



# HERTFORDSHIRE POLICE AND CRIME PANEL

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## Local Policing Accountability Committee on Standards in Public Life Consultation

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### RECOMMENDATIONS

- 1 That the panel responds as appropriate to the consultation.

### Purpose of report

To allow the panel to respond to an issues and questions paper issued by the Committee on Standards in Public Life (CSPL) on accountability, leadership and ethics in local policing.

### Background

The CSPL sets out the background to police accountability in its report which is at Appendix 1. The basis for the accountability in the working relationship between the elements of the policing governance family is the Policing Protocol which provides that all parties to the protocol, that is PCC's, Chief Constables and PCPs will abide by the seven principles set out in Standards for Public Life: first report of the CSPL. These principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership and they are known as 'The Nolan Principles'. The CSPL advises the Prime Minister on ethical standards across public life in the UK and is responsible for monitoring and reporting on issues relating to the standards of conduct of all public office holders. The CSPL now wishes to review of how ethical standards are being addressed in the police accountability arena.

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## **Inquiry of the CSPL**

The CSPL would like to receive answers to some or all of the questions set out in its paper. The paper also sets out the accountability structures provided in the legislative background to the introduction of PCCs and those relating to the relationships between each of the partners. The questions posed are:

- 1. *Are there any gaps in the existing mechanisms for holding PCCs to account?*** The limitations on the powers of the PCP to hold the PCC to account are well known to the panel and have been reported widely in the media and by the House of Commons Home Affairs Select Committee. However, it was always the intention of government that the PCC should be answerable to the electorate. The CSPL paper also suggests that the requirement for a politically balanced panel means that a panel of the same political leaning as the PCC may be seen as supporting rather than scrutinising the PCC. Alternatively one that does not have the same political leaning may be more adversarial.
- 2. *What can PCCs do themselves to improve their accountability to the public between elections? How well are these mechanisms working in practice?*** Again, the panel is aware from previous meetings of the statutory information publication regime and the fact that many PCCs have not published all they should or have not published it in a user friendly way and comments have been made with regard to the Office of the Hertfordshire PCC at those meetings. It may be considered appropriate to reflect some of those discussions in a reply to recommend that a standard easy to follow template with links to up to date information be used by all PCCs to comply with the statutory disclosure regime. This could be quite easily achieved with guidance by the Home Office as to layout and content based on the best practice of OPCCs nationally.
- 3. *How are PCCs ensuring transparency in their decision making?*** The Hertfordshire PCC holds a Strategic Executive Board (OPCC and Constabulary) and publishes minutes of those meetings; a Commissioner's Executive Board (OPCC) and publishes the minutes of those meetings as well as the legally required list of decisions made. In addition the PCC holds an informal community safety forum which includes the relevant lead members from each of the principal local authorities in the county and proposals are sounded out. There is a considerable variation in the lists of decisions made published by PCC's nationally with some reporting only the few high level decisions and others a more comprehensive list.
- 4. *What information is being made available to the public to enable them to scrutinise the performance of their local force and hold PCCs to account? To what extent is it easily accessible, understandable and reliable?*** Aspects of this question are touched on above. In addition the panel is aware of the work done on the crime statistics published by which the PCC and the constabulary are held to account.
- 5. *What has worked best for PCCs in engaging with the public and local communities?*** The panel may have a view of this from members' own perspectives or those of their councils. It would be interesting to compare this with the views of the PCC on the subject.

**6. How well are PCPs able to hold PCCs to account between elections?**

a) **Does the role of PCPs need any further clarification?** The role is clearly set out in the legislation. Some have commented that the specification in the legislation makes the role of the PCP too procedural for it to be of public interest.

b) **How well are the current 'balanced' membership arrangements ensuring effective scrutiny and support of PCCs?** It is difficult to consider how a panel that is not balanced could have any legitimacy. The numbers and means of securing members in the legislation means that some odd results occur nationally, fortunately this has not arisen in Hertfordshire.

c) **Are the current membership thresholds requiring a two thirds majority to veto a PCC's level of precept and appointment of chief constable proving practicable?** Some PCPs have voted against a precept proposal but failed to achieve the two thirds majority but of course that has not arisen in Hertfordshire. The panel may consider it appropriate to suggest the government revisit the requirement for precept proposals where the PCC retains the ability to revise the precept as much or as little as they wish whilst keeping it for appointment proposals.

d) **Should PCPs have power to veto PCC appointments of senior staff where they believe the criteria for suitability were inappropriate or not satisfied?** The use of a veto is clearly very serious and potentially career ending so such a power needs very careful use if it is to be given. An alternative that is less than a veto to require the PCC to take certain steps to review a decision based entirely on procedural shortcomings assessed by the PCP might make this power more meaningful.

e) **How should PCCs be held to account for their standards of personal conduct? What role should PCPs have in this?** The PCP does have a role in complaints regarding the PCC and to the extent that this does not involve a potential criminal offence this will be carried out with regard to the seven principles of public life set out above. The ability of the PCP to carry out this role is though very limited as only informal resolution and no investigation is possible. The PCP itself does not have the resources to investigate even if the limitations were to be relaxed.

**7. Are the boundaries between the local roles and responsibilities of the PCC and Chief Constables being adequately communicated and understood by local communities? Is there evidence that they need any further clarification or guidance?**

The panel is aware that this issue is very difficult to make clear. There is a significant overlap between the PCC and Chief Constable roles and responsibilities and it is bound, therefore, to be difficult to communicate this difference to the public. This will be consistent with the position prior to the introduction of PCCs however, as the split between the Police Authority and Chief Constable roles were similarly ill-defined. The position will only have worsened to the extent that a PCC is more visible than a Police Authority and it is natural to see the role at first blush as akin to a line management role of the Chief Constable, which of course it is not.

**8. According to the Financial Management Code, Audit Committees should 'advise the PCC and the Chief Constable according to good governance principles and to adopt appropriate risk management arrangements'. How well is this working in practice? Are there any examples of conflicts of interests arising from PCCs and Chief Constables having in some cases a joint Audit Committee and/or chief**

***financial officer?*** The Hertfordshire PCC has a joint Audit Committee with the Constabulary. The chief financial officer was shared with the Constabulary until April 2014 when a separate arrangement was put in place.

The panel is invited to propose responses to any or all of the questions and the clerk will submit a response.

### **Financial Legal and Risk implications**

There are no financial, risk or legal implications.

Background papers

None