



# HERTFORDSHIRE POLICE AND CRIME PANEL

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## FUTURE WORKING WITH THE POLICE AND CRIME COMMISSIONER

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Broxbourne Borough Council

Item 7

25 October 2012

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### RECOMMENDATIONS

1. That the Panel considers the Draft Protocol for joint working between the Panel and the Commissioner, and approves it as the basis for discussions with the Commissioner.
2. That the Draft Protocol is considered at a future meeting of the panel when the commissioner's comments have been included.
3. That the Panel notes the very tight timescales for the commissioner's budget setting process and the Panel's input to that process.

### Purpose of Report

For the Panel to approve a draft working protocol between the PCP and the PCC to assist both bodies with their respective roles.

### Background

The PCP has a number of statutory functions to provide support and challenge to the PCC. The PCP is only going to be able to do this effectively with a degree of co-operative working because of the requirement in statute for very tight time limits to be applied to the various processes the PCP has a role in.

## **Statutory Time Limits**

**Precept.** The Act requires the PCC to issue the precept by 31 January. The PCP must consider and report back to the PCC by 8 February. The PCC must respond a week later and the PCP report further a week after that. The PCC must then issue the precept a week after that. Only 4 weeks and 3 days to go through the whole budget setting procedure with the PCP with 5 steps to be taken.

**Confirmation Hearings.** Here the PCC notifies the panel of the proposed appointment and the prescribed additional information. The PCP then has 3 weeks to review, hold a public meeting to question the candidates and report with a recommendation. If the PCP vetoes the appointment of Chief Constable the PCC must propose a reserve candidate and the same timetable applies to the consideration of that appointment.

**Requirement for the Chief Constable to Retire or Resign.** The PCP has 6 weeks from the notification by the PCC that he requires the Chief Constable to retire or resign to take advice if appropriate from the chief inspector of constabulary, hold a public meeting and make recommendations to the PCC.

Clearly the Panel is not going to be able to properly deal with these matters as committees traditionally would in local authorities. It will not be possible to discuss the issues and ask officers to draft reports for consideration and refinement at future meetings. The Panel is effectively going to have to formulate its reports at the meetings convened to first consider these matters. That is particularly the case as the functions of reviewing the precept, police and crime plan, annual report, senior appointments and appointment of Chief Constable must be carried out by the whole panel and not sub-committees.

## **Draft Protocol**

The draft protocol will need further work to keep it fit for its purpose which is to set out how the PCC and PCP will work together to ensure that the panel is able to effectively do its job of both supporting the and holding them to account on behalf of the public in Hertfordshire. It sets out the statutory requirements and how they can be managed to achieve. The context for the protocol is that the statutory regime set out above must be developed to make the work of the PCP effective.

## **Particular issues the Panel may wish to consider**

**Complaints about the PCC** The PCP role in complaints is limited to informal resolution. This means that the panel can do anything it thinks fit to resolve complaints but cannot investigate them or require the PCC to apologise. The PCP has power to delegate its role in complaints apart from keeping itself informed about them, and informal resolution if not dealt with otherwise to another person other than the PCC or Deputy if there is one. It is proposed that the Chief Executive of the PCC should be delegated the roles in respect of complaints to the extent that they are not conflicted out or in some other way unable to act. Draft government guidance on the subject confirms that this does not create a conflict of interest and is a suitable way of dealing with the issue. The intention is that the complaints are subject to a triage process so they can be appropriately redirected to the Chief Constable or the IPCC or another police force if appropriate. The PCC Chief Executive will not be required to investigate complaints about the PCC who employs him or her because that is not a function of the PCP in handling complaints.

**Reports and Notifications** Clearly the PCP must have sufficient information to be able to deal with the matters it has to consider at the meeting when the matter appears on the agenda. It is not in the interests of the PCC for matters to have to be adjourned to wait for additional information as they will have to reappear and provide the information to the PCP. The protocol therefore sets out this requirement. It may well be that experience means the content of these sections needs to be made more specific.

## **Conclusion**

It will be necessary for the PCC and PCP to have agreed working procedures to supplement the statutory requirements so that work is effective. The working procedures will change as experience suggests improvements are needed and as the respective roles evolve. The draft protocol attached should be considered a first step towards agreement of working procedures and should be reviewed at a meeting of the PCP at least annually to ensure it remains fit for purpose.