

**MEMORANDUM OF UNDERSTANDING BETWEEN THE SOUTH YORKSHIRE
POLICE AND CRIME PANEL AND
THE POLICE AND CRIME COMMISSIONER FOR SOUTH YORKSHIRE**

1. Introduction

The Police Reform and Social Responsibility Act 2011 introduced new governance arrangements for policing and police accountability. Police and Crime Commissioners, were elected across the 42 police forces across England and Wales to replace the former Police Authorities.

The Act also created Police and Crime Panels (PCPs) – bodies made up of local elected Councillors and elected Members with the responsibility to scrutinise and support the work of the Police and Crime Commissioner. These Panels are not local government committees, but they are obliged to meet in public, to publish their agendas and minutes and to fulfil certain key statutory responsibilities (see Section 4).

2. Purpose

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

- 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;
- Information is shared where appropriate on work programmes.

3. Statutory Role of the Police and Crime Commissioner

The role of the Police and Crime Commissioner 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 Commissioner is responsible for writing a Police and Crime Plan, and providing money to the police to deliver the priorities in the Plan. He/she will do this by:

- Representing all those who live and work in the communities in South Yorkshire and identifying their policing needs
- Setting priorities that meet those needs by agreeing a force level strategy plan for South Yorkshire Police (the Police and Crime Plan).
- Holding the Chief Constable to account for achieving these priorities as efficiently and effectively as possible, ensuring that value for money is achieved.
- Agreeing the South Yorkshire Police budget and setting the precept.
- Appointing the Chief Constable and, if necessary, calling upon the Chief Constable to resign or retire.

- Having regard to reports and recommendations made by the Police and Crime Panel.

The Commissioner is also responsible for commissioning services from other organisations to help deliver the priorities.

Commissioners also contribute to national policing needs by having regard to the Strategic Policing Requirement.

4. Statutory Role of the Police and Crime Panel

The Police Reform and Social Responsibility Act 2011 makes it clear that the Police and Crime Panel should hold to account and support the Police and Crime Commissioner in the effective discharge of his/her functions. The work of the Panel is being delivered in a changing and challenging environment which requires flexibility and pragmatism, high levels of co-operation and collaborative working, as well as a commitment to support each other in the delivery of shared and individual responsibilities.

The Police and Crime Panel is responsible for supporting and challenging the PCC in the exercise of his/her functions, which include:

- Reviewing and making a report or recommendation on the draft Police and Crime Plan
- Considering the Council Tax precept proposed by the PCC and making a report and potentially vetoing the proposal
- Holding public meetings to consider the annual report from the PCC
- Reviewing and scrutinising decisions or other action taken by the PCC in connection with the discharge of his/her functions.
- Holding public confirmation hearings for the Chief Constable (on which separate guidance is available).
- Holding confirmation hearings for certain senior appointments proposed by the PCC and making recommendations to the PCC on the proposals (separate guidance is available).
- Publishing all reports and recommendations the Police and Crime Panel makes and sending copies to the constituent local authorities.

5. Our principles for successful collaboration

As mentioned above the Police and Crime Panel hold the Police and Crime Commissioner to account for the delivery of the priorities in the Police and Crime Plan which is agreed annually. These priorities cover protecting vulnerable people, tackling crime and anti-social behaviour and treating people fairly. In doing this, it is vital the Panel and the Police and Crime Commissioner:

- Work in a climate of mutual respect and courtesy;
- Have a shared understanding of the respective roles, responsibilities and priorities

- Promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way;
- Share work programmes, information or data they have obtained to avoid the unnecessary duplication of effort
- Recognise that the work of the Police and Crime Panel 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 the Police and Crime Commissioner and the Police and Crime Panel 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 these aims.

6. Roles and Responsibilities

The Panel has agreed Terms of Reference around reviewing the Police and Crime Plan and Police and Crime Commissioner's Annual Report, as well as setting the precept. However, it also has a responsibility to hold the Commissioner to account for the delivery of the priorities within the Plan.

That said, the Panel and the Commissioner have a shared objective to create safer communities throughout all of South Yorkshire and increase public confidence. We will co-operate with each other, and other responsible authorities, to reduce crime and anti-social behaviour and support an efficient and effective criminal justice system whilst having regard to our individual roles as set down in legislation.

The cornerstone of successful collaborative working is trust. Building trust takes time, but it only takes an instant to damage it. Agreement to the Memorandum of Understanding, roles and responsibilities and the regular review of each are critical to successful collaborative working and the development of trust. We have set out below our 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 and seek opportunities
- 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 interests 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 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
- Agree a mechanism for whistleblowing.

7. Relationship

Regular work planning meetings will take place prior to the formal meetings of the Panel. These meetings will involve the Chair and Vice-Chair of the Panel, the Police and Crime Commissioner, senior officers from the Office of the Police and Crime Commissioner, Statutory Officers from Barnsley MBC and the Panel's Support Officer.

Support Officers for the Panel and staff from the Office of the Police and Crime Commissioner will also meet on a regular basis to ensure that the actions agreed by the Panel and commitments given by the Police and Crime Commissioner are progressed in a timely manner.

8. Summary

This Memorandum of Understanding reflects work in progress and will be kept under review.. The quality of our relationship will be more important than any written agreements. If we invest time and energy in maintaining a good 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 South Yorkshire by creating safer communities.

**WORKING ARRANGEMENTS BETWEEN THE POLICE & CRIME PANEL
AND THE POLICE & CRIME COMMISSIONER**

1. Police and Crime Panel Meetings

The Police and Crime Panel has the power to require the Police and Crime Commissioner (or their staff) to attend any Panel meeting on reasonable notice and to provide information or answers to questions. The Police and Crime Commissioner will be notified of the Panel's calendar of meetings for the year ahead and ordinarily will attend those meetings without further request unless notified that their attendance is not required. If for good reason the Police and Crime Commissioner cannot attend a meeting he/she will notify the Police and Crime Panel as soon as he/she is aware they cannot attend. In that case, the Police and Crime Commissioner will request to be represented by their Chief Executive. The Panel may accept that request or adjourn the meeting and require the Police and Crime Commissioner to attend the adjourned meeting.

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

The Office of the Police and Crime Commissioner and the Panel's Support Officer will collaborate (in consultation with the Chair and Vice-Chair) on a work programme that is flexible but which provides the Panel with the necessary reports and information to fulfil their role.

2. Supporting and Challenging the Police and Crime Commissioner

In accordance with Section 13(1) of the Police Reform and Social Responsibility Act 2011, the Panel 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 could jeopardise safety or prevent detection of crime or apprehension or prosecution of offenders.

Where the Police and Crime Commissioner is required to provide information to the Panel, the Panel should 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 Police and Crime Commissioner and the Chair of the Panel, shorter notice may be given for either attendance or information.

Care will need to be taken that any information provided to the Panel by the Police and Crime Commissioner will be covered by the Access to Information provisions and, therefore, unless falling within the exempt or confidential categories contained therein, will be public documents.

Where the Panel requires the Police and Crime Commissioner to attend it may also request the attendance of the Chief Constable to offer factual accounts and clarity, if needed, for the actions and decisions of their officers and staff, and answer questions which appear to the Panel may be necessary to enable it to carry out its functions.

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

Where, as a result of its deliberations, the Panel makes a report to the Police and Crime Commissioner, 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 Panel may require the Police and Crime Commissioner to consider the report and attend the next meeting of the Panel (or a particular specified meeting) to advise what action, if any, the Police and Crime Commissioner proposes to take in response. The response of the Police and Crime Commissioner shall also be published on the website.

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

3. The Police and Crime Plan

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

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

Recognising that the Plan is a "living document" and response 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 Police and Crime Commissioner shall ensure that the Panel is provided with a copy of the revised Plan or variation thereto at the earliest opportunity.

The Panel will be notified prior to the publication and release of the Plan to the press and public. The Police and Crime Commissioner shall provide the Panel with details of any public consultation on the Plan or consultation with other partners that has informed the priorities within the Plan.

The Police and Crime Commissioner shall attend the meeting of the Panel to present the Plan and answer questions. The Panel, having considered the matter at a meeting, will make a report with any recommendations to the Police and Crime Commissioner. Where such report suggests amendments to the Plan, the Police and Crime Commissioner shall be required to consider such recommendations and advise the Panel of his/her decision. Where the Police and Crime Commissioner decides not to accept the recommendation of the Panel he/she shall provide reasons to the Panel.

The Police and Crime Commissioner will provide the Panel with quarterly reports on the performance against the objectives of the Police and Crime Plan. Where performance monitoring reports identify areas of under-performance, the Police and Crime Commissioner shall provide an explanation together with any proposals he/she intends to take to rectify the position.

4. Precept

The Police and Crime Commissioner shall notify the Panel of the precept he/she is proposing to levy for the coming financial year. **The latest this must be received by the Panel 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 Reserves Strategy) setting out the rationale for the proposed precept, the level of revenue to be generated and resources to be allocated.

The Panel 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 Panel must have considered it before 8 February of the relevant financial year.

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

- a) Agree the precept without qualification or comment;
- b) Support the precept and make comments or recommendations concerning the allocation of resources;
- c) Veto the proposed precept – this will require a majority of at least two-thirds of the total membership of the Panel, i.e. not simply a two-thirds majority of the members of the Panel present at the time of the decision:

and will make a report to the Police and Crime Commissioner to include, if the veto is exercised, a statement to that effect.

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

Where the Panel exercises its veto it will provide a report to the Police and Crime Commissioner which will include a statement that the Panel 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 Police and Crime Commissioner will consider the report and must issue a response, which will include a revised precept which, if the Panel considered the proposed precept to be too high, will be lower and, if the Panel considered the proposed precept to be too low, will be higher. The Panel will

review the revised precept (**at the latest by 22 February of the relevant financial year**) and make a report to the Police and Crime Commissioner, which may indicate whether or not the Panel accepts or rejects the revised precept (there is no further veto). The Police and Crime Commissioner will have regard to this second report and will **issue a response by 1 March of the relevant financial year**. The Panel accept that a rejection of the revised precept on its part does not prevent the Police and Crime Commissioner from issuing that revised precept as the precept for the financial year.

5. Annual Report

The Police and Crime Commissioner must issue an Annual Report on the exercise of their functions, and the progress in the year, in meeting the police and crime objectives in the Police and Crime Plan. The Panel must consider this report at a meeting held in public. The Police and Crime Commissioner will normally issue the report with a view to it being considered at a Panel meeting in the second quarter of the relevant year. The Police and Crime Commissioner will attend that meeting to answer questions on the report. The Panel will send its report on the Annual Report to the Police and Crime Commissioner **within 20 working days of the conclusion of the meeting**. The Police and Crime Commissioner shall consider any report or recommendation and advise the Panel of his/her decision. Where the report or recommendations are not accepted by the Police and Crime Commissioner, he/she will provide reasons.

6. Senior Officer Appointments

The Panel is required to review proposed new appointments by the Police and Crime Commissioner of:

- The OPCC's Chief Executive
- The OPCC's Chief Finance Officer
- Any Acting Police and Crime Commissioner
- Any Deputy Police and Crime Commissioner

7. Senior Officer Appointments

The Police and Crime Commissioner shall advise the Panel of the proposed appointment of certain senior officers, providing the following information:

- (a) The name of the proposed candidate
- (b) The criteria used to assess the suitability of the candidate
- (c) How the candidate satisfies the criteria in (b) above
- (d) The terms and conditions of the proposed appointment

The Panel shall hold a public confirmation hearing within three weeks of the notification.

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

Following the hearing, the Panel will submit a report/recommendation on the proposed appointment. The Police and Crime Commissioner 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.

8. Appointment of Chief Constable

Following the confirmation hearing, the Panel will make a report to the Police and Crime Commissioner 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 Panel.

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

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

9. Suspension/Removal of the Chief Constable

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

The Police and Crime Commissioner will keep the Panel informed of all developments during the suspension period and, when requested, provide a briefing to Panel Members.

If the Police and Crime Commissioner intends to ask the Chief Constable to resign or retire, he/she will give written notification to the Panel, together with a copy of the written reasons for the proposed request to resign or retire which the Police and Crime Commissioner 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 Police and Crime Commissioner in response.

Within 30 working days of receiving the notification from the Police and Crime Commissioner, the Panel must make a recommendation in writing to the Police and

Crime Commissioner. Before making any recommendation, the Panel may be consulted with Her Majesty's Inspectorate of Constabulary (HMIC).

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

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

10. Suspension of the Police and Crime Commissioner

The Panel may suspend the Police and Crime Commissioner if he/she is charged with an offence which carries a maximum term of imprisonment exceeding two years.

The Police and Crime Commissioner will inform the Panel immediately on being charged with any such offence.

The Panel 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 Panel and voted upon. The Police and Crime Commissioner will be entitled to attend for the purpose of making representations.

Any suspension of the Police and Crime Commissioner shall cease if:

- The charge is withdrawn
- The Police and Commissioner is acquitted of the offence
- The Police and Crime Commissioner is convicted but is not disqualified because of the conviction.
- The Panel agrees to terminate the suspension.

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

11. Appointment of an Acting Police and Crime Commissioner

The Panel must meet to appoint an Acting Police and Crime Commissioner if:

- the Police and Crime Commissioner is incapacitated and cannot carry out the functions of the office; or
- the Police and Crime Commissioner is suspended.

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

The appointment of an Acting Police and Crime Commissioner shall cease:

- when a new Police and Crime Commissioner is elected as a result of a vacancy arising
- if the Police and Crime Commissioner is no longer incapacitated
- if the suspension of the Police and Crime Commissioner has been lifted.

The Acting Police and Crime Commissioner will inform the Panel as soon as he/she learns that their tenure will be ending.

12. Complaints

The Police and Crime Panel has a Complaints Panel which consists of the Chair, Vice-Chair of the Police and Crime Panel and the two Independent (co-opted) members. Complaints against the Police and Crime Commissioner are considered by this sub-group and recommendations made to uphold or request further investigation / information.

The Panel will receive a quarterly update on complaints (or as determined by the level of complaints received). The report will cover the number and type of complaints, what has been done with them and whether they are closed or outstanding. The Chief Executive will also refer any complaints about the Police and Crime Commissioner, which he/she reasonably consider may need to be reported to the Panel in the public interest as soon as it is considered appropriate to do so.

All complaints shall be handled in accordance with the agreed Complaints Procedure which is available on the Police and Crime Panel's website.

SIGNED:



**Cllr Talib Hussain
Chair – South Yorkshire Police &
Crime Panel**

7th July 2017



**Dr Alan Billings
Police & Crime Commissioner**

7th July 2017