

**DRAFT PROTOCOL BETWEEN THE HERTFORDSHIRE POLICE AND
CRIME PANEL AND THE POLICE AND CRIME COMMISSIONER FOR
HERTFORDSHIRE**

This protocol concerns the relationship between the Police and Crime Panel and the Police and Crime Commissioner. Its purpose is to ensure that:-

- (i) Mechanisms are put in place for exchanging information and work programmes so that issues of mutual concern and interest are recognised at an early stage and are dealt with in a spirit of co-operation and in a way that ensures the complementary responsibilities of the PCP and the PCC are managed;

- (ii) There is a shared understanding of the process of provision of reports and arrangements for dealing with such reports.

- (iii) Information is shared where appropriate on work programmes.

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**Chairman of the Police and
Crime Panel**

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**Police and Crime
Commissioner**

Date.....

Date.....

ROLE OF THE POLICE AND CRIME PANEL

Elected Police and Crime Commissioners (PCCs) and Police and Crime Panels (PCPs) were introduced by the 2011 Police Reform and Social Responsibility Act. Under the Act, the PCC will be responsible for holding the Chief Constable to account, securing an efficient and effective local police force and carrying out functions in relation to community safety and crime prevention.

The Hertfordshire Police and Crime Panel will be responsible for publicly scrutinising the actions and decisions of the PCC and in doing so will, amongst other things:

1. Review and make a report or recommendation on the draft police and crime plan.
2. Hold meetings in public to consider the annual report from the Police and Crime Commissioner.
3. Review and scrutinise decisions, or other action taken, by the Police and Crime Commissioner in connection with the discharge of their functions.
4. Publish all reports and recommendations the Panel makes and send copies to the constituent local authorities.
5. Interview proposed candidates for senior appointments by the PCC at meetings held in public and make recommendations to the PCC on the proposals
6. Consider the precept proposed by the PCC and make a report and potentially veto the proposal.

7. Interview proposed candidate for appointments as Chief Constable by the PCC at a public hearing and make recommendations to the PCC on the candidate and potentially veto the proposal.
8. Review any decision of the PCC to require the Chief Constable to retire or resign.

WORKING PRINCIPLES

Given the common aims of both the PCC and the PCP to enhance the effectiveness of measures aimed at reducing crime and disorder and enhance public safety, it is vital that they:-

- (i) work in a climate of mutual respect and courtesy;
- (ii) have a shared understanding of their respective roles, responsibilities and priorities;
- (iii) promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way;
- (iv) share work programmes, information or data they have obtained to avoid the unnecessary duplication of effort;

Whilst recognising the common aims and the need for closer working, it is important to remember that the PCC and the PCP are independent bodies and have autonomy over their work, methods of working and any views or conclusions they may reach. This protocol will not preclude either body from working with any other local, regional or national organisation to deliver their aims.

WHAT WILL THIS MEAN IN PRACTICE

The Police and Crime Panel is a creature of statute only recently established. Clearly it will need time to establish itself and its ways of working. The proposals now outlined below will need to be revisited in 12 months' time to assess how these are working and to consider whether the scope now identified is appropriate.

The Police and Crime Commissioner similarly will need to establish their way of working after their first election.

The PCP has power to require the PCC (or their staff) to attend any meeting on reasonable notice and to provide information or answers to questions. The PCC will be notified of the PCP's calendar of meetings for the year ahead and will attend those meetings without further request unless notified their attendance is not required. If the PCP cannot attend a meeting they will notify the PCC as soon as they are aware they cannot attend. In that case the PCC will request to be represented by the Deputy PCC (if there is one) or their Chief Executive. The PCP may accept that request or adjourn the meeting and require the PCC to attend the adjourned meeting.

Reports and notifications made by the PCC to the PCP whether required by statute or at the request of the PCP will contain sufficient background information, analysis and narrative to allow the PCP to carry out its functions at a meeting where the subject matter of the report or notification is on the agenda.

PCC to issue Proposed Precept Prior to the Budget setting period

The PCP will invite the PCC to attend a meeting in public prior to the budget setting deadline, usually in November or early December, to discuss issues of mutual interest relating to the Police and Crime Plan and the Budget setting process. The meeting will allow the PCP to inform the PCC of aspects of the

plan and budget of concern to the PCP and the PCC to indicate how the budget setting process is being approached for that particular year and issues that are anticipated to arise. The purpose of this meeting is to attempt to avoid surprises to either party during the very limited timescale of the formal budget setting process in January and the first week of February.

Budget Setting Period

The PCC has to issue the proposed precept to the PCP by 31 January in each year. The PCC will use their best endeavours to issue the precept by 17 January in each year so that the PCP has time to consider it. To allow the PCP to properly consider the precept the PCC will issue at the same time budget papers with analysis and narrative suitable to allow the PCP to reasonably scrutinise the background to the precept.

The PCP has to respond to the PCC with its report, and if it resolves by the appropriate majority, to veto the precept by 7 February in each year. If the PCC has issued the precept by 17 January the PCP will meet before the end of January to make its report to the PCC.

The PCC has to respond to the PCP's report on the precept by 15 February. If the PCP has reported before the end of January as intended the PCC will respond by 7 February (including a revised precept if following recommendation of the PCP or following veto by PCP).

The PCP must then finally respond to the PCC by 22 February. If the PCC has made their response by 7 February as intended, the PCP will issue its final report by 14 February.

The precept must be notified by the PCC to the PCP billing authorities by 1 March in each year. If the PCP has reported finally to the PCC by 14 February as intended the PCC will notify the PCP and billing authorities of the precept by 26 February.

The specific dates may need minor amendment in each year depending on what days the dates happen to fall. The timescales are set out in the diagram at appendix 1.

Police and Crime Plan

The Police and Crime Plan must be sent by the PCC to the PCP in draft before it is issued. It must be issued within the financial year of each ordinary PCC election but it may be varied at any time and the same considerations apply to a variation. The PCC must ensure the PCP has a reasonable amount of time to review the plan and make a report to the PCC on it. The PCC will issue the draft plan to the PCP at least one month before the PCC intends to issue the final plan. In practice the PCC is likely to issue the draft plan at or around the same time as the proposed precept and budget. The PCP will consider the plan at its meeting to consider the precept. The PCC will ensure the draft of a plan or variation to it is issued to the PCP in time for it to be considered at one of its timetabled meetings notified to the PCC. If it is not practicable to submit the draft in time for a scheduled meeting the PCC will give not less than one month's notice of the intention to issue a draft so that a meeting can be arranged.

Annual Report

The PCC must issue an annual report on the exercise of the PCC's functions and the progress in the year in meeting the police and crime objectives in the police and crime plan. The PCP must consider this report at a meeting held in public. The PCC will normally issue the report with a view to it being considered at the June or July meeting of the PCP. The PCC will attend that meeting to answer questions on the report. The PCP will send its report on the plan to the PCC within one month of the conclusion of the meeting. The PCC will respond to the PCP's report within 3 weeks.

Senior and Chief Constable Appointments

The PCC will notify the PCP of any proposed senior appointments to be made and likely timescales as soon as the PCC is aware that the appointment will need to be made. The PCC must notify the PCP of the name of the proposed candidate, the criteria used to select the candidate, reasons why the PCC considers the candidate meets the criteria and proposed terms and conditions of appointment. Where practical the PCC will notify the PCP of the required information in time to allow a confirmation hearing at a scheduled public meeting of the PCP. If that is not practical a special meeting of the PCP will be arranged.

The PCC will normally attend the meeting to answer any questions the PCP may have on the information provided.

The PCP will submit a report including a veto if appropriate to the PCC within 3 weeks of notification of receipt of the required information (subject to exclusion of post election periods as defined in the legislation in calculation of time).

Requirement for the Chief Constable to Retire or resign.

In the event that the PCC notifies the PCP of the Chief Constable being required to retire or resign the PCC will provide the PCP with sufficient information on the grounds and background to allow the PCP to seek advice from HM Inspector of Constabulary. The PCP must hold a meeting in private and make recommendations within 6 weeks of the notification. The PCP will usually establish a sub-committee to conduct the hearing and make recommendations. The PCC will attend the meeting unless notified they are not required and will answer questions on the reasons for their requirement. The Chief Constable may attend the meeting and make representations.

Complaints and Conduct about the PCC (subject to guidance)

The PCP delegates its functions with regard to complaints to the PCC's Chief Executive other than those in Part 4 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, which relate to the informal resolution of complaints. This will be the case unless the PCC's Chief

Executive considers he or she is subject to a conflict of interest or is for some other reason unable to act in which case the PCP will be notified. This is pursuant to Regulation 7 of the Regulations.

The PCC Chief Executive will report to the PCP at least annually on any complaints and conduct issues. The report will cover the number and type of complaints, what has been done with them and whether they are closed or outstanding. The PCC Chief Executive will also report any complaints about the PCCs conduct which he reasonably considers may need to be reported to the PCP in the public interest as soon as it is considered appropriate to do so.

Where the PCP chooses to delegate the initial handling of complaints and conduct matters, the PCC chief executive will adopt a triage approach, determining whether the complaint received was:

- An issue raised about local crime or neighbourhood concerns - to be dealt with by the police force through normal channels of feedback, such as beat meetings;
- A complaint other than a serious complaint - for resolution by the PCP;
or
- A serious complaint - to be referred to the IPCC.

If a complaint needs to be referred to the PCP the PCC Chief Executive will pass all information held on the issue to the PCP so that it can carry out its role of informally resolving the complaint or dealing with it in some other way. The PCP will normally delegate the resolution of complaints pursuant to Part 4 of the Regulations to a sub committee of the PCP. The Sub-committee may refer the complaint to the full PCP if it believes that will lead to a more satisfactory resolution of the complaint.

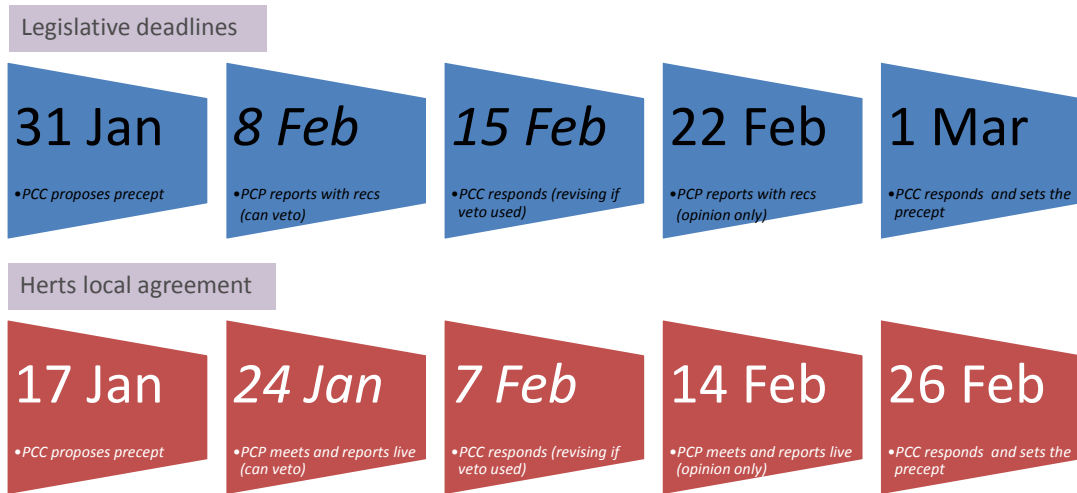
If a complaint has already been satisfactorily dealt with by the time it comes to the PCP's attention, the PCP may consider it to be resolved and take no further action in relation to it – regulation 28(8).

If the PCP decides that the complaint will be best resolved by way of apology on behalf of the PCC the PCC's consent will be sought first and the apology only issued if the consent is given.

The PCP will send a record of the complaint and its outcome to the complainant and PCC as soon as practicable. Normally the PCP will publish the records of complaints after consulting the complainant and the person complained about unless the publication is not thought by the PCP to be in the public interest.

The address for complaints to be sent is that of the PCC's Chief Executive. The PCC's Chief Executive will make this address known for the purposes of complaints on the PCC website and on request to any person. This will be the forwarding address for all complaints in the first instance.

Process for PCP scrutiny of precept



Process for PCP scrutiny of chief constable appointments

