

## Appendix 1

### **Greater Manchester Police Fire and Crime Panel (GMPFCP) Procedure Rules**

## Contents

1	Definitions.....	3
2	Interpretation, Suspension and Chair’s Ruling .....	4
3	Amendment of GMPFCP Procedure Rules.....	5
4	Chair and Vice-Chair.....	5
5	Meetings.....	6
6	Work Programme .....	7
7	Meeting Agendas.....	7
8	Chair of Meeting .....	8
9	Quorum .....	8
10	Motions.....	8
11	Rules of Debate for Meetings.....	9
12	Voting.....	11
13	Minutes.....	12
14	Reports from the GMPFCP - General .....	12
15	Scrutiny and Review .....	13
16	Attendance by others .....	15
17	Establishment of Sub-Committees, Task and Steering Groups.....	15
18	Carrying out the “Special Functions”.....	16
18.1	Police and Crime Plan and the Fire Plan.....	16
18.2	Annual Report and Fire and Rescue Declaration .....	16
18.3	Senior Appointments.....	17
18.4	Appointment of Chief Constable of GMP and the Chief Fire Officer .....	18
18.5	Appointment of an Acting Commissioner.....	21
18.6	Proposed Precept.....	21
18.7	Proposed Allocation of Budget for Fire and Rescue Functions .....	25
19	Complaints.....	26
20	Rights of Public to Attend Meetings .....	26
21	Interests of Members .....	27
22	Records.....	27
23	Supply of Copies .....	27
24	Access to Minutes etc. after the meeting.....	28
25	Background Papers .....	28
26	Conduct of Members.....	29
27	Disturbance by Members of the Public.....	29
28	Suspension and Removal of the Chief Constable or Chief Fire Officer .....	30

# 1 Definitions

In these Procedure Rules –

- 1.1. “Appointed Member” means an elected member of a Constituent Council who is appointed by the Constituent Council as a Member of the GMPFCP in accordance Paragraph 4(1)(a) of Schedule 6 of the Police Reform Act and the GM Police Fire and Crime Panel Arrangements or a substitute appointed member acting in place of that member.
- 1.2. “Constituent Councils” mean the metropolitan district councils for the local government areas of Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan.
- 1.3. “Co-Opted Member” means a co-opted member of the GMPFCP and includes both co-opted Members of the GMPFCP appointed in accordance with Paragraph 4(1)(b) of Schedule 6 of the Police Reform Act and the GM Police Fire and Crime Panel Arrangements and also any co-opted Members of the GMPFCP appointed in accordance with Paragraph 31 of the Schedule 6 of the Police Reform Act and the GM Police Fire and Crime Panel Arrangements.
- 1.4. “the Complaints and Misconduct Regulations” means The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (S.I. 2012 No. 62).
- 1.5. “the Fire and Rescue Authority (Police and Crime Commissioner) Order” means the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 (SI 2017 No. 863.)
- 1.6. “the Fire Order” means the Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017 (S.I. 2017 No. 469), as amended by the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 (S.I. 2020 No. 641).

- 1.7. “the Fire Plan” means the GMCA’s priorities and objectives in connection with the discharge of the GMCA’s functions as a fire and rescue authority, as required to be set out in the local risk plan.
- 1.8. “the GM Police Fire and Crime Panel Arrangements” means the formal Panel Arrangements agreed by the Constituent Councils at a meeting of the Association of Greater Manchester Authorities (AGMA) held on 29 June 2012 and subsequently amended and approved at the AGMA Executive on 30 June 2017, 27 July 2018 and 26 June 2020.
- 1.9. “the Mayor” means the Mayor for Greater Manchester elected in accordance with the requirements of the of the Local Democracy, Economic Development and Construction Act 2009
- 1.10. GMPFCP” means the “the GM Police Fire and Crime Panel” established and maintained in accordance with requirements of the Police Reform Act.
- 1.11. “Lead Chief Executive” means the person appointed by the AGMA Executive Board in relation to the GMPFCP.
- 1.12. “the LDEDC Act” means the Local Democracy Economic Development and Construction Act 2009
- 1.13. “the Police and Crime Panel Regulations” means The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012 (S.I. 2012 No. 1433).
- 1.14. “the Police Precepts and Appointments Regulations” mean the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (S.I. 2012 No. 2271).
- 1.15. “the Police Reform Act” means the Police Reform and Social Responsibility Act 2011.

## **2 Interpretation, Suspension and Chair’s Ruling**

- 2.1. These Rules of Procedure (“the Rules”) are made by the GMPFCP pursuant to Schedule 6 Paragraph 25 of the Police Reform Act.

- 2.2. Meetings of the GMPFCP and, where appropriate, meetings of Sub Committees of the GMPFCP, will be conducted in accordance with the Rules. The Rules should be read having regard to the GM Police Fire and Crime Panel Arrangements.
- 2.3. References in these Rules to the “Chair” mean the Member of the GMPFCP for the time being presiding at the meeting of the GMPFCP and a meeting of a Sub Committee of the GMPFCP.
- 2.4. References in these Rules to a “Member” of the GMPFCP includes both Appointed Members and Co-Opted Members of the GMPFCP.
- 2.5. These Rules are subject to any statute or other enactment whether passed before or after these Rules came into effect.
- 2.6. The ruling of the Chair on the interpretation of these Rules in relation to all questions of order and matters arising in debate shall be final.

### **3 Amendment of GMPFCP Procedure Rules**

- 3.1. These Rules shall not be amended unless notification of a proposed amendment is received by the Chair and the Lead Chief Executive not less than fourteen working days prior to a GMPFCP meeting, a report on the implications of the amendment has been considered by the GMPFCP and the amendment has been agreed by two thirds of the current membership of the GMPFCP. No amendment may be considered by the GMPFCP if it does not comply with the Police Reform Act, relevant Regulations or statutory guidance.

### **4 Chair and Vice-Chair**

- 4.1. The Chair and Vice-Chair of the GMPFCP will be appointed at the first meeting of the GMPFCP and subsequently in June of each year at the GMPFCP’s Annual Meeting. The Chair and Vice-Chair will be drawn from amongst the Members of the GMPFCP and will, unless they are removed, resign, cease to be a Member of the GMPFCP or become disqualified, act until their successor becomes entitled to act as Chair or Vice-Chair.
- 4.2. The appointment of the Chair shall be the first business transacted at the Annual Meeting of the GMPFCP.

- 4.3. The appointment of the Chair and Vice-Chair shall be on the basis of a simple majority of the Members of the GMPFCP present and voting at the meeting.
- 4.4. The Chair or Vice-Chair may be removed by the agreement of a majority of the whole Membership of the GMPFCP and in that event the GMPFCP will appoint a replacement Chair or Vice-Chair from amongst the Members of the GMPFCP.
- 4.5. On a vacancy arising in the office of Chair or Vice-Chair for whatever reason, the GMPFCP shall make an appointment to fill the vacancy at the next ordinary meeting of the GMPFCP held after the date on which the vacancy occurs, or, if that meeting is held within 14 days after that date, then not later than the next following meeting. The Member appointed shall hold such office for the remainder of the year in which such vacancy occurred.
- 4.6. If both the Chair and Vice-Chair are unable to act or unlikely to be able to act as Chair for a particular period for any reason, the GMPFCP may appoint an Acting Chair to act in the place of the Chair until the Chair is able to resume his/her duties.
- 4.7. Subject to these Rules, anything authorised or required to be done by, or in relation to, the Chair, may be done by, or in relation to, the Vice-Chair or an Acting Chair.

## **5 Meetings**

- 5.1. **The GMPFCP will normally hold a meeting in public every 2 months, but in any case there shall be a minimum of four meetings of the GMPFCP held in public in each municipal year to carry out the functions of the GMPFCP**
- 5.2. An Extraordinary Meeting of the GMPFCP may be called at any time by:
  - 5.2.1. the Chair;
  - 5.2.2. by four Members giving notice in writing to the Chair; or
  - 5.2.3. by the Lead Chief Executive.
- 5.3. The business to be conducted at an Extraordinary Meeting of the GMPFCP shall be restricted to the item of business contained in the request for the Extraordinary Meeting and there shall be no consideration of previous minutes or reports,

except that the Chair may at their absolute discretion permit other items of business to be conducted for the efficient discharge of the GMPFCP's business.

- 5.4. The Annual Meeting of the GMPFCP shall be held in June on a date and at a time determined by the GMPFCP.
- 5.5. Ordinary meetings of the GMPFCP will take place in accordance with the programme decided by the GMPFCP, and will be held on such dates and at such times as the GMPFCP shall determine.
- 5.6. Ordinary meetings of the GMPFCP will:
  - 5.6.1. receive any declarations of interest from Members;
  - 5.6.2. approve the minutes of the last meeting;
  - 5.6.3. consider reports from officers and Members.
- 5.7. At least five clear days before a meeting of the GMPFCP notice to the public of the time and place of the intended meeting shall be published by the Lead Chief Executive at their offices and on the GMCA's website.

## **6 Work Programme**

- 6.1. The GMPFCP will be responsible for setting its own work programme and in doing so shall have regard to:
  - 6.1.1. the requirement to properly undertake the functions and responsibilities of the GMPFCP as set out in the Police Reform Act and the Fire Order;
  - 6.1.2. the priorities defined by the Mayor; and
  - 6.1.3. the views of Members and advisers as to the appropriate work to be undertaken.

## **7 Meeting Agendas**

- 7.1. The agenda for a meeting of the GMPFCP will be issued to Members at least five clear working days before the meeting. Copies of the agenda for a meeting of the GMPFCP and copies of any report for the meeting will be made available for public inspection by the Lead Chief Executive at their offices and on

the GMCA's website and by sending copies to each of the Constituent Councils.

- 7.2. The Chair of the GMPFCP will decide upon the agenda for the meetings of the GMPFCP. The Chair may put on the agenda of any meeting any matter which is relevant to the functions of the GMPFCP that the Chair wishes.
- 7.3. Any Member may require the Lead Chief Executive to make sure that a motion (formal proposal) which is relevant to the functions of the GMPFCP is placed on the agenda of the next available meeting of the GMPFCP for consideration in accordance with Rule 10 (Motions) of these Rules.

## **8 Chair of Meeting**

- 8.1. At each meeting of the GMPFCP the Chair, if present, shall preside.
- 8.2. If both the Chair and Vice-Chair (or, if applicable, any Acting Chair appointed under Rule 4.6) are absent from a meeting of the GMPFCP, the Lead Chief Executive shall invite the Members present to elect a Member to preside for the duration of the meeting or until such time as the Chair joins the meeting.
- 8.3. Any power or function of the Chair in relation to the conduct of a meeting shall be exercised by the person presiding at the meeting.
- 8.4. The Chair may bring before the GMPFCP at their discretion any matter that they consider appropriate to bring before the GMPFCP as a matter of urgency.

## **9 Quorum**

- 9.1. No business shall be transacted at any meeting of the GMPFCP unless at least one half of the whole number of its Members are present.

## **10 Motions**

- 10.1. Any Member may put forward a motion to be considered at a meeting by giving the Lead Chief Executive written notice at least 10 working days before the date of the meeting.



- 10.2. When the Lead Chief Executive receives a notice of motion, he or she will:
  - 10.2.1. write the date it was received on the notice;
  - 10.2.2. number notices in the order they are received; and
  - 10.2.3. enter the notice in records which will be available for any Member to inspect.
- 10.3. The Member, or Members, who gave the original notice may withdraw a motion by notice in writing to the Lead Chief Executive.
- 10.4. Every motion must be directly relevant to some matter relating to the GMPFCP's powers or duties, and must not be to overrule or change any resolution that has been passed at a meeting of the GMPFCP within the previous six months.
- 10.5. Any motion a Member gives notice of in line with Rule 10.1 will be included in the agenda for the next meeting, in the order in which the motions were received. If notice for a motion is received less than 10 days before the next meeting, it will be put on the agenda for the meeting after that.
- 10.6. If a motion set out in the agenda for a meeting is not put forward at the meeting by the Member who gave notice of it, or by another Member acting on his or her behalf, or fails to be seconded (supported by at least one other Member), it will be considered to have been withdrawn.

## **11 Rules of Debate for Meetings**

- 11.1. The debate at meetings of the GMPFCP shall be conducted by consensus unless any Member present indicates to the Chair that they require the following provisions to be invoked.
- 11.2. A matter can only be discussed if it has been proposed and seconded. The Chair can ask for a motion to be put into writing and handed to him or her before it is put to the meeting or discussed further.
- 11.3. When a motion is being debated, no other motion can be put forward at the same time unless that motion is:
  - 11.3.1. to amend the motion;

- 11.3.2. to adjourn the meeting;
- 11.3.3. to adjourn the debate;
- 11.3.4. to proceed to the next business on the agenda;
- 11.3.5. for the matter to be put to the vote;
- 11.3.6. for a Member not to be allowed to speak further on the matter;
- 11.3.7. for a Member to leave the meeting under Rule 26.2; or
- 11.3.8. to exclude the public from the meeting under Section 100A of the Local Government Act 1972.
- 11.4. Any Member may, after a speech by another Member, propose:
  - 11.4.1. “That the question be now put” (the motion is voted on); or
  - 11.4.2. “That the meeting of the GMPFCP be now adjourned” (the meeting is put off till a later date).

If the proposal is seconded, the Chair will put that proposal to the vote without it being discussed.

- 11.5. A Member can raise a point of order (question whether the meeting is being conducted properly) if they think that a Rule or legal requirement is not being met, giving their reasons.
- 11.6. Any Member speaking must give way if a point of order is raised.
- 11.7. The Chair’s decision on a point of order will be final and not open to discussion.
- 11.8. Any Member when speaking does so to the Chair. If two or more Members want to speak, the Chair will call on them to speak one at a time. While a Member is speaking, the other Members must remain silent unless raising a point of order.
- 11.9. A Member shall direct their speech to the question under discussion or to a personal explanation or a point of order.
- 11.10. A Member shall not speak for longer than [*five*] minutes on any matter without the consent of the Chair.
- 11.11. A Member can put forward an amendment proposing to:

- 11.11.1. refer a matter to a committee, group or panel for them to consider or reconsider;
- 11.11.2. to leave out, insert or add other words to the motion, as long as this does not make the motion ineffective; or
- 11.11.3. put a matter off until further information is provided.

The amendment must be relevant to the motion being discussed at the time.

- 11.12. Only one amendment can be made and discussed at a time, and no further amendment can be proposed until the previous amendment has been dealt with. If the Chair allows two or more amendments to be discussed (but not voted upon) together because this would allow the matter to be dealt with most effectively, he or she will decide what order the amendments will be discussed in.
- 11.13. If a proposed amendment to a motion is lost, other relevant motions or amendments can be put forward. If a proposed amendment is carried (approved by a majority vote), the amended motion will take the place of the original motion.
- 11.14. If the majority of Members at a meeting agree, a Member can, by making an amendment, alter a motion that they have given notice of but which has not yet been put forward. If a motion has been put forward, the Member who put it forward can ask for an amendment as long as the majority of the Members, and the Member who seconded the motion, allows this.
- 11.15. A motion or amendment can be withdrawn by the Member who put it forward, but another Member can then put that same motion or amendment forward.

## **12 Voting**

- 12.1. Subject to Rule 12.5 and the requirements of the Police Reform Act and the Fire Order, any questions that are to be decided by the GMPFCP will be decided by a simple majority of those Members present and voting on the question.
- 12.2. Whenever a vote is taken at meetings of the GMPFCP it shall be by a show of hands. If, before a vote is taken, one Member proposes that votes are recorded, and at least five other

Members support this by raising their hands, a record will be kept of who voted for or against the matter or who abstained.

- 12.3. All Members of the GMPFCP may vote in proceedings of the GMPFCP and each Member of the GMPFCP is to have one vote.
- 12.4. If there are equal numbers of votes for and against, the Chair (or person presiding) will have a second or casting vote.
- 12.5. Questions that are to be decided by the GMPFCP relating to the following matters require that at least two thirds of the persons who are Members of the GMPFCP at the time when the decision is made vote in favour of that decision:
  - 12.5.1. Decision to exercise the GMPFCP's power to veto the amount of the PCC component of the Mayor's proposed precept pursuant to Paragraph 4, of Schedule 5 of the Police Reform Act;
  - 12.5.2. Decision to exercise the GMPFCP's power to veto the Mayor's proposed appointment of a Chief Constable pursuant to Paragraph 5 of Schedule 8 of the Police Reform Act.
  - 12.5.3. Decision to exercise the GMPFCP's power to veto the Mayor's proposed appointment of a Chief Fire Officer pursuant to regulation 7 of the Fire and Rescue Authority (Police and Crime Commissioner) Order.

## **13 Minutes**

- 13.1. The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.

## **14 Reports from the GMPFCP - General**

- 14.1. Reports and recommendations made by the GMPFCP in relation to its statutory functions will be carried out in accordance with the procedure outlined in this Rule 14.
- 14.2. Where the GMPFCP makes a report to the Mayor, it will publish the report or recommendations on the GMPFCP's website and send copies to each of the Constituent Councils.

- 14.3. The GMPFCP may by notice in writing require the Mayor, as appropriate, within one month of the date on which the Mayor receives the report or recommendations to:
- 14.3.1. consider the report or recommendations;
  - 14.3.2. respond to the GMPFCP indicating what (if any) action the Mayor proposes to take;
  - 14.3.3. where the GMPFCP has published the report or recommendations, publish the response;
  - 14.3.4. where the GMPFCP has provided a copy of the report or recommendations to a Member, provide a copy of the response to the Member.
- 14.4. The publication of reports or recommendations is subject to the exclusion of any exempt or confidential information is defined in the rules on access to information in Schedule 12A of the Local Government Act 1972 (as amended).
- 14.5. If the GMPFCP cannot unanimously agree on one single final report to the Mayor then one separate report may be prepared and submitted for consideration along with the majority report.

## **15 Scrutiny and Review**

- 15.1. The GMPFCP must scrutinise or review decisions made or actions taken by the Mayor, the Deputy Mayor for Policing and Crime and any other person who exercises any function of the Mayor pursuant to arrangements made under section 18 of the Police Reform Act or section 107D(3) of the LDEDC Act in the discharge of his/her duties, and make reports or recommendations to the Mayor with respect to the discharge of those duties.
- 15.2. The GMPFCP will publish all reports or recommendations made in relation to the discharge of the Mayor's PCC and fire and rescue duties on the GMPFCP's website and by sending copies to each of the Constituent Councils.
- 15.3. The GMPFCP may require the Mayor to respond in writing (within a reasonable period of time determined by the GMPFCP) to any report or recommendation made by the GMPFCP to the Mayor. The Mayor must comply with any requirement imposed by the GMPFCP under Rule 15.3.

- 15.4. As well as reviewing documentation, in fulfilling its scrutiny role the GMPFCP may require the Mayor, the Deputy Mayor for Policing and Crime, members of staff of the Greater Manchester Combined authority deployed wholly or partly in relation to the Mayor's PCC functions, members of staff of the Greater Manchester Combined authority deployed wholly or partly in relation to the GMCA's fire and rescue functions, and any members of the Greater Manchester Combined Authority who exercise any function of the Mayor pursuant to section 18 of the Police Reform Act or section 107D(3) of the LDEDC Act, to attend before the GMPFCP (at reasonable notice) to answer any questions which appear to the GMPFCP to be necessary in order to carry out its functions. The Mayor and any person referred to in this paragraph must comply with a requirement imposed by the GMPFCP under Rule 15.4.
- 15.5. Where any such person as referred to in paragraph 15.4 of this Rule is required to attend the GMPFCP in accordance with this provision the Chair will inform him/her in writing giving, where practical, 14 days notice of the meeting. The notice will state the nature of the item on which that person is required to attend to give account and whether any papers are required for production for the GMPFCP. Where it is necessary to produce a report, sufficient time will be given to allow preparation of that report.
- 15.6. In urgent circumstances the GMPFCP may request any such person as referred to in paragraph 15.4, to attend at such shorter notice as the Chair of the GMPFCP considers to be appropriate or reasonable in the circumstances. Where, in exceptional circumstances, any such person is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chair of the GMPFCP.
- 15.7. Nothing in this Rule 15 requires a person to give any evidence, or produce any document, which discloses advice given to –
- 15.7.1. The Mayor in relation to PCC or fire and rescue functions;
  - 15.7.2. The Deputy Mayor for Policing and Crime; or
  - 15.7.3. A member of the Greater Manchester Combined Authority who exercises any function of the Mayor pursuant to arrangements made under section 18 of the Police Reform Act or section 107D(3) of the LDEDC Act.

- 15.8. If the GMPFCP requires the Mayor or Deputy Mayor for Policing and Crime to attend before the GMPFCP, the GMPFCP may (at reasonable notice) request the Chief Constable of GMP and/or the Chief Fire Officer of GMFRS to attend before the GMPFCP on the same occasion to answer any questions which appears to the GMPFCP to be necessary in order for it to carry out its functions.

## **16 Attendance by others**

- 16.1. The GMPFCP 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 GMPFCP and officers in other parts of the public sector and may invite such people to attend.

## **17 Establishment of Sub-Committees, Task and Steering Groups**

- 17.1. Subject to Rules 17.2 and 17.4 below, the GMPFCP may establish such Sub Committees as it considers necessary to discharge the functions of the GMPFCP and may refer to those Sub Committees such matters as the GMPFCP considers appropriate.
- 17.2. The Special Functions of the GMPFCP may not be discharged by a Sub Committee of the GMPFCP.
- 17.3. For the purposes of these Procedure Rules “Special Functions” means the functions conferred on the GMPFCP by:
- 17.3.1. Section 28(3) of the Police Reform Act (scrutiny of the GM Police and Crime Plan);
  - 17.3.2. Article 5B of the Fire Order (scrutiny of the Fire Plan)
  - 17.3.3. Section 28(4) of the Police Reform Act (scrutiny of the Mayor’s Annual Report and the fire and rescue declaration);
  - 17.3.4. Paragraphs 10 and 11 of Schedule 1 of the Police Reform Act (review of senior appointments)
  - 17.3.5. Schedule 5 of the Police Reform Act (issuing precepts)

- 17.3.6. Article 5D of the Fire Order (review of proposed allocation of budget for fire and rescue functions)
- 17.3.7. Part 1 of Schedule 8 of the Police Reform Act (scrutiny of the appointment of the Chief Constable of GMP).
- 17.3.8. Part 2 Chapter 1 of the Fire and Rescue Authority (Police and Crime Commissioner) Order (scrutiny of the appointment of the Chief Fire Officer)
- 17.4. A Sub Committee of the GMPFCP may not appoint co-opted Members.
- 17.5. Task and steering groups may be established from time to time to assist and support the work of the GMPFCP.

## **18 Carrying out the “Special Functions”**

Reports and recommendations made in relation to the GMPFCP’s Special Functions listed at Rule 17.3 will be carried out in accordance with the procedure outlined at Rule 14.

### **18.1 Police and Crime Plan and the Fire Plan**

- 18.1.1. The GMPFCP is a statutory consultee on the development of the Mayor’s police and crime plan and the GMCA’s Fire Plan. The GMPFCP will receive a copy of the draft police and crime plan and draft Fire Plan, or a draft of any variation to them, from the Mayor.
- 18.1.2. The GMPFCP must -
  - 18.1.2.1. hold a public meeting to review the draft plans (or a variation to them), and
  - 18.1.2.2. report or make recommendations on the draft plans which the Mayor must take into account.

### **18.2 Annual Report and Fire and Rescue Declaration**



- 18.2.1 The Mayor must produce an annual report and fire and rescue declaration about the exercise of their PCC functions and the GMCA's fire and rescue functions in the financial year and progress in meeting police and crime objectives and the fire and rescue priorities and objectives in the year. The report must be sent to the GMPFCP for consideration.
- 18.2.2 The GMPFCP must comment upon the said annual report and fire and rescue declaration, and for that purpose must:
  - 18.2.2.1 arrange for a public meeting of the GMPFCP to be held as soon as practicable after the GMPFCP receives the annual report or fire and rescue declaration;
  - 18.2.2.2 require the Mayor to attend the meeting to present the reports and answer questions about the annual report and fire and rescue declaration as the Members of the GMPFCP think appropriate;
  - 18.2.2.3 review the Mayor's annual report and fire and rescue declaration; and
  - 18.2.2.4 make a report or recommendations on the annual report and fire and rescue declaration to the Mayor.

### **18.3 Senior Appointments**

- 18.3.1 The GMPFCP has powers to review the Mayor's proposed appointment of the Deputy Mayor for Policing and Crime (referred to hereinafter as a "Proposed Senior Appointment")
- 18.3.2 The Mayor is required to notify the GMPFCP of any Proposed Senior Appointment and also to notify the GMPFCP of the following information:
  - 18.3.2.1 the name of the person whom the Mayor is proposing to appoint ("the candidate");
  - 18.3.2.2 the criteria used to assess the suitability of the candidate for the appointment;
  - 18.3.2.3 why the candidate satisfies those criteria; and
  - 18.3.2.4 the terms and conditions on which the candidate is to be appointed.

- 18.3.3 The GMPFCP is required to hold a public confirmation hearing for any Proposed Senior Appointment.
- 18.3.4 The GMPFCP will be notified of the need for a confirmatory hearing in respect of Proposed Senior Appointments made by the Mayor.
- 18.3.5 Confirmatory hearings will be held in public, where the candidate for the Proposed Senior Appointment is requested to appear for the purpose of answering the questions relating to the appointment. Following this hearing, the GMPFCP is required to review the Proposed Senior Appointment and make a report to the Mayor on the Proposed Senior Appointment. The GMPFCP's report must include a recommendation to the Mayor as to whether or not the candidate for a Proposed Senior Appointment should be appointed.
- 18.3.6 The Mayor may accept or reject the GMPFCP's recommendation as to whether or not the candidate for a Proposed Senior Appointment should be appointed. The Mayor must notify the GMPFCP of their decision whether to accept or reject the GMPFCP's recommendation.

## **18.4 Appointment of Chief Constable of GMP and the Chief Fire Officer**

- 18.4.1 The GMPFCP has powers to review and to veto the Mayor's proposed appointment of the Chief Constable of GMP and the Chief Fire Officer.
- 18.4.2 The Mayor is required to notify the GMPFCP of any proposed appointment of the Chief Constable of GMP and the Chief Fire Officer and also to notify the GMPFCP of the following information:
  - 18.4.2.1 the name of the person whom the Mayor is proposing to appoint ("the candidate");
  - 18.4.2.2 the criteria used to assess the suitability of the candidate for the appointment;
  - 18.4.2.3 why the candidate satisfies those criteria; and
  - 18.4.2.4 the terms and conditions on which the candidate is to be appointed.

- 18.4.3 The GMPFCP is required to hold a public confirmation hearing in relation to any proposed appointment of the Chief Constable of GMP or the Chief Fire Officer.
- 18.4.4 The GMPFCP will be notified by the Mayor of the need for a confirmatory hearing in respect of a proposed appointment of the Chief Constable of the GMP or the Chief Fire Officer.
- 18.4.5 Confirmatory hearings will be held in public, where the candidate for the appointment as Chief Constable of GMP or the Chief Fire Officer is requested to appear for the purpose of answering the questions relating to the appointment. Following this hearing, the GMPFCP is required to review the proposed appointment of the candidate as Chief Constable of GMP or Chief Fire Officer and make a report to the Mayor on the proposed appointment of the candidate as chief constable of GMP or Chief Fire Officer. The GMPFCP's report must include a recommendation to the Mayor as to whether or not the candidate for appointment as chief constable of GMP or Chief Fire Officer should be appointed (unless the GMPFCP vetoes the proposed appointment of the candidate pursuant to its powers under Paragraph 5 of Schedule 8 of the Police Reform Act or Article 7 of the Fire and Rescue Authority (Police and Crime Commissioner) Order, in which case the procedure set out below at Rules 18.4.7 to 18.4.11 will be followed).
- 18.4.6 Where the GMPFCP does not veto the appointment of a candidate for Chief Constable of GMP or Chief Fire Officer, the Mayor may accept or reject the GMPFCP's recommendation as to whether or not the candidate for Chief Constable of GMP or Chief Fire Officer should be appointed. The Mayor must notify the GMPFCP of the decision whether to accept or reject the recommendation.
- 18.4.7 The GMPFCP may, having reviewed the proposed appointment of a candidate for Chief Constable of GMP or Chief Fire Officer, veto the appointment of the candidate. A decision of the GMPFCP to veto the appointment of a candidate for Chief Constable of GMP or Chief Fire Officer must be taken by the "required majority" of Members as set out at Rule 12.5. Where the GMPFCP decides to veto the appointment of a candidate for Chief Constable of GMP or Chief Fire Officer, the GMPFCP's report to the Mayor must include a statement that the GMPFCP has vetoed the appointment of the candidate.
- 18.4.8 Where the GMPFCP exercises its power to veto the proposed appointment of a Chief Constable of the GMP or Chief Fire

Officer, the Mayor must propose another person for appointment as Chief Constable of GMP or Chief Fire Officer (“a Reserve Candidate”) and must notify the GMPFCP of the following information:

- 18.4.8.1 the name of the Reserve Candidate;
  - 18.4.8.2 the criteria used to assess the suitability of the Reserve Candidate for the appointment as Chief Constable of GMP or Chief Fire Officer;
  - 18.4.8.3 why the Reserve Candidate satisfies those criteria; and
  - 18.4.8.4 the terms and conditions on which the Reserve Candidate is to be appointed.
- 18.4.9 Within the period of three weeks beginning with the day on which the GMPFCP receives notification of the Mayor’s Reserve Candidate the GMPFCP shall –
- 18.4.9.1 review the proposed appointment; and
  - 18.4.9.2 make a report to the Mayor on the proposed appointment.
    - 18.4.9.2.1 Before making a report to the Mayor in relation to the Reserve Candidate, the GMPFCP must hold a confirmation hearing as detailed at Rule 18.4.5 above. The report of the GMPFCP in relation to the Reserve Candidate must include a recommendation to the Mayor as to whether or not the Reserve Candidate should be appointed.
- 18.4.10 On receiving a report from the GMPFCP regarding the Reserve Candidate, the Mayor shall have regard to the report (including the recommendation in the report) and notify the GMPFCP of his or her decision as to whether he or she accepts or rejects the recommendation.
- 18.4.11 After the Mayor gives notification of his or her decision as required by Rule 18.4.10 the Mayor may then -
- 18.4.11.1 appoint the Reserve Candidate as Chief Constable of GMP or Chief Fire Officer;
  - 18.4.11.2 propose another person for appointment as Chief Constable of GMP or Chief Fire Officer.

## **18.5 Appointment of an Acting Commissioner**

- 18.5.1 The GMPFCP must appoint a person to exercise the Mayor's PCC functions (the "acting commissioner") if the Mayor is suspended from the exercise of PCC functions in accordance with section 30 of the Police Reform Act.
- 18.5.2 The GMPFCP may appoint a person as acting commissioner only if the person is a member of staff of the Greater Manchester Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions, (with specific consideration to the GMCA Chief Executive, Treasurer and Monitoring Officer ) or the Deputy Mayor for Policing and Crime at the time of the appointment.
- 18.5.3 The GMPFCP may not appoint as acting commissioner any person appointed as a Deputy Mayor under section 107C of the Local Democracy, Economic Development and Construction Act 2009.
- 18.5.4 The appointment of an acting commissioner ceases to have effect upon the occurrence of the earliest of these events:
- 18.5.4.1 the election of a person as Mayor;
  - 18.5.4.2 the termination by the GMPFCP, or by the acting commissioner, of the appointment of the acting commissioner.
  - 18.5.4.3 in a case where the acting commissioner is appointed because the Mayor is suspended from the exercise of PCC functions, the Mayor ceasing to be so suspended.

## **18.6 Proposed Precept**

- 18.6.1 Pursuant to Section 28(5) and Schedule 5 of the Police Reform Act the GMPFCP has the power to scrutinise and to veto the PCC component of the Mayor's precept for the financial year.
- 18.6.2 The Mayor may not determine the final amount of the PCC component for a financial year until "the end of the scrutiny process" is reached. For the purposes of Schedule 5 of the Police Reform Act "the end of the scrutiny process" is reached when -

- 18.6.2.1 in a case where the GMPFCP does not veto the proposed PCC component, the Mayor gives the GMPFCP a response to the GMPFCP's report; or
- 18.6.2.2 in a case where the GMPFCP vetoes the proposed PCC component, the end of the process is reached in accordance with Regulations 5 to 8 of the Police Precepts and Appointments Regulations, as amended, and as set out Rules 18.6.4, 18.6.8 and 18.6.10 below.
- 18.6.3 Pursuant to Regulation 3 of the Police Precepts and Appointments Regulations the Mayor must notify the GMPFCP of the PCC component which the Mayor is proposing for the financial year ("the proposed amount of the PCC component") by the 1<sup>st</sup> February of the relevant financial year.
- 18.6.4 The GMPFCP must review the Mayor's proposed amount of the PCC component, and must make a report to the Mayor on the proposed amount of the PCC component. The GMPFCP's report may include recommendations, including recommendations as to the amount of the PCC component for the financial year. The GMPFCP must comply with the duty to review the proposed amount of the PCC component by 8<sup>th</sup> February of the relevant financial year. (Where the GMPFCP exercises its power to veto the proposed amount of the PCC component under Paragraph 4 of Schedule 5 to the Police Reform Act, but fails to comply with the requirement to review and report to the Mayor on the proposed amount of the PCC component by 8<sup>th</sup> February, then pursuant to Regulation 4(1) of the Police Precepts and Appointments Regulations, the end of the scrutiny process is reached and, notwithstanding the veto, the Mayor may determine that the proposed PCC component is the final amount of the PCC component for the financial year).
- 18.6.5 Pursuant to Paragraph 4 of Schedule 5 of the Police Reform Act the GMPFCP may, having reviewed the proposed amount of the PCC component, veto the proposed amount of the PCC component. A decision of the GMPFCP that the proposed amount of the PCC component should not be the PCC component for the financial year must be taken by the "required majority" of Members as set out at Rule 12.5. If the GMPFCP vetoes the proposed amount of the PCC component, then the report that the GMPFCP is required to make to the Mayor under Paragraph 3 of Schedule 5 of the Police Reform Act must include a statement that the GMPFCP has vetoed it.

18.6.6 Where the GMPFCP does not veto the proposed amount of the PCC component, the Mayor must –

18.6.6.1 have regard to the report made by the GMPFCP (including any recommendations in the report);

18.6.6.2 give the GMPFCP a response to the report (and any such recommendations); and

18.6.6.3 publish the response.

18.6.7 Where the GMPFCP vetoes the proposed amount of the PCC component, the Mayor must not determine that the proposed amount of the PCC component is to be the PCC component for the financial year but must by the 15<sup>th</sup> February of the relevant financial year -

18.6.7.1 have regard to the report made by the GMPFCP (including any recommendations in the report);

18.6.7.2 give the GMPFCP a response to the report (and any such recommendations); and

18.6.7.3 publish the response.

The Mayor must, in the response given to the GMPFCP referred to at Rule 18.6.7.3, notify the GMPFCP of the PCC component that the Mayor now proposes to determine (“the revised PCC component”). Where the GMPFCP’s report to the Mayor -

(i) indicates that the GMPFCP vetoes the proposed amount of the PCC component because it is too high, the revised PCC component shall be lower than the proposed amount of the PCC component;

(ii) indicates that the GMPFCP vetoes the proposed amount of the PCC component because it is too low, the revised PCC component shall be higher than the proposed amount of the PCC component.

18.6.8 On receiving the response containing notification of a revised PCC component the GMPFCP shall, by 22<sup>nd</sup> February of the relevant financial year -

18.6.8.1 review the revised PCC component; and

18.6.8.2 make a report to the Mayor on the revised PCC component (“the second report”).

The GMPFCP’s second report may –

(i) indicate whether the GMPFCP accepts or rejects the revised PCC component (but rejection does not prevent the Mayor from finalising the revised PCC component as the PCC component to be determined); and

(ii) make recommendations, including recommendations as to the PCC component that should be determined for the financial year. (Where the GMPFCP fails to act in accordance with the requirement to submit a second report by 22<sup>nd</sup> February, the end of the scrutiny process is reached and the Mayor may determine that the revised PCC component is the final amount of the PCC component).

18.6.9 On receiving the GMPFCP’s second report the Mayor shall, by [1<sup>st</sup> March] of the relevant financial year –

18.6.9.1 have regard to the second report (including any recommendations in the report);

18.6.9.2 give the GMPFCP a response to the second report (and any such recommendations); and

18.6.9.3 publish the response.

18.6.10 Pursuant to Regulation 8(1) of the Police Precepts and Appointments Regulations the end of the scrutiny process is reached when the Mayor gives the GMPFCP a response to their second report in accordance with Rule 18.6.9 above. The Mayor may then -

18.6.10.1 finalise the revised PCC component as the PCC component to be determined for the financial year; or

18.6.10.2 finalise a different amount of the PCC component, but this is subject to Regulation 8(3) of the Police Precepts and Appointments Regulations.

(Pursuant to Regulation 8(3) of the Police Precepts and Appointments Regulations, where the GMPFCP’s report to the Mayor made under Paragraph 3(2) of Schedule 5 to the Police Reform Act –



(i) indicates that the GMPFCP vetoes the proposed PCC component because it is too high, the Mayor shall not finalise the PCC component which is higher than the revised PCC component; and

(ii) indicates that the GMPFCP vetoes the proposed PCC component because it is too low, the Mayor shall not finalise a PCC component which is lower than the revised PCC component;

unless it would be in accordance with a recommendation made by the GMPFCP in the second report to do so).

## **18.7 Proposed Allocation of Budget for Fire and Rescue Functions**

18.7.1 The Mayor must, in each financial year, notify the GMPFCP of the Mayor's proposed allocation of the draft budget for fire and rescue functions in relation to the following financial year.

18.7.2 The notification described in Rule 18.7.1 must be given before the date on which the GMCA determines whether to approve the Mayor's annual budget in relation to the following financial year, and the GMPFCP must have a reasonable amount of time to review the proposed allocation of budget before the GMCA makes its determination.

18.7.3 The GMPFCP must review any proposed allocation of budget notified to it under Rule 18.7.1.

18.7.4 The GMPFCP must make a report to the Mayor in relation to the proposed allocation of budget.

18.7.5 Where the GMPFCP makes a report described in Rule 18.7.4, the Mayor must—

18.7.5.1 have regard to the report and to any recommendations made in it;

18.7.5.2 provide the GMPFCP with a response to the report and any recommendations made in it; and

18.7.5.3 publish the response in such manner as is required by the GMPFCP.

## **19 Complaints**

- 19.1 Criminal and non-criminal complaints in relation to the Mayor or the Deputy Mayor for Policing and Crime will be dealt with and/or delegated in accordance with the Police Reform Act and the Complaints and Misconduct Regulations as modified by the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017.
- 19.2 The GMPFCP's Procedure for dealing with complaints in relation to the Mayor or the Deputy Mayor for Policing and Crime is set out in a separate Protocol.

## **20 Rights of Public to Attend Meetings**

- 20.1 All meetings of the GMPFCP, and its Sub-Committees shall be open to the public (including the press) except to the extent that they are excluded whether during the whole or part of the proceedings either:
- 20.1.1 In accordance with Section 100A(2) of the Local Government Act 1972 which requires that the public must be excluded from a meeting of the GMPFCP during an item of business whenever in the view of the Lead Chief Executive it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the public were present during that item, confidential information would be disclosed to them in breach of the obligation of confidence. For the purposes of Section 100A(2) of the Local Government Act 1972 "confidential information" means –
    - 20.1.1.1 information furnished to the GMPFCP by a Government department upon terms (however expressed) which forbid the disclosure of the information to the public; and
    - 20.1.1.2 information the disclosure of which to the public is prohibited by or under any enactment or by the order of a court.
- 20.2 In accordance with Section 100A(4) by of the Local Government Act 1972 by way of a resolution passed to exclude the public on the grounds that it is likely, in view of the nature of the proceedings, that if members of the public were present there would be disclosure to them of exempt information as defined in Section 100I of the Local Government Act 1972. Any such Resolution shall identify the proceedings or the part of the proceedings to which it applies and state the description, in

terms of Schedule 12A to the Local Government Act 1972 of the exempt information giving rise to the exclusion of the public.

## **21 Interests of Members**

21.1 An Appointed Member of the GMPFCP must disclose any interests in any business conducted by any meeting of the GMPFCP in accordance with their own Constituent Council's Code of Conduct for Members.

21.2 A Co-Opted Member of the GMPFCP must disclose any interests in any business conducted by any meeting of the GMPFCP in accordance with the Code of Conduct for Members adopted by Salford City Council in accordance with the requirements of the Localism Act 2011.

## **22 Records**

22.1 The Lead Chief Executive shall ensure that the names of the Members of the GMPFCP present at any meeting of the GMPFCP shall be recorded in the minutes of the meeting concerned.

22.2 The minutes of the proceedings of a meeting of the GMPFCP are to be kept in such form as the GMPFCP may from time to time determine.

22.3 The minutes of the proceedings of a meeting of the GMPFCP shall be signed at the next meeting of the GMPFCP by the person presiding at the meeting of the GMPFCP to which the minutes relate.

22.4 Any minute purporting to be signed as mentioned in Rule 22.3 shall be received in evidence for the purposes of any legal proceedings without further proof.

22.5 Until the contrary is proved, a meeting of the GMPFCP, a minute of whose proceedings has been signed in accordance with this Rule 22, is deemed to have been duly convened and held, and all the Members of the GMPFCP present at the meeting are deemed to have been duly qualified.

## **23 Supply of Copies**

23.1 The Lead Chief Executive will supply copies of:

- 23.1.1 any agenda and reports which are open to public inspection;
  - 23.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda;
  - 23.1.3 if the Lead Chief Executive thinks fit, copies of any other documents supplied to the GMPFCP in connection with an item.
- to any person on payment of a charge for postage and any other costs.

## **24 Access to Minutes etc. after the meeting**

- 24.1 The Lead Chief Executive will make available copies of the following for six years after a meeting of the GMPFCP:
  - 24.1.1 the minutes of the meeting (excluding any part of the minutes or proceedings when the meeting was not open to the public or which disclose exempt or confidential information);
  - 24.1.2 a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
  - 24.1.3 the agenda for the meeting; and
  - 24.1.4 reports relating to items when the meeting was open to the public.

## **25 Background Papers**

- 25.1 An officer preparing a report will set out in such report a list of those documents (called background papers) relating to the subject matter of the report which in his opinion:
    - 25.1.1 disclose any facts or matters on which the report or an important part of the report is based; and
    - 25.1.2 which have been relied on to a material extent in preparing the report.
- but does not include published works or those which disclose exempt or confidential information as defined in Part 1 of

Schedule 12A to the Local Government Act 1972 (as amended).

- 25.2 The Lead Chief Executive will make available for public inspection for four years after the date of a meeting of the GMPFCP one copy of each of the documents on the list of background papers.

## **26 Conduct of Members**

- 26.1 If, in the Chair's opinion any Member at a meeting is:
- 26.1.1 persistently ignoring the ruling of the Chair;
  - 26.1.2 behaving irregularly, improperly or offensively; or
  - 26.1.3 intentionally obstructing the meeting;
- the Chair can propose that "the Member named be not further heard" (cannot speak further at the meeting). If the proposal is seconded, it will be put to the vote without being discussed.
- 26.2 If it is agreed that the Member should not speak further at the meeting, but that Member continues to speak, the Chair will propose that:
- 26.2.1 "the Member named leaves the meeting"; or
  - 26.2.2 the meeting is adjourned for a period the Chair considers appropriate.
- 26.3 If there is a general disturbance, which in the opinion of the Chair, makes it impossible to conduct the meeting properly, the Chair can, without question, adjourn the meeting for such period as the Chair considers appropriate.

## **27 Disturbance by Members of the Public**

- 27.1 If a member of the public interrupts the proceedings at any meeting the Chair shall warn him or her that if they continue to act in that way they will be removed from the meeting.
- 27.2 If members of the public are causing a general disturbance in any part of the meeting room, the Chair can make an order that part of the meeting room to be cleared.

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

- 28.1 If the Mayor suspends the Chief Constable or Chief Fire Officer the Mayor must notify the GMPFCP of the suspension.
- 28.2 The Mayor must not call upon the Chief Constable to retire or resign or dismiss the Chief Fire Officer until the end of the scrutiny process which will occur:
- 28.2.1 at the end of six weeks from the GMPFCP having received notification, if the GMPFCP has not by then given the Mayor a recommendation as to whether or not they should call for the retirement or resignation of the Chief Constable or dismiss the Chief Fire Officer; or
  - 28.2.2 the Mayor notifies the GMPFCP of a decision as to whether they accept the GMPFCP's recommendations in relation to resignation, retirement or dismissal.
- 28.3 The Mayor must notify the GMPFCP in writing of their proposal to call upon the Chief Constable to retire or resign or to dismiss Chief Fire Officer together with a copy of the reasons given to the Chief Constable/Chief Fire Officer and any representation from the Chief Constable/Chief Fire Officer in relation to that proposal and in the case of the Chief Fire Officer, a copy of the written views of the chief fire and rescue inspector for England.
- 28.4 Within six weeks from the date of receiving the information referred to in Rule 28.3, the GMPFCP must make a recommendation in writing to the Mayor as to whether or not they should call for the retirement or resignation or proceed to dismiss. Before making any recommendation, the GMPFCP may consult the chief inspector of constabulary (if relevant), and must hold a scrutiny hearing.
- 28.5 The scrutiny hearing which must be held by the GMPFCP is a GMPFCP meeting in private to which the Mayor and Chief Constable/Chief Fire Officer are entitled to attend to make representations in relation to the proposal to call upon them to retire or resign or to dismiss them. Appearance at the scrutiny hearing can be by attending in person, or participating by telephone or video link.

- 28.6 The GMPFCP must publish the recommendation it makes by such means as it considers appropriate.
- 28.7 The Mayor must consider the GMPFCP's recommendation and may accept or reject it, notifying the GMPFCP accordingly.