

## **Protocol for governing dealings between the Police & Crime Commissioner (PCC) and the Police & Crime Panel (PCP)**

*Note: References throughout this Protocol to 'The Act' refer to the Police Reform & Social Responsibility Act 2011.*

### **Introduction**

1. The purpose of this protocol is to provide a guide for the PCC, the PCP and their support officers, in their relations with one another. It reflects the principles underlying the respective rules of conduct which apply to both the PCC\* and the PCP and the officers that support them. The outcome should be to enhance and maintain the integrity, both real and perceived, of the PCC and the PCP by demanding the highest standards of personal conduct at all times across a range of business activities.

*[\* The PCC is not subject to the provisions of the Localism Act 2011 (Chapter 7) in the same way that a local authority is required to have in place a code of conduct governing standards of conduct by its members and officers. However, a local framework governing conduct and probity issues is in place, which the PCC has signed up to]*

### **Background**

2. This protocol seeks to support and assist the working relationships between the PCC and the PCP by setting out the mutual expectations and responsibilities that are likely to promote and enhance the reputation and standing of the PCC, the Office of the PCC (OPCC), the PCP and Staffordshire County Council (as lead authority for the PCP).
3. This protocol covers those officers that support the PCC and who are line managed by the Chief Executive in the OPCC. The PCP is administered by Staffordshire County Council. The County Council's Director of Law and Governance is responsible for the staff that will administer and support the PCP.

### **Responsibilities**

#### **PCC**

4. The PCC must:-
  - (a) be guided by the seven Nolan Principles of Public Life;
  - (b) comply with the OPCC local policies and procedures;

- (c) ensure that any facilities provided for their use are used strictly for the intended purpose and for no other purpose; and
  - (d) comply with any relevant statutory provisions.
5. It is the responsibility of the PCC to ensure that they have proper advice. If in any doubt in terms of the law, general propriety, conflicts of interest, etc, then the Chief Executive of the OPCC should be consulted.

## **PCP**

6. The PCP is responsible for scrutinising the work of the PCC, has the ability to review their decisions and has a power of veto over Precept levels and Chief Constable appointments (*the use of the veto and appointments process is set out in The Police & Crime Panels (Precepts & Chief Constable Appointments) Regulations 2012*). The Panel can require the attendance of the PCC, or their staff, at meetings of the Panel to enable it to carry out its functions (*S 29(1) of the Act*). The Panel also has the ability to request the attendance of the Chief Constable, or his representative, at specified meetings at which the PCC has been requested to attend.
7. The Panel can require relevant reports and information in the PCC's possession (except those that are operationally sensitive) to enable them to fulfil their statutory obligations.
8. The PCP is constituted of ten elected members (one each from the ten local authorities in Staffordshire) and two independent members and will meet at least quarterly. All members of the PCP will also be guided by the Seven Nolan Principles of Public Life and an agreed Code of Conduct.
9. The PCP will be required to review and report on the PCC's Police & Crime Plan and the PCC's annual report, together with carrying out the initial handling and informal resolution of complaints against the PCC. This can be delegated to the Chief Executive of the OPCC if the Panel so determines.
10. The service standards for interaction between the PCC and PCP are set out at paragraph 24 below.

## **Officers of the Office of the PCC and those supporting the PCP**

11. All support officers are required to be politically neutral in their dealings with both the PCC and the PCP. All are expected to uphold the highest standards of conduct and integrity in relation to:-
- (a) official conduct;
  - (b) sensitivity over disclosure of information and confidentiality;

- (c) relationships with members, associates, officers in other authorities, other local policing bodies and contractors;
- (e) outside commitments, personal business interests, interests in contracts etc and any other situation in which personal interests, could create a potential conflict;
- (f) equality issues;
- (g) hospitality and gifts;
- (h) use of financial resources; and
- (i) sponsorship.

### **Respect and Courtesy**

12. For the conduct of the PCC and the PCP to be effective there must be mutual respect, trust and courtesy in all meetings and contacts, both formal and informal. It is very important that both the PCC and PCP remember their respective obligations to enhance the reputation of the organisations and to do what they can to avoid criticism in public places.

### **Undue Pressure**

13. It is important that in any dealings between the PCC and the PCP neither should seek to take unfair advantage of their position by applying undue pressure on each other, their members or officers to do anything they are not empowered to do.
14. A member of the PCC's staff is not required to give any evidence or produce any document to the Panel, which discloses advice given to the PCC by that person (*S29(2) of the Act*).

### **Familiarity**

15. Close personal familiarity between the PCC, the PCP and support officers could damage the principle of mutual respect. It could also, intentionally or accidentally, lead to the passing of confidential information or information which should not properly be passed between them, such as personal details.
16. In public meetings when the public or persons who are not officers or members are present, it would be usual for the PCC and the PCP members and support officers to address each other in a formal manner. The holders of office should in public always be addressed by their office unless otherwise requested.

## **Redress**

17. If the PCC or the PCP consider that they have not been treated with proper respect or courtesy, they may raise it with the Chief Executive of the OPCC (in the case of the PCC) or the County Council's Director of Law & Governance (in the case of the PCP) if it is not possible or practicable to resolve it through direct discussion.
18. If a support officer feels the same way about the PCC or a member of the PCP and a direct discussion is impractical or fails to resolve the matter, they should raise the matter with the Chief Executive of the OPCC or the Director of Law & Governance, as appropriate, without delay.

## **Declarations of Interest**

19. The PCC and PCP members must declare any personal or prejudicial interest in any item under consideration during meetings etc. They will be required to have made such declarations in the Register of Interests held by either the OPCC or, in the case of members of the PCP, their responsible authority.
20. Support officers should declare to the Chief Executive of the OPCC or to the Director of Law & Governance, as appropriate, any outside commitments, personal business interests, interests in contracts etc and any other situation in which personal interests, including those of the officer's family or close associates, are, or could bring about, conflict with the interests of the PCC or PCP.

## **Breaches of Protocol**

21. If the PCC or members of the PCP are in breach of the requirements of this Protocol the matter will be treated seriously and the necessary and appropriate action taken.
22. The conduct of officers is subject to the application of appropriate regulations, policies and procedures and to the provisions of the relevant conditions of service of the officer concerned. If an officer is found to be in breach of the requirements of this protocol, disciplinary action may result.
23. The prompt use of informal resolution procedures should be pursued wherever possible.

## **Service Standards**

24. These Service Standards have been established to ensure the effective and efficient running of the Police and Crime Panel and ensure that the PCC is fully aware of their obligations with regard to the provision of reports etc

<b>Action</b>	<b>Responsible Body</b>
<p>Requirement on the PCC, and members of their staff, to attend meetings of the PCP to answer any questions to enable the Panel to carry out its functions</p> <p><i>S29(1) of the Act*</i></p>	<p>PCP to notify the Office of the PCC of the scheduled dates for the PCP, commencing in July 2012, as soon as the Calendar is agreed</p> <p>For ad-hoc meetings, at least 14 days notice is required (<i>NB: PCP asked for 15 day period of notice at its meeting on 30 July 2012</i>)</p>
<p>Requirement on the PCC to produce reports, or respond in writing, to any report or recommendation made by the PCP to the PCC</p> <p><i>S29(3) of the Act*</i></p>	<p>PCP to advise what reports etc are required at each of its meetings as soon as practicable, certain items (ie the Budget &amp; proposed Precept Level) having predetermined deadline dates for consideration, as follows:</p> <ul style="list-style-type: none"> <li>• by 8 February PCP to have considered PCC's proposed Precept</li> <li>• by 15 February PCP to issue a report to the PCC confirming acceptance to the proposals or exercising its right of veto</li> <li>• by 22 February PCP to consider review of revised Precept</li> </ul> <p>PCC to notify the PCP immediately they are aware that decisions will be required by the PCP.</p> <p>PCC to send such reports etc to the PCP administrator no later than seven working days before the meeting date</p> <p>In terms of responding to questions raised, the PCC will aim to achieve this within twenty working days, or sooner wherever possible</p>
<p>Request the Chief Constable, or his representative, to attend meetings of the PCP where the PCC will also be present</p> <p><i>S29(6) of the Act*</i></p>	<p>PCP to notify the Office of the PCC of dates on which the Chief Constable is requested to attend as soon as is practicably possible and at least 14 days notice as a minimum</p>

## **Conclusion**

25. Mutual understanding, openness on these kinds of sensitive issues and basic respect are the greatest safeguard of the integrity of the PCC, the OPCC, the PCP and Staffordshire County Council.
26. Members should consult with the Chief Executive of the OPCC and/or the Director of Law & Governance (as appropriate) about matters involving questions about legality, maladministration, financial impropriety and probity or where they have any doubt as to whether a particular decision of the PCC or the PCP was or is likely to be contrary to law, any policy framework or budget.

22 November 2012