



Baroness Hamwee  
House of Lords  
London  
SW1A 0PW

07 October 2016

Dear Sally,

## **POLICING AND CRIME BILL**

I am writing to follow up the Committee stage debate, on 14 September, on your amendment 7 where you asked for further clarification of the duty on a police and crime commissioner (PCC) to consult his or her chief constable before entering into a collaboration agreement (Official Report, column 1477-1478).

Clause 3(11) requires a PCC to consult the chief constable of the police area they are responsible for maintaining before entering into a collaboration agreement. This affords a chief constable the opportunity to make objections to entering into such an agreement on operational grounds.

To clarify, a PCC will not be required to seek agreement from a chief constable before entering into a collaboration agreement. However, I would fully expect a PCC to have regard to any objections made by a chief constable on operational grounds before proceeding. This mirrors the approach to consultation on collaboration agreements between local policing bodies made under section 23A of the Police Act 1996. These existing provisions have worked effectively in practice.

As I set out to the Committee, I fully recognise the important principle of operational independence. I can assure you that the provisions relating to the duty to collaborate in no way cut across this. Indeed, under the Policing Protocol Order 2011, PCCs are under a duty not to fetter the operational independence of the police force and the chief constable who leads it. Should a chief constable raise concerns on operational grounds, whether in relation to a proposed collaboration agreement or any other matter, the PCC must therefore have regard to them.

I am copying this letter to Lord Rosser, Lord Kennedy, Lord Paddick, Lord Harris of Haringey, Baroness Scott of Bybrook, Lord Bach and Baroness Redfern and placing a copy in the Library of the House.

A handwritten signature in black ink on a light yellow background. The signature is written in a cursive style and appears to read "Susan".

**Baroness Williams of Trafford**