

Memorandum of Understanding between the Lincolnshire Police and Crime Panel and the Police and Crime Commissioner for Lincolnshire

Introduction

The Police Reform and Social Responsibility Act 2011 ("the Act") brought in new structural arrangements for strategic police decision making, neighbourhood policing and policing accountability. Principal among these changes is the election of the Police and Crime Commissioner (PCC) for Lincolnshire and the appointment of the Lincolnshire Police and Crime Panel (PCP). The PCC holds the Chief Constable to account for the effectiveness and efficiency of Lincolnshire Police. In turn the PCP scrutinises the actions and decisions of the PCC.

In addition the Act makes it clear that the PCP is also there to support the PCC in the effective discharge of his/her functions. This is being delivered in a changing and challenging environment which requires flexibility and pragmatism in our approach, high levels of cooperation and joint working, as well as a commitment to support each other in the delivery of shared and individual responsibilities.

This Memorandum of Understanding is a statement of our commitment to build and nurture an effective partnership.

Purpose

This Memorandum of Understanding concerns the relationship between the PCP and the PCC. 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.

Statutory Role of the Police and Crime Commissioner

The role of the PCC is to be the voice of the people and to hold the Chief Constable to account for the effectiveness and efficiency of the police force

The PCC is responsible for setting priorities for the police force within their area, having regard to needs and demands of communities and ensuring that local and national priorities are suitably funded by setting a budget and for the local performance of the force. He/she will do this by, inter alia:

1. Representing all those who live and work in the communities in Lincolnshire and identifying their policing needs.
2. Setting priorities that meet those needs by agreeing a force level strategy plan for Lincolnshire Police (the Police and Crime Plan).

3. Holding the Chief Constable to account for achieving these priorities as efficiently and effectively as possible, ensuring that value for money is achieved.
4. Agreeing the Lincolnshire Police budget and setting the precept.
5. Appointing the Chief Constable and, if necessary, calling upon the Chief Constable to retire or resign.
6. Having regard to reports and recommendations made by the PCP.

Statutory Role of the Police and Crime Panel

The PCP is responsible for supporting and challenging the PCC in the exercise of his/her functions, including by publicly scrutinising the actions and decisions of the PCC and in doing so will, inter alia:

1. Review and make a report or recommendation on the draft Police and Crime Plan.
2. Consider the precept proposed by the PCC and make a report and potentially veto the proposal.
3. Hold public meetings to consider the annual report from the PCC.
4. Review and scrutinise decisions, or other action taken, by the PCC in connection with the discharge of his functions.
5. Hold public confirmation hearings for senior appointments proposed by the PCC and make recommendations to the PCC on the proposals.
6. Hold public confirmation hearings for Chief Constable appointments proposed by the PCC and make recommendations to the PCC on the candidate and potentially veto the proposal.
7. Publish all reports and recommendations the PCP makes and send copies to the constituent local authorities.
8. Monitor complaints received by the Chief Executive of the Office of the PCC made against the PCC and referred to the PCP Monitoring Officer for informal resolution for complaints not of a criminal nature. Complaints of a criminal nature will be referred to the Independent Police Complaints Commission or equivalent successor body.

Detailed working arrangements for the discharge of statutory functions of the PCC and the PCP are set out at **Appendix A**.

Our principles for successful partnership working

Given the common aims of both the PCC and the PCP to ensure the effectiveness of measures aimed at reducing crime and disorder and enhancing public safety in Lincolnshire, 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.

(v) Recognise the desire of the PCP that their work will be a balance between proactively assisting the PCC with the development of policy and reactively scrutinising the actions and decisions of the PCC.

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

Shared objectives, values and behaviours

Our shared objective is to tackle local crime and disorder, creating safer communities throughout all of Lincolnshire and increasing public confidence.

We will co-operate with each other, and the other responsible authorities, to reduce crime and anti social behaviour and support an efficient and effective criminal justice system.

At the head of successful partnership working is trust. Building trust takes time, but it only takes an instant to damage it. Agreeing shared values and behaviours, which are interrelated and impact on each other, are critical to successful partnership working and developing trust. We have set out below our shared values and how we will behave to demonstrate them. We will hold each other to account and measure ourselves against these principles.

(a) Taking an evidence-led approach

Priorities are evidence based and decision making transparent. Effective action is reality based and solution focused.

We will:

- Ensure that decision making is informed, consistent and transparent
- Be committed to continuous improvement
- Ensure that claims about performance are evidence based
- Actively encourage ideas and innovation
- Manage risk
- Monitor, evaluate and review our work to ensure we respond to changing needs and can demonstrate we are making a difference.

(b) Valuing and respecting each other

Respect and value everyone's contribution.

We will:

- Respect each other's mandates, obligations and independence
- Recognise each other's constraints and commitments
- Build effective working relationships with each other
- Recognise the value of everyone's contribution
- Make accountability real in a constructive way.

(c) Public interest

Act in the interest of the public and demonstrate value.

We will:

- Take a balanced and multi-faceted approach to issues
- Focus on long term as well as short term problems, responses and solutions
- Act in the interests of the public good over individual interests
- Demonstrate to the community how we are achieving publicly valued outcomes
- Carry out our work responsibly, with integrity and in a relevant and appropriate way.

(d) Building capacity

Build capacity in our partnership.

We will:

- Develop skills, knowledge and experience in order to carry out our roles and responsibilities effectively
- Ensure meaningful dialogue through early consultation and early information sharing of data and analysis
- Tackle difficult and controversial issues.

(e) Acting ethically

Act ethically with integrity and build trust. Be honest, open and objective and encourage constructive challenge.

We will:

- Ensure that our dialogue is open and transparent
- Agree how we will achieve democratic accountability
- Declare conflicts of interest and address them
- Use appropriate and simple language
- Be honest and objective
- Encourage questions and constructive challenges.

Summary

This Memorandum of Understanding reflects work in progress. We recognise that these are new and different arrangements and there will be issues to work through and resolve. The quality of our relationship will be more important than any written agreements. If we invest time and energy in maintaining a good partnership working relationship, together we can make a huge difference.

We are committed to doing that in a constructive and positive way, remembering always that our shared priority and the reason why we exist is to serve the people of Lincolnshire by creating safer communities.



Chairman Police and Crime Panel



Police and Crime Commissioner for
Lincolnshire

Date 19th - September 2014

Date 19/09/14

Working Arrangements

Police and Crime Panel Meetings

The PCP has the power to require the PCC (or their staff) to attend any PCP 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 ordinarily will attend those meetings without further request unless notified their attendance is not required. If for good reason the PCC cannot attend a meeting he/she will notify the PCP as soon as he/she is aware they cannot attend. In that case the PCC will request to be represented by 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.

The expectation shall be that the Chief Executive Officer of the PCC should inform the PCP Support Officer, at the earliest opportunity, of indicative timescales of matters likely to be referred to the PCP to enable meetings to be scheduled accordingly.

Supporting and Challenging the Police and Crime Commissioner

In accordance with Section 13(1) of the Act the PCP has a statutory right to any information that it reasonably requires to carry out its functions. However there are safeguards attached to this right whereby this will not apply in cases of national security, where it would jeopardise safety or prevent detection of crime or apprehension or prosecution of offenders.

Where the PCC is required to provide information to the PCP, the PCP should aim to give 15 working days' notice of the date of the meeting and set out the nature of the agenda item and the information required. In exceptional circumstances and when there is agreement between the PCC and Chairman of the PCP, shorter notice may be given for either attendance or information.

Care will need to be taken that any information provided to the PCP by the PCC will be caught by the Access to Information provisions and therefore unless falling within the exempt or confidential categories contained therein, will be public documents.

Where the PCP requires the PCC to attend it may also request the attendance of the Chief Constable to answer questions which appear to the PCP may be necessary to enable it to carry out its functions.

In discharging its functions the PCP may invite persons other than those referred to above, to assist it in its deliberations.

Where, as a result of its deliberations, the PCP makes a report to the PCC, it will publish the report on its website and send copies to the constituent local authorities, except where the information is exempt or confidential as defined in the Local Government Act 1972 (as amended).

The PCP may require the PCC to consider the report and attend the next meeting of the PCP (or a particular specified meeting) to advise what action, if any, the PCC proposes to take in response. The response of the PCC shall also be published on the website.

The PCP may choose to discharge some of its workload, other than the special functions which cannot be discharged, through sub committees or task groups. The PCC will be informed of these and requested to attend when required under mutually agreed terms.

The Police and Crime Plan

The PCC is required to produce a Police and Crime Plan ("the Plan"), following consultation.

The PCP is a statutory consultee in relation to the Plan.

Process

Recognising the Police and Crime Plan is a 'living document' and responsive to changing demands and the environment, there is an expectation that there shall be regular reviews of the Plan. Where this results in variations to the Plan, the PCC shall ensure that the PCP is provided with a copy of the revised Plan or variation thereto at the earliest opportunity.

The PCP will be notified prior to the publication and release of the Plan to the press and public.

The PCC shall provide the PCP with details of any public consultation on the Plan or consultation with other partners that has informed the priorities within the Plan.

The PCC shall attend the meeting of the PCP to present the Plan and answer questions.

The PCP, having considered the matter at a meeting, will make a report with any recommendations to the PCC.

Where such report suggests amendments to the Plan, the PCC shall be required to consider such recommendation and advise the PCP of his decision. Where the PCC decides not to accept the recommendation of the PCP he/she shall provide reasons to the PCP.

Monitoring and Review of Plan

The PCC will provide the PCP with quarterly reports on the performance against the objectives of the Police and Crime Plan.

Where Performance Monitoring reports identify areas of underperformance, the PCC shall provide an explanation together with any proposals he/she intends to take to rectify the position.

Precept

The PCC shall notify the PCP of the precept he/she is proposing to levy for the coming financial year. [Note the latest this must be received by the PCP is 1 February of the relevant financial year.]

The proposed precept level shall be accompanied by relevant financial information (including but not necessarily limited to the Medium Term Financial Plan, Budget Requirement and Precept Analysis) setting out the rationale for the proposed precept, the level of revenue to be generated and how such revenue is to be applied.

The PCP shall convene a meeting as soon as practicable and no later than 15 working days following receipt of the notification of the proposed precept, bearing in mind, that the PCP must have considered it before 8 February of the relevant financial year.

Having considered the proposed precept, and supporting documentation, the PCP may:

- a) agree the precept without qualification or comment;
- b) support the precept and make comments or recommendations concerning the application of the revenues generated;
- c) veto the proposed precept - (this will require a majority of at least two-thirds of the total membership of the PCP – i.e. not simply a two thirds majority of the members of the PCP present at the time of the decision):

and will make a report to the PCC (to include, if the veto is exercised, a statement to that effect).

Where the PCP supports the precept but makes comments/recommendations, these should normally be prepared and submitted to the PCC no later than five days following the meeting. The PCC shall consider such recommendations/comments and advise the PCP of his/her decision. Where the comments/recommendations are not accepted, the PCC shall provide reasons.

Where the PCP exercises its veto it will provide a report to the PCC which will include a statement that the PCP has vetoed the proposed precept and giving reasons and indication as to whether it considered the proposed precept to be too high or too low. The PCC will consider the report and must issue a response, which will include a revised precept (which, if the PCP considered the proposed precept to be too high, will be lower and, if the PCP considered the proposed precept to be too low, will be higher). The PCP will review the revised precept (at the latest by 22 February of the relevant financial year) and make a report to the PCC, which may indicate whether or not the PCP accepts or rejects the revised precept (there is no further veto). The PCC will have regard to this second report and will issue a response by 1 March of the relevant financial year. The PCP accepts that a rejection of the revised precept on its part does not prevent the PCC from issuing that revised precept as the precept for the financial year.

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 meeting of the PCP. The PCC will attend that meeting to answer questions on the report. The PCP will send its report on the Annual Report to the PCC within 20 working days of the conclusion of the meeting. The PCC will respond to the PCP's report within 20 working days. The PCC shall consider any report or recommendation and advise the PCP of his/her decision. Where the report or recommendations are not accepted by the PCC, he/she shall provide reasons.

Senior Officer Appointments

The PCP is required to review proposed new appointments by the PCC of:

- The Chief Constable
- Chief Executive
- Chief Finance Officer
- Any Deputy Police and Crime Commissioner.

Senior Appointments (other than the Chief Constable)

The PCC shall advise the PCP of any proposed appointment, providing the following information:

- (a) The name of the candidate;
- (b) The criteria used to assess the suitability of the candidate;
- (c) How the candidate satisfies the criteria in (b) above;
- (d) A copy of the candidate's CV or equivalent documentation;
- (e) The terms and conditions of the proposed appointment.

The PCP shall hold a public confirmation hearing within 3 weeks of the notification.

Candidates shall be required to attend the confirmation hearing and may be questioned by the PCP in relation to their appointment.

Following the hearing, the PCP will make a report/recommendation on the proposed appointment. The PCC shall consider the recommendation and report back on whether the recommendation has been accepted or not. Where the recommendation is not accepted, reasons should be provided.

Chief Constable – Appointment and Removal

Appointment of Chief Constable

Following the public confirmation hearing, the PCP will make a report to the PCC, indicating whether it:

- (a) Supports the proposed appointment with or without any comment or recommendation;
- (b) Rejects the proposed appointment with the reasons for the rejection;
- (c) Vetoes the proposed candidate for the post of Chief Constable - (*this will require a majority of at least two-thirds of the members of the PCP at the time*).

Where the PCP exercises its veto, the report will include a statement that it has done so and give reasons. The PCC will then propose a 'reserve candidate' for appointment as Chief Constable and the PCP will conduct a confirmation hearing for this candidate, within three weeks from the day it receives notification from the PCC.

Following the confirmation hearing, the PCP will make a report to the PCC, which will include a recommendation as to whether or not the reserve candidate should be appointed (there is no second veto). The PCC will have regard to the report and will notify the PCP as to whether or not he/she accepts or rejects the recommendation.

Suspension/Removal of Chief Constable

If the PCC suspends the Chief Constable from duty, the PCC will give written notification of the suspension to the PCP. This written notification will set out the reason(s) for the suspension. This written notification will be given to the Chairman of the PCP and the PCP Support Officer prior to this information being released to the press and public. It will normally be desirable for the PCC also to give oral advance notice to the Chairman of the PCP that formal written notification of the suspension is about to be given.

The PCC will keep the PCP informed of all developments during the suspension period and when requested provide a briefing to PCP members.

If the PCC intends to ask the Chief Constable to resign or retire, the PCC will give written notification to the PCP, together with a copy of the written reasons for the proposed request to resign or retire which the PCC has given to the Chief Constable and as soon as practicable after receiving them a copy of any written representations which the Chief Constable has made to the PCC in response.

Within 30 working days of receiving the notification from the PCC, the PCP must make a recommendation in writing to the PCC. Before making any recommendation, the PCP may consult with Her Majesty's Inspectorate of Constabulary (HMIC).

Before making any recommendation, the PCP shall hold a meeting, in private, at which the PCC and Chief Constable shall be entitled to attend and make representations.

The PCC cannot call upon the Chief Constable to resign or retire until he/she has had and considered the report of the PCP. The PCC may accept or reject the report of the PCP.

Suspension of the Police & Crime Commissioner and Appointment of an Acting Police & Crime Commissioner

The PCP is responsible for dealing with complaints against the PCC (see later section of this Memorandum of Understanding).

Suspension of the PCC

The PCP may suspend the PCC if he/she is charged with an offence which carries a maximum term of imprisonment exceeding two years.

The PCC will inform the PCP immediately on being charged with any such offence.

The PCP will be required to convene a meeting as soon as practicable thereafter, as the decision to suspend must be taken at a meeting of the PCP and voted upon.

The PCC will be entitled to attend for the purpose of making representations.

Any suspension of the PCC shall cease if:

- The charge is withdrawn
- The PCC is acquitted of the offence
- The PCC is convicted but is not disqualified because of the conviction
- The PCP agrees to terminate the suspension.

The PCP shall therefore keep the suspension under review and will, should circumstances change, convene a further meeting to consider whether the suspension should continue.

Appointment of an Acting PCC

The PCP must meet to appoint an Acting PCC if:

- the PCC is incapacitated and cannot carry out the functions of the office;

or

- the PCC is suspended.

The Office of the PCC shall inform the PCP immediately on learning that the PCC is incapacitated. The PCP will be required to convene a meeting as soon as practicable thereafter to appoint an Acting PCC, to be drawn from the PCC's staff at the time. The PCP will have regard to any views submitted by the PCC.

The appointment of an Acting PCC shall cease:

- When a new PCC is elected as a result of a vacancy arising
- If the PCC is no longer incapacitated
- If the suspension of the PCC has been lifted.

The Acting PCC will inform the PCP as soon as he/she learns that their tenure will be ending.

Complaints

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.

The PCC's Chief Executive will report to the PCP quarterly 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's Chief Executive will also report any complaints about the PCC's conduct which he/she reasonably considers may need to be reported to the PCP in the public interest as soon as it is considered appropriate to do so.

All complaints shall be handled in accordance with the Complaints Procedure adopted by the PCP at its meeting on the 27th November 2012 and amended on 28th November 2013.