

Protocols

Governing the relationship between the Police & Crime Commissioner and the Police & Crime Panel

Including:

- Information Sharing Protocol
- Media Protocol

Introduction

The Police & Crime Commissioner has responsibility for policing and community safety within Bedfordshire. In order to '***Fight Crime and Protect the Public***' the Commissioner will publish a five year Police & Crime Plan which sets out the priorities for Bedfordshire Police and community safety in the County. The Commissioner will hold the Chief Constable to account for the efficient and effective delivery of the Plan to ensure local people receive a policing service they are satisfied with and have trust and confidence in.

The Police & Crime Panel provides checks and balances in relation to the performance of the Commissioner and while the Panel is there to challenge the Commissioner it must also exercise its statutory functions with a view to supporting the Commissioner in delivering against the Plan and other statutory functions.

A constructive working relationship between the Commissioner and the Panel is essential to reassure the public that the Commissioner has secured an efficient and effective policing service.

This protocol has been developed to provide a guide for the Commissioner and the Panel in their working relationships with one another.

The Protocol sets out the principles and operating framework within which the Commissioner and Panel will work as they undertake their respective roles and responsibilities.

1. Principles Governing the Relationship

The Police & Crime Commissioner and the Police & Crime Panel will work together to ensure that both organisations fulfil their statutory duties by:

- ***Understanding and respecting the differing roles and responsibilities¹ of each organisation.***

Roles and responsibilities are open to interpretation. It is therefore important to understand the statutory framework within which each organisation functions.

The Commissioner has the statutory responsibility to secure the maintenance of the police force for Bedfordshire and to issue a five year Police & Crime Plan.

The primary role of the Panel is one of check and balance. There is no hierarchy of accountabilities where one institution or person or body with a responsibility to scrutinise, review, inspect or hold to account is subordinate to the others. The roles are necessarily different and respected for that difference.

- ***Ensuring that the working relationship between the Commissioner and the Panel is based on mutual trust and openness.***

The Panel will act as a 'critical friend' as it undertakes its role in supporting the Commissioner to deliver against the Plan and other statutory functions whilst ensuring it holds the Commissioner to account.

The Commissioner's office will operate within the principles of good governance which will ensure the Commissioner makes informed decisions and adheres to data transparency regulations.

- ***The Panel adopting an added value approach to the delivery of the Commissioner's policies across the force area.***

The Panel will focus its attention on meeting the special functions as set out in legislation. The objectives of the Panel will be to secure improved outcomes for the people of Bedfordshire. Adding value will be central to all the Panel's activities.

- ***Ensuring that the interests of all communities are properly considered and taken into account.***

The Commissioner and the Panel, including co-opted Members of the Police & Crime Panel, are subject to Equalities and Human Rights legislation.

- ***Each organisation giving 'due regard' to statutory functions.***

The Commissioner will have regard to any report or recommendations made by the Panel in relation to the draft Police & Crime Plan and the Annual Report.

The Panel will consult with the Commissioner on the Panel's work programme throughout the year.

¹ Police Reform and Social Responsibility Act 2011.

- **Adhering to the relevant codes of conduct in public life**

The Panel is constituted as a joint committee of the three constituent authorities. The elected Members of the Panel are required to observe their respective Authorities' Codes of Conduct when acting as Members of the Panel. Co-opted Members of the Panel must be guided by the Nolan Principles of Public Life.

The Commissioner will swear an 'oath of office' and will adhere to the Nolan Principles of Public Life.

2. Checks and Balances - Meeting Statutory Duties

The Commissioner and the Panel will be successful in carrying out their respective roles only if they do so in a spirit of partnership and co-operation. The public will be best served by the Commissioner and the Panel having a constructive dialogue as part of the process for developing the Police & Crime Plan and budget.

The following framework has been developed to enable the Commissioner and the Panel to have a mutually supportive relationship. An evaluation of the protocol and framework takes place annually to enable any lessons learnt to be incorporated into the working relationship going forward.

The Police & Crime Panel – Statutory Duties	Local Arrangements	Legislation/Regulations/Guidance
The Panel must review the Commissioner's proposed precept and make a report to the Commissioner.	<ul style="list-style-type: none"> • Agreed timetable in place in order to ensure that a precept is issued in accordance with Part 1 of the Local Government Finance Act 1992. • Resolution of precept proposals as early as possible and no later than 22 February. • Precept issued by no later than 1 March. 	Police Reform & Social Responsibility Act 2011 (PRSRA) – Schedule 5; paragraphs 3 & 4; The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations (Part 2 - Precepts); The Policing Protocol Order 2011; LGA – Local Government Association. Police and Crime Panels: A guide to scrutiny: pp. 15-16 & pp.22.

The Police & Crime Panel – Statutory Duties	Local Arrangements	Legislation/Regulations/Guidance
<p>The Panel must review and make a report to the Commissioner on any proposed appointment by the Commissioner of:</p> <ul style="list-style-type: none"> • A Deputy Police and Crime Commissioner • The Commissioner’s Chief of Staff • The Commissioner’s Chief Finance Officer • The Chief Constable <p>Before making that report the Panel must hold a confirmation hearing.</p>	<ul style="list-style-type: none"> • The Commissioner and the Panel will comply with the process set out in the PRSRA and, in the case of the appointment of a Chief Constable, the relevant regulations. • The Panel will hold a public confirmation hearing in respect of any appointments to be made and adhere to the process as set out in the Act. • The Panel will take into account any guidance issued by the Local Government Association. 	<p>PRSRA; Schedule 8; Part 1; paragraphs 4 & 5; The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations (Part 3 – Chief Constable Appointments); The Policing Protocol Order 2011.</p> <p>PRSRA Schedule 1; paragraph 11 AND Schedule 8; Part 1; paragraph 6; LGA – Local Government Association. Police and crime panels: Guidance on confirmation hearings.</p>
<p>The Panel may consult HMIC for a professional view if the Commissioner intends to dismiss the Chief Constable and must hold a scrutiny meeting.</p>	<ul style="list-style-type: none"> • The Commissioner will notify the Panel, in writing, of the suspension of the Chief Constable and the reasons for the suspension. • The Panel will make recommendations to the Commissioner in writing before the end of the period of six weeks beginning with the day on which the Panel received notification. 	<p>PRSRA Schedule 8; Part 2; paragraph 15; subsection (4) (a); The Policing Protocol Order 2011.</p>

The Police & Crime Panel – Statutory Duties	Local Arrangements	Legislation/Regulations/Guidance
The Panel must review the Commissioners Police & Crime Plan and make a report or recommendations	<ul style="list-style-type: none"> • Agreed timetable in place to ensure the Panel can regularly review the progress of the Police & Crime Plan. • The Commissioner will give ‘due regard’ to the recommendations made by the Panel 	<p>PRSRA Part 1; Chapter 4; Section 28; paragraph (3); The Policing Protocol Order 2011; LGA – Local Government Association. Police and Crime Panels: A guide to scrutiny: pp. 16 & 22.</p>
The Panel must arrange a public meeting of the Panel to consider the Commissioner’s Annual Report and make reports and recommendations.	<ul style="list-style-type: none"> • The Panel’s annual work plan will set dates for when it will meet in public to discuss the Commissioner’s Annual Report 	<p>PRSRA Part 1; Chapter 4; Section 28(4) AND Section 12(3). (Include Section 29?); The Policing Protocol Order 2011; LGA – Local Government Association. Police and Crime Panels: A guide to scrutiny: pp. 14-15 & pp. 22.</p>
The Panel may require relevant reports and information in the Commissioner’s possession (except those that are operationally sensitive) to enable them to fulfil their statutory obligations	<ul style="list-style-type: none"> • Requests for reports from the Commissioner will set out reasons for the report and the data requirements. • Requests for reports will be based on the principle of ‘exception reporting’. • Care will be taken not to place unreasonable demands for information on the Commissioner and the Commissioner’s staff. Last minute requests for information should be kept to a minimum and whilst the Commissioner and their staff will do their utmost to meet the panel’s request the Commissioner reserves the right not to supply the information if deemed unreasonable. • Wherever possible the use of restricted information will be kept to a minimum. • The Commissioner and the Panel will adhere to the 	<p>PRSRA Part 1; Chapter 3; Section 13; The Policing Protocol Order 2011; Information Sharing Protocol; LGA – Local Government Association. Police and Crime Panels: Guidance on terms of reference and rules of procedure.</p>

The Police & Crime Panel – Statutory Duties	Local Arrangements	Legislation/Regulations/Guidance
	Information Sharing Protocol as agreed by the two organisations.	
The Panel may require the Commissioner, and members of the Commissioner’s staff to attend the Panel to answer questions	<ul style="list-style-type: none"> • Reasonable notice (15 days) will be given by the Panel for the requirement of the Commissioner, and senior members of staff to attend meetings to answer questions which the Panel deems necessary for them to carry out their functions. • The Panel may request the Chief Constable to attend any Panel meeting to which the Commissioner has been invited. The Panel will advise the Commissioner of any request they make for the Chief Constable to attend. • While there is no requirement for a member of the Commissioner’s senior staff to give evidence, or produce any document, which discloses advice given to the Commissioner by that person all requests will be considered against the requirements of the Freedom of Information Act. • The Policing Protocol sets out a definition of operational independence and the Panel will take care when undertaking their role to focus on the strategic role of the Commissioner. • In the interests of mutual trust and openness the Panel will approach their work as a critical friend and adopt a ‘no surprises’ approach to scrutiny. 	<p>PRSRA Part 1; Chapter 4; Section 29; The Policing Protocol Order 2011; LGA – Local Government Association. Police and Crime Panels: A guide to scrutiny: pp. 12-18 & pp. 22; LGA – Local Government Association. Police and Crime Panels: Guidance on terms of reference and rules of procedure.</p>

The Police & Crime Panel – Statutory Duties	Local Arrangements	Legislation/Regulations/Guidance
	<ul style="list-style-type: none"> • Holding to account is focused entirely on the Police & Crime Commissioner where the Panel members will look at decisions made, strategies and key policies, performance and finance. • The main method will be to receive relevant reports and copies of decisions. • A question and answer session at a meeting with the Police & Crime Commissioner and any relevant officers in support of the Commissioner. • To allow the Commissioner to be fully briefed and to prepare their responses the Panel will share the broad questioning themes with the Commissioner before they appear at a Panel meeting. • The Panel may require the Commissioner to respond in writing to any report or recommendation made by the Panel within a reasonable period or by a timeline as stated in the Act. 	
The Panel must appoint an acting Police & Crime Commissioner where the incumbent Police and Crime Commissioner is incapacitated, resigns or is disqualified	<ul style="list-style-type: none"> • The Panel will exercise this power within the statutory framework. 	PRERA Part 1; Chapter 6; Section 62(1); The Policing Protocol Order 2011.
The Panel is responsible for dealing with	<ul style="list-style-type: none"> • The Panel has delegated authority for the initial handling of complaints, 	PRERA Schedule 7; The Policing Protocol Order 2011; The Elected Local Policing Bodies

The Police & Crime Panel – Statutory Duties	Local Arrangements	Legislation/Regulations/Guidance
<p>complaints about the conduct of the Commissioner, although serious complaints and conduct matters must be passed to the IPCC in line with legislation</p>	<p>together with other administrative aspects of the process, to Bedford Borough Council's Monitoring Officer under Section 101(2) of the Local Government Act 1972. (Bedford Borough Council is responsible for the administration of the PCP).</p> <ul style="list-style-type: none"> The Panel has also established a Complaints Sub-Committee which has overall responsibility for the Panel's process for dealing with recorded complaints and alleged misconduct by the PCC and the Deputy PCC including their informal resolution (where applicable) and any reference to be made to the IPCC. 	<p>(Complaints and Misconduct) Regulations 2012 (in particular Part 1; paragraphs 6 & 7); Home Office circular 002/2012: The new system for handling complaints against Police and Crime Commissioners.</p>
<p>Supporting the Police & Crime Panel and Police & Crime Commissioner</p>		
<p>Community Safety Partnerships</p>	<ul style="list-style-type: none"> A potential for duplication may exist for the Panel in relation to community safety overview and scrutiny committees. In order to avoid duplication the Panel will work with the partnerships to identify issues of mutual interest and concern and select the best forum for investigating such issues. A conflict of interest may exist for councillors who are members of the Panel and community safety partnerships, particularly if the Commissioner has funded work being carried 	<p>PRsRA Part 1; Chapter 7(88) AND Schedule 11; Crime and Disorder (Formulation and Implementation of Strategy) (Amendment) Regulations 2012; LGA – Local Government Association. Police and Crime Panels: A guide to scrutiny: pp. 7-8; LGA – Local Government Association. Police and Crime Commissioners: A guide for community safety partnerships.</p>

The Police & Crime Panel – Statutory Duties	Local Arrangements	Legislation/Regulations/Guidance
	<p>out by the community safety partnership. Monitoring Officers will be made aware of the risks should it arise.</p>	
Media	<ul style="list-style-type: none"> Both the Commissioner and Panel will adhere to the Media Protocol as agreed by the two organisations. 	Media Protocol

Date of Agreement: 3 September 2014

Date of Review: September 2015.

Information sharing protocol governing the relationship between the office of the Police and Crime Commissioner and the Police and Crime Panel

Introduction

The Police and Crime Panel and the Police and Crime Commissioner will work together to ensure that both organisations fulfil their statutory duties. To enable the Police & Crime Panel to effectively exercise its statutory functions access to information will be required.

This Information Protocol sets out the principles to be adopted by the two organisations.

Legal Context

The Police & Crime Commissioner and the Police and Crime Panel are subject to a range of legislation and national guidance regarding information sharing that includes:

- *The Police Reform and Social Responsibility Act 2011* which sets out the provision of information for Police and Crime Panels².
- *Freedom of Information Act 2000*
- *Code of Recommended Practice on Data Transparency* as relevant to Commissioners
- *The Elected Local Policing Bodies (Specified Information)(Amendment) Order 2012*
- *Data Protection Act 1998*

Information Sharing Requirements

The Commissioner must provide to the Panel any information which the Panel may reasonably require in order to carry out its functions. However the Act does not require the Commissioner to provide information if disclosure of the information would:

- a) in the view of the Chief Constable be against the interests of national security;
- b) might in the view of the Chief Constable jeopardise the safety of any person;
- c) might in the view of the Chief Constable prejudice the prevention or detection of crime, the apprehension or prosecution of offenders, or the administration of justice, or;
- d) is prohibited by or under any enactment.

The following principles have been developed to enable both organisations to fulfil their statutory functions and to have the right information at the right time:

² PRSA 2011 (c.13), Part 1 – Police Reform, Chapter 3 – Functions of elected local policing bodies etc.

- ***Holding to account through scrutiny***

In order to undertake its scrutiny role the Panel will want to ensure that information is **relevant** by defining the objectives of any information reports and by focusing on exception reporting.

Information needs to be **timely** if scrutiny is to add value and early engagement with the Commissioner's office is required to determine the frequency with which different information is required.

As far as possible the information provided will be accurate and free from errors. All information should be **reliable** and wherever possible information sources identified and evidenced.

- ***Outcome based accountability***

The accountability model³ adopted by the Commissioner will allow the Panel to evaluate the Commissioner's performance in delivering the outcomes as set out in the Police and Crime Plan.

In order to manage the information requirements of the Commissioner and the Panel the same outcome focused information will be provided to both organisations in order to make best use of limited resources and to reduce unnecessary duplication.

The strategic roles of both the Panel and Commissioner will generally mean that information will be at a higher level, however, the flexibility to drill down to relevant detail in order to meet the needs of the Commissioner will also be available to the Panel.

- ***Transparent accountability***

The Police and Crime Commissioner and the Police and Crime Panel will adhere to the principles of the Code of Recommended Practice for Local Authorities on Data Transparency 2011 to create transparency and enhance accountability through the publication of public data.

There will be occasions where data is exempt from publication under an enactment and will not be placed in the public domain. Documents containing exempt information will be appropriately marked 'restricted' or 'confidential' and indicate the reason for the exemption.

Wherever feasible, restricted and confidential elements of a document will be placed in an appendix to enable the body of information to be published.

All parties will respect the confidentiality of information that is restricted or confidential.

Date of Agreement: 3 September 2014

Date of Review: September 2015

³ Principles of Good Governance

Media Protocol Between The Police and Crime Panel for Bedfordshire And The Office of the Police and Crime Commissioner for Bedfordshire

Media Communications Protocol

Media communications protocol between the Police and Crime Panel (the Panel) and the Police and Crime Commissioner (the Commissioner) for Bedfordshire.

Introduction

A close working relationship between the Commissioner and Panel is essential for effective performance of the Panel, and it is therefore recognised that their respective media advisers must work together to ensure an informed approach to media and public relations activity.

To prevent confusion on parameters and areas of responsibility it is necessary to consider the key roles of the respective parties. It is sensible to expect a necessary degree of flexibility in relation to this protocol and to have in place measures to facilitate this.

The Police and Crime Panel (the Panel)

The Commissioner's work is scrutinised by a Police and Crime Panel (the Panel) made up of representatives from the three unitary authorities across Bedfordshire, plus two additional co-opted members.

The Panel forms a key part of the checks and balances within the policing landscape. Its role is not to scrutinise the performance of the Force – that is the role of the Police and Crime Commissioner. The Panel scrutinises the actions and decisions of the Commissioner.

As part of its role, the Panel:

- Reviews the Police and Crime Plan and Annual Report;
- Has the power to reject the Commissioner's proposed council tax precept for policing;
- Can demand that the Commissioner attends its meetings to explain his or her actions;
- May invite the Chief Constable to appear before them;
- May refuse to sanction the Commissioner's proposed appointment of a Chief Constable.

The Panel is hosted by Bedford Borough Council, with all governance, communications and administrative functions carried out by its existing officers.

Police and Crime Commissioner (the Commissioner)

The Police and Crime Commissioner has a wide range of responsibilities which include local community safety issues and crime reduction as well as policing. To achieve this, the Commissioner commissions services from organisations such as community safety partnerships and criminal justice agencies.

Other key duties include:

- Control of the local budget for policing and community safety;
- Setting the amount of locally-raised council tax that goes towards policing;
- Producing a Police and Crime Plan which includes local and national priorities;
- Promoting joint working between police and community safety partners;
- Holding the Chief Constable to account for performance on behalf of local people;
- Appointing (and if required dismissing) the Chief Constable;
- Publishing an annual report to keep people informed;
- Ensuring that public priorities are acted upon, victims are consulted and that the most vulnerable individuals are not overlooked;
- Addressing national issues as well as local concerns.

The Panel scrutinises the Commissioner's work by carrying out the appropriate number of meetings per annum.

Purpose

It is important to recognise and accept the spirit in which this protocol is written, which is intended to ensure clarity and timeliness when matters concerning both parties are, or are deemed likely to be, of public/press interest.

It seeks to make the areas of responsibility and subsequent working practices clear, in order that both parties can provide an informed response to public/press interest. The protocol is also designed to ensure a good working relationship between the two parties, with particular emphasis on the respective communications leads.

It does not, under any circumstances, seek to place restrictions on, or influence the message of, either party.

Objectives

- To enhance the quality and accuracy of public information.
- To promote a close working relationship between the Commissioner and the Panel, sharing information on matters that have a significant impact on the image and reputation of either organisation as well as the County as a whole.
- To promote and enhance awareness of shared messages on crime reduction, performance and community reassurance.
- To reduce the possibility of conflicting messages issued due to lack of advance communication between the parties.

- To ensure that where there are matters of sensitivity both parties are aware of any conflicting or potentially damaging views.

Areas of responsibility

This protocol is intended to cover both proactive and reactive media communications activity by the Panel and Commissioner.

The Panel's role is to hold the Commissioner to account and as such it will be required to review, and on occasions challenge, the Commissioner's decisions and performance and crime strategies.

However, fundamentally the relationship between the Panel and Commissioner is expected to be one of support as both parties share the same long-term goal – to cut crime and improve the safety of the public.

As such, there is an opportunity for proactive, confidence-raising, PR activity to be linked in order to achieve the overall desired outcome – namely to improve public confidence and provide reassurance.

All varieties of media communications activity from traditional printed and broadcast vehicles, including interviews and opinion pieces, to social and new media, can have an impact in terms of reputation and the public's feelings of safety. It is expected that each party utilises the most effective channels and collateral at all times, while wider dissemination is likely to occur organically.

It is accepted that the priority area of activity for the Commissioner is promoting issues relating to priorities, performance, budget accountability to the public and matters relating to the overall effectiveness and the efficiency of the Force.

Therefore, one of the prime functions of the Commissioner's PR activity is to support and promote any decisions that seek to deliver local community priorities and to communicate the objectives and success of the Police and Crime Plan, for which they will be judged by the electorate.

Principles

It is important to recognise that the Panel and the Commissioner are independent of each other and have their own distinct functions, services and priorities. The Commissioner, in particular, reasonably seeks to establish a specific public profile via their media communications.

The Panel, on the other hand, has a specific responsibility to oversee the work of the Commissioner on behalf of communities and will be governed to some extent by the opinions and concerns of the public. It also retains the right to review the decisions of the Commissioner including a power of veto over precept levels and Chief Constable appointments.

However, it should be accepted that a co-ordinated approach, even in circumstances where the two parties are not in agreement, with regards to media communications will benefit both parties and most critically, the public.

The public, and the media, have a right to information about the areas of responsibility for each organisation, what this means, its aims, its views and its priorities. This is a right extended by the Freedom of Information Act and a full publication scheme is available on the Commissioner's and the Panel's respective websites. Working together – and being seen to work together – can enhance the quality, consistency and reliability of information released to the media, and also the individual reputation of each organisation.

It is accepted, for the reasons discussed above, that there are occasions when each organisation will have different views and direction or when a statement or message

contains potentially conflicting information, and in such circumstances both communications teams will keep each other informed in advance, if possible, to allow preparation of a balancing comment or response.

Similarly, there may also be occasions when comments are made to the press that cause surprise/consternation to both organisations. Again, in such circumstances, it is agreed the media representatives will keep each other informed of both comment and response.

Aims

The protocol aims to:

- Identify media and communications activity as defined in this protocol and, where necessary, promote a joint approach to managing these activities;
- Promote a shared vision in relation to tackling crime and providing community reassurance messages;
- Engender a positive reputation for the actions of both the Panel and Commissioner, and thereby increase public confidence in policing and the safety of our communities;
- Increase dialogue between the two parties at a media communications level.

Delivery of the protocol

This protocol defines communications as:

- Press releases and written statements given to the print and broadcast media;
- Interviews and opinion pieces given to the print and broadcast press;
- Briefings, interviews, verbal statements and press conferences;
- Media information, blogs and commentary released across each organisation's social media websites;
- Broadcast interviews, documentaries and public interest programmes;
- Information published on each organisation's website;
- Any other communication which may impact on either organisation.

Operation of the protocol

- Communications professionals in each organisation shall undertake to inform each other at the earliest opportunity of likely or actual relevant media communications activity, as defined in this protocol.
- Communications professionals in each organisation shall manage the activity in the most appropriate way, being mindful of issues of confidentiality. This could take one of many forms, from sharing key messages or deciding on a joint statement, briefing or press conference to an agreement that one organisation is the lead partner – and even to a reasonable acceptance that one organisation disagrees with the other's position or proposed course of action.
- Material issued by either party, which relates to the activities or work of the other party, will be shared, in advance where possible, with the relevant communications team.
- Material issued by both parties will be placed on their respective websites, and shared electronically with a named individual in the respective communications teams.
- An archive of material issued will be maintained.

- A record of press enquiries where the enquiries potentially impinge on the activity of the other will be kept, and shared in a timely fashion.
- Communications professionals in each organisation shall meet regularly to discuss strategies to achieve long-term aims of reassuring the public, to develop joint key messages and to discuss challenges to ensure early consideration of the issues. The Chair and Vice Chair of the Panel, and the Commissioner, will be consulted by their respective communications professionals on all such matters.
- In instances of sensitive, or conflicting, positions communications professionals representing each organisation undertake to keep each other informed on a 'no surprises' basis. Any confidentiality or embargo relating to this information will naturally be upheld.
- Communications professionals in both organisations agree to respond to requests for information or other support in a timely fashion.
- Contact details will be provided for requirements outside normal working hours.

Review

The protocol should be reviewed on an annual basis.

Key Contacts

Bedfordshire Police and Crime Panel

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Police and Crime Commissioner for Bedfordshire

Communications Lead:

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Chief of Staff

- Name: Nanci Hogan
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- Email: pcc@bedfordshire.pnn.police.uk

Signed on Behalf of the Police and Crime Panel for Bedfordshire

Signature

Print

Position

Date

Signed on Behalf of the Police and Crime Commissioner for Bedfordshire

Signature

Print

Position

Date