

ORIGINATOR: CHIEF EXECUTIVE

DECISION NUMBER: 30 – 2021

REASON FOR SUBMISSION: FOR DECISION

SUBMITTED TO: POLICE AND CRIME COMMISSIONER

SUBJECT: PCC SUCCESSION PLAN

SUMMARY:

- 1 A Succession Plan to cover any period of vacancy or incapacitation on the part of the Police and Crime Commissioner is presented for adoption.
- 2 The Plan was required to be produced at the request of the Minister of State for Crime and Policing. The Plan, which has been drawn up by the Chief Executive, has been discussed, as required, with the Police and Crime Panel. The Panel has endorsed the Plan at its meeting on 8 October 2021.

RECOMMENDATION:

It is recommended that the Police and Crime Commissioner adopts the Succession Plan at Appendix A and publishes it on the website for the Office of the Police and Crime Commissioner.

APPROVAL BY: PCC

The recommendation set out above is agreed.

Signature



Date 08.10.21

DETAIL OF THE SUBMISSION

1. KEY ISSUES FOR CONSIDERATION:

- 1.1 By letter of 9 July 2021, the Minister of State for Crime and Policing advised all Police and Crime Commissioners, following the announcement from Part One of the Review into the role of PCCs:

“we committed to legislating..... to mandate that all PCCs must appoint a deputy.

The necessity for a deputy has been brought into sharp focus by the COVID-19 pandemic, which led to an enforced delay to the PCC elections in 2020. The Home Secretary’s statement also highlighted our plans to look at expanding the role of PCCs. Selecting a deputy not only provides the local accountability model with greater resilience in the event of incapacity, for example, but also the ability to effectively carry out the duties and responsibilities of the role by increasing the capacity of the model....

... I expect all PCCs to work with their office to put in place a formal succession plan to be followed in case of vacancy or incapacitation, where one does not already exist. I would also ask that you involve your police and crime panel in these discussions as necessary, given their statutory role in this process”.

- 1.2 The Succession Plan at Appendix A has been produced for the Police and Crime Commissioner by the Chief Executive. This is the Plan that will be followed in case of vacancy or incapacitation as described above.
- 1.3 The Plan is self explanatory.
- 1.4 As required by the Minister, the draft Plan was shared and discussed with the Police and Crime Panel. At their meeting on 8 October 2021 the Panel endorsed the draft Plan.
- 1.5 The Plan is now presented to the Police and Crime Commissioner for formal adoption and publication on the OPCC website.
- 1.6 The Plan will be regularly reviewed and in particular should a deputy be appointed by the PCC or there is a change in the person currently holding the position of Chief Executive.

2. FINANCIAL IMPLICATIONS:

- 2.1 There are no material financial implications arising from this paper.

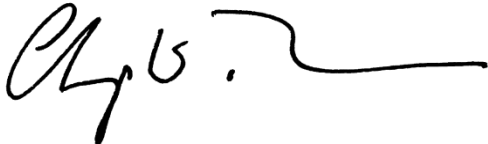
3. OTHER IMPLICATIONS AND RISKS:

- 3.1 There are no risks on the Police and Crime Commissioner’s Risk Register that are engaged nor is there any need to add a risk as a result of this paper.

ORIGINATOR CHECKLIST (MUST BE COMPLETED)	PLEASE STATE 'YES' OR 'NO'
Has legal advice been sought on this submission?	The author is a solicitor
Has the PCC's Chief Finance Officer been consulted?	No
Have equality, diversity and human rights implications been considered including equality analysis, as appropriate?	Yes
Have human resource implications been considered?	Yes
Is the recommendation consistent with the objectives in the Police and Crime Plan?	Yes
Has consultation been undertaken with people or agencies likely to be affected by the recommendation?	Yes
Has communications advice been sought on areas of likely media interest and how they might be managed?	Yes
Have all relevant ethical factors been taken into consideration in developing this submission?	Yes

In relation to the above, please ensure that all relevant issues have been highlighted in the 'other implications and risks' section of the submission.

APPROVAL TO SUBMIT TO THE DECISION-MAKER

<p>Chief Executive</p> <p>I am satisfied that relevant advice has been taken into account in the preparation of the report and that this is an appropriate request to be submitted to the PCC.</p> <p>Signature:  Date 08.10.21</p>



POLICE AND CRIME COMMISSIONER

SUCCESSION PLAN

**Chief Executive
(and Monitoring Officer)**

8 October 2021

1 INTRODUCTION

- 1.1 By letter of 9 July 2021, the Minister of State for Crime and Policing advised all Police and Crime Commissioners, following the announcement from Part One of the Review into the role of PCCs:

“... we committed to legislating.... to mandate that all PCCs must appoint a deputy.

The necessity for a deputy has been brought into sharp focus by the Covid-19 pandemic, which led to an enforced delay to the PCC elections in 2020. The Home Secretary’s statement also highlighted our plans to look at expanding the role of PCCs. Selecting a deputy not only provides the local accountability model with greater resilience in the event of incapacity, for example, but also the ability to effectively carry out the duties and responsibilities of the role by increasing the capacity of the model...

... I expect all PCCs to work with their office to put in place a formal succession plan to be followed in case of vacancy or incapacitation, where one does not already exist. I would also ask that you involve your police and crime panel in these discussions as necessary, given their statutory role in this process...”

- 1.2 Since election in 2012, the Police and Crime Commissioner (the PCC) has not appointed nor considered it necessary to appoint a deputy.
- 1.3 This position will be kept under review by the PCC as the Home Secretary’s plans to expand the role of PCCs emerge and are enacted.
- 1.4 This document is the succession plan to be followed in the case of vacancy or incapacitation.

2 RELEVANT LEGISLATION

- 2.1 The Police Reform and Social Responsibility Act 2011 sets out the legal provisions that apply regarding the appointment of a deputy and further, the steps required to be taken in the event of a PCC vacancy or incapacitation.
- 2.2 Under section 18 of the 2011 Act, it is currently a matter for the discretion of a PCC as to whether they appoint a person as deputy PCC. If appointed, such deputy becomes a member of the PCC’s staff. Under Schedule 1 of the 2011 Act, the appointment of a deputy is required to be exposed to scrutiny by the Police and Crime Panel.
- 2.3 By contrast, a PCC must appoint a chief executive under Schedule 1 to the 2011 Act. It is not an optional matter. It is a requirement. The appointment is statutorily exposed to the scrutiny of the Police and Crime Panel.

2.4 The 2011 Act at section 51 sets out the statutory steps that are required to be taken in the case of a vacancy in the office of PCC. Where there is a vacancy an election must be held to fill the vacancy. If the vacancy occurs within the period of six months before the next ordinary election then no election is to be held in respect of the vacancy, and the office is to be left unfilled until the ordinary election.

2.5 Section 59 of the 2011 Act provides that, briefly summarised, a vacancy can occur in the case of:

- an election irregularity;
- a notice of resignation being given;
- death;
- declaration by the High Court or appropriate officer.

More detail is found at sections 59-61 of the 2011 Act. Note also paragraph 2.10 below.

2.6 Section 62 of the 2011 Act provides that in a situation where:

- no person holds the office of PCC because it is vacant;
- the PCC is incapacitated; or
- the PCC is suspended under section 30 of the 2011 Act,

the Police and Crime Panel must appoint a person to act as PCC.

2.7 The Panel may appoint a person as acting commissioner but only if the person is a member of the PCC's staff at the time of the appointment. In appointing a person as acting commissioner in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the PCC in relation to the appointment.

2.8 All the functions of a PCC are exercisable by an acting commissioner, apart from issuing or varying a police and crime plan.

2.9 The appointment of an acting commissioner ceases to have effect upon the earliest of:

- the election of a person as PCC;
- the termination of the acting commissioner appointment by the Panel;
- the PCC ceases to be incapacitated;
- the PCC ceases to be suspended.

2.10 Where an acting commissioner is appointed in view of a PCC's incapacitation and such incapacitation lasts for six months from the appointment, the office of PCC becomes vacant (section 63 of the 2011 Act).

- 2.11 The above paragraphs are a brief summary of the relevant legislation. Should a case of vacancy or incapacitation occur the legislation will require detailed consideration.

3 ACTING PCC IN SUFFOLK

- 3.1 Where a statutory requirement arises for the appointment of an acting PCC under section 62 of the 2011 Act, a member of the PCC's staff will be required to be appointed as such acting PCC.
- 3.2 The PCC has no appointed deputy so that a member of his officer staff will be required to be appointed. No person who is not a staff member may be appointed as the acting PCC.
- 3.3 The PCC has agreed with the Police and Crime Panel that in the event of an appointment being required, the person holding the statutory role of Chief Executive will be considered for appointment as acting commissioner in accordance with the relevant legislation. A formal appointment decision will be required by the Panel under section 62 in respect of the person to act as PCC if the circumstances necessitate such an appointment being made.
- 3.4 Should there be any need to backfill the Chief Executive role during the period of the appointment as acting PCC, the Chief Executive will decide how that is to be achieved having regard to all the circumstances including the likely length of the acting appointment. In any event the Scheme of Governance and Consent provides for delegations of the Chief Executive and Monitoring Officer responsibilities in their absence to ensure resilience in the performance of the statutory functions of these governance roles.
- 3.5 The Chief Executive is also authorised under the Scheme to discharge the functions of the PCC (apart from those that may not statutorily be delegated to them) and which would enable the day to day functioning of the PCC role in the interim period before an acting appointment is made by the Panel.

4 REVIEW

- 4.1 This succession plan will be regularly reviewed and in particular should a deputy be appointed by the PCC or there is a change in the person currently holding the position of Chief Executive.

5 POLICE AND CRIME PANEL

- 5.1 The PCC has consulted upon and agreed this Plan with the Police and Crime Panel.

Christopher Jackson
Chief Executive (and Monitoring Officer)

8 October 2021