

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

1. Introduction

- 1.1 This Memorandum of Understanding (MoU) is a statement of the commitment of both the Cheshire Police and Crime Panel (the Panel) and Police and Crime Commissioner for Cheshire (the Commissioner) to build and maintain an effective working partnership, such a partnership is in the interests of the Cheshire community and the wider “policing family”.

2. Purpose

- 2.1 This MoU relates to the working relationship between the Panel and the Commissioner. Its purpose is to ensure that:
- a) Mechanisms are put in place 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 Panel and the Commissioner are managed.
 - b) There is an understanding on the way in which information is shared.
 - c) Where appropriate information on respective work programmes is shared.

3. Roles of the Police and Crime Commissioner for Cheshire and the Cheshire Police and Crime Panel

- 3.1 Both the Panel and the Commissioner were created by the Police Reform and Social Responsibility Act 2011 which brought in new structural arrangements for strategic police decision making, neighbourhood policing and policing accountability.
- 3.2 Information about the role and work of the Police and Crime Commissioner can be found on the Commissioner’s website at:

<https://www.cheshire-Commissioner.gov.uk/> .

Details on the role, work and membership of the Police and Crime Panel can be found at:

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4. Principles for successful partnership working

- 4.1 The Panel and the Commissioner have the common aim of ensuring the effectiveness of measures aimed at reducing crime and disorder and enhancing public safety in Cheshire.
- 4.2 The Panel and the Commissioner commit to:
- a) Work in a climate of mutual respect and courtesy.
 - b) Have a shared understanding of their respective roles, responsibilities and priorities.
 - c) Promote and foster an open relationship where issues of common interest and concern are shared in a constructive and mutually supportive way.
 - d) Share work programmes, information or data they have obtained to avoid the unnecessary duplication of work.
 - e) Recognise the desire of the Panel, that their work will be a balance between proactively assisting the Commissioner with the development of policy and reactively scrutinising the actions and decisions of the Commissioner.
- 4.3 The Office of the Commissioner and the Police and Crime Panel are independent bodies and have autonomy over their work programmes, methods of working and any views and conclusions that they may reach.
- 4.4 This MoU does not preclude either body from working with other local, sub regional, regional, or national organisations to deliver their aims.

5. Shared objectives, values and behaviours

- 5.1 The Panel and the Commissioner agree to work together to tackle crime and disorder, creating safer communities throughout Cheshire, thus building increased levels of public confidence.
- 5.2 The Panel and the Commissioner agree to taking an evidence based approach; this will include:
- a) Ensuring that decision making is informed, consistent and transparent.

- b) A mutual commitment to continuous improvement.
 - c) Actively encouraging new ideas and innovation.
 - d) A responsible attitude to risk.
 - e) Monitoring, evaluating and reviewing work.
- 5.3 The Panel and the Commissioner will respect and value everyone's contributions; this will include:
- a) Respect for each other's mandates, obligations, and independence.
 - b) Recognising each other's constraints and commitments.
 - c) Striving to build effective working relationships with each other.
 - d) Recognising the value of everyone's contributions.
 - e) Making accountability real in a constructive way.
- 5.4 The Panel and the Commissioner will act in the interest of the public and demonstrate this in their work and actions; this will include:
- a) Taking a balanced approach to issues.
 - b) Focusing on long term and well as short term problems, responses and solutions.
 - c) Acting in the interest of the public good over individual interests.
- 5.5 The Panel and the Commissioner commit to build capacity in their relationship; this will include:
- a) Developing skills, knowledge and experience in order to carry out roles and responsibilities effectively.
 - b) Ensuring meaningful dialogue through early consultation and early information sharing of data and analysis.
 - c) Tackling difficult and controversial issues when necessary.
- 5.6 The Panel and the Commissioner agree to act ethically and with integrity at all times to build trust; this will include:
- a) A commitment to the "Seven Principles of Public Life"; the Nolan Principles (<https://www.gov.uk/government/publications/the-7-principles-of-public-life>).
 - b) Ensuring that dialogue is open and transparent.

- c) Declaring conflicts of interest and addressing them.
- d) Using appropriate and simple language.
- e) Being honest and objective.
- f) Encouraging questions and constructive challenges.

6. Attendance at Police and Crime Panel Meetings

- 6.1 The Panel has the legal power to require the Commissioner (or his or her staff) to attend Panel meetings on reasonable notice and to provide information or answers to questions. To facilitate this the Commissioner will be notified of the Panel's calendar of meetings when it is set and ordinarily will attend those meetings without further request unless notified their attendance is not required. The Commissioner will be informed of any additional meetings that are added to the Panel's calendar during the year, being given as much notice as possible. If the Commissioner's attendance is needed at an additional meeting every effort will be made by the Panel to accommodate his/her diary commitments.
- 6.2 If the Commissioner cannot attend a meeting, he/she will notify the Panel's Secretariat as soon as they are aware that they will be unable to attend.
- 6.3 The expectation shall be that the Commissioner's Office should inform the Panel's Secretariat, at the earliest opportunity, of indicative timescales of matters likely to be referred to the Panel to enable meetings to be scheduled accordingly.
- 6.4 Two weeks in advance of each regular meeting of the Panel and for its Annual Meeting, the Commissioner will provide a brief written summary to the Panel's Secretariat outlining key performance and policy issues he / she would wish to bring to the Panel's attention. This document will be included with the Panel's agenda and supporting papers (and published) and will assist Panel members in their scrutiny of the Commissioner.
- 6.5 At each regular Panel meeting and at the Annual meeting, the Chair of the Panel will invite the Commissioner to make a brief statement to Panel members in advance of any questions they may wish to ask. This will enable the Commissioner to brief Panel members on any urgent issues and to highlight information contained in his / her briefing document.
- 6.6 Where the Panel requires the Commissioner to attend a meeting it may also request the attendance of the Chief Constable to answer questions, which appear to the Panel to be necessary to enable it to carry out its functions. When questioning the Chief Constable, Panel members will always be mindful that their role is to hold the Commissioner to account, not the chief Constable. They will not scrutinise the work of the Chief Constable or the Constabulary.

- 6.7 In discharging its functions, the Panel may invite any individual or organisations to its meeting to assist its work. Written advance notice of those invited will always be given to the Commissioner, not less than one week before the meeting.

7. Confirmation Hearings

- 7.1 The Panel is required to review proposed new appointments by the Commissioner of the Chief Constable, Chief Executive of his / her Office, Chief Finance Officer and any Deputy Police and Crime Commissioner. The Panel will undertake Confirmation Hearings for such posts in accordance with the principles set out in the guidance produced by the Local Government Association and the Centre for Public Scrutiny (<https://cfigs.org.uk/wp-content/uploads/police-and-crime-panels-on-confirmation-hearings.pdf>).
- 7.2 The Commissioner undertakes to provide the Panel with all the information it can reasonably expect in order for it to conduct a meaningful Confirmation Hearing and make an informed decision.

8. Informal Meetings between the Commissioner and the Panel

- 8.1 The Commissioner will meet informally with members of the Panel on a regular basis, with a programme of meetings drawn up between the Commissioner's Office and the Panel's Secretariat. Such meetings will be private, with no published agenda or minutes. Panel members will undertake not to share with any third-party, confidential information discussed at these meeting unless the Commissioner has expressly indicated that information can be shared.

9. Questions to the Commissioner – Panel meetings

- 9.1 Panel members undertake to submit to the Commissioner, at least a week in advance of the meeting (via the Secretariat), any complex or detailed questions that are likely to require research for them to be answered satisfactorily. This does not preclude a Panel member from asking a supplementary question at the meeting of the Panel. The answers provided by the Commissioner will be recorded in the Panel's minutes.
- 9.2 Panel members may, with the agreement of the Chair, ask verbal questions of the Commissioner at formal meetings of the Panel.
- 9.3 If the Commissioner is unable to answer a question asked by a Panel member at a meeting a written response will be provided within three weeks. The question and answer will be posted on the Panel's page of the Cheshire East Council website, unless the Commissioner and Chair of the Panel (having consulted with the questioner) agree that the answer should be kept confidential.

10. Written questions to the Commissioner

10.1 Outside the formal programme of meetings, Panel members may submit (via the Secretariat) a question to the Commissioner for which they are content to receive a written answer. The Commissioner will endeavour to provide a response, in writing, within three weeks. The question and answer will be posted on the Panel's page of the Cheshire East Council website, unless the Commissioner and Chair of the Panel (having consulted with the questioner) agree that the answer should be kept confidential.

11. The Police and Crime Plan

11.1 The Commissioner is required to produce a Police and Crime Plan, following consultation. The Panel is a statutory consultee in relation to the Plan.

12. Complaints made against the Commissioner

12.1 The Panel has a statutory responsibility to administer the arrangements for non-criminal complaints made against the Police and Crime Commissioner (and Deputy Commissioner, when appointed); together with other complaints and conduct matters referred to the Panel by the Independent Office for Police Conduct (IOPC). The overall process is controlled by the Panel's Complaints Management Sub Committee, advised by the Panel's Secretariat and the Host Authority's Monitoring Officer. Details of the procedure can be found at: https://www.cheshireeast.gov.uk/council_and_democracy/your_council/cheshire-police-and-crime-panel.aspx

12.2 The Panel will always administer the complaints process fairly and openly.

13. Work Programmes

13.1 The Panel and Commissioner agree to informally share work programmes on a regular basis.

14. Confidentiality

14.1 Panel members and the Commissioner undertake to safeguard information or data that is shared on a confidential basis and will always comply with the General Data Protection Regulation (GDPR).

15. Communications

15.1 Communication between the Panel and the Commissioner will normally be conducted through the Panel's Secretariat and the Commissioner's Office.