
5. Except for the JARAC, 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 Strategic Governance Board and the power so to act has been conferred upon the committee, sub-committee or working group.

## **MEETINGS AND GENERAL PROTOCOL 21**

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

1. The Chair of a committee, sub-committee or working group, which the Strategic Governance Board may from time to time determine for the purposes of this Protocol, shall be appointed by the Strategic Governance Board in accordance with this Meeting and General Protocol and may be removed by the Strategic Governance Board or may resign. If the Strategic Governance Board 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, sub-committee 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.

## **MEETINGS AND GENERAL PROTOCOL 22**

### 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 Derbyshire, and be reported for recording and publication at the next meeting of the Strategic Governance Board.

## **MEETINGS AND GENERAL PROTOCOL 23**

### 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.

## **MEETINGS AND GENERAL PROTOCOL 24**

### 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 Strategic Governance Board shall be final.

Police and Crime Commissioner for Derbyshire  
Alan Charles

Effective from 22 November 2102