

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE ***DECISION RECORD***

To be completed in cases where a decision is required

DECISION OF POLICE AND CRIME COMMISSIONER

Date: 14 February 2013
Officers present: Paul Stock, Chief Executive

Received in OPCC Date: 14.2.13

OPCC Ref: EXE0009/13

Title: Delegation to the Chief Executive

Summary of Issue:

The Police and Crime Commissioner to delegate appropriate functions to the Chief Executive Officer in order that the Office of Police and Crime Commissioner can continue to operate in the absence of the Commissioner.

Recommendation(s) presented:

The Police and Crime Commissioner is recommended, in order to allow the Office of Police and Crime Commissioner to operate in the absence of the Commissioner, to delegate to the Chief Executive all functions necessary to operate the Office of Police and Crime Commissioner in the Commissioner's absence, subject to the restrictions set out at Section 18(7) of the Police Reform and Social Responsibility Act 2011.

Key discussion points

- The Corporate Governance Framework sets out how the PCC and the Chief Constable will govern their organisations both jointly and separately to do business in the right way, for the right reason at the right time.
- Within the Framework the Scheme of Corporate Governance, sets out the appropriate delegations to senior officers of the OPCC and to the Chief Constable. At the time of drafting and approving the Framework it was not known if a Deputy PCC would be appointed so the document refers to delegations to such a post. At the current time such an appointment has not been made thereby creating a gap in delegations in the absence of the PCC.

- Section 3 of the Scheme of Corporate Governance states: "In his/her absence the Deputy PCC may delegate to the Chief Executive to carry out any of his/her functions (with the exception of those listed in Section 18; sub-section 7), within the boundaries of political restriction".

OFFICE OF PCC APPROVAL

Chief Executive or Chief Finance Officer:

I have been consulted about the proposal and confirm that appropriate advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner

Signature: 

Title: CHIEF FINANCE OFFICER

Name: PETER LEWIS

Date: 14/2/13

Publication Scheme

Decision of Monitoring Officer:

As Monitoring Officer for the Office of Police and Crime Commissioner for Leicestershire I have determined that:

It is appropriate to publish this record of decision made by the Police and Crime Commissioner : **Yes / ~~Part Redacted~~ / No**

It is appropriate to publish the contents of the report proposing this course of action prepared by either of the senior post holders in the Office of the Police and Crime Commissioner for Leicestershire (i.e. either the Chief Executive or Chief Finance Officer) : **Yes / ~~Part Redacted~~ / No**

It is appropriate to publish details of the decision by the Police and Crime Commissioner for Leicestershire : **Yes / ~~Part Redacted~~ / No**

Reasons for any non Publication (referencing appropriate legislation):

Signature: 
Monitoring Officer

Name: PAUL STOCK

Date: 14/2/13

Police and Crime Commissioner for Leicestershire

Having received the advice set out above and reviewed relevant documentation my decision in regard of this matter is:

APPROVED / ~~NOT APPROVED~~

Signature: 

Sir Clive Loader

Date: *14th Feb 2013*

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE EXECUTIVE BOARD

Report of **CHIEF FINANCE OFFICER, OFFICE OF THE POLICE AND CRIME COMMISSIONER**

Subject **DELEGATION TO THE CHIEF EXECUTIVE OFFICER**

Date **21 FEBRUARY 2013**

Purpose of Report

1. To propose appropriate delegation of functions to the Chief Executive Officer so that the Office of the Police and Crime Commissioner (OPCC) can continue to operate in the absence of the Police and Crime Commissioner (PCC)

Recommendation

2. The PCC is recommended, in order to allow the OPCC to operate in the absence of the PCC, to delegate to the Chief Executive all functions necessary to operate the OPCC in the PCC's absence, subject to the restrictions set out at Section 18(7) of the Police Reform and Social Responsibility Act 2011

Delegation of Permitted Functions

3. Section 18 of the Police Reform and Social Responsibility Act 2011 provides that the PCC may arrange for any person to exercise any function of the PCC subject to certain caveats set out in Subsection 18(7). These are:
 - *Issuing the Police and Crime Plan*
 - *Determining objectives in the Police and Crime Plan*
 - *Calculation of budget requirements*
 - *Making recommendations to the Home Secretary in relation to the appointment of the Chief Constable*
 - *Suspension of the Chief Constable, or asking him or her to resign or retire*
 - *Attendance at the Police and Crime Panel for specified duties*
 - *Preparing the annual report.*
4. In addition, the Corporate Governance Framework, approved by the PCC at the Executive Board meeting on 6 December, sets out how the PCC and Chief Constable will govern their organisations both jointly and separately to do business in the right way, for the right reason at the right time.
5. Within the Framework, the Scheme of Corporate Governance sets out appropriate delegations to senior officers of the OPCC and to the Chief Constable. At the time of drafting and approving the Framework, it was not known whether a Deputy PCC would be appointed, so the document refers to

delegations to such a post. At the current time no Deputy has been appointed so there is a gap in the delegations in the absence of the PCC.

6. Section 3 of the Scheme of Corporate Governance states: *In his/her absence the Deputy PCC may delegate to the Chief Executive to carry out any of his/her functions (with the exception of those listed in Section 18, sub section 7), within the boundaries of political restriction.*
7. Given that no Deputy PCC has been appointed, this report seeks the approval of the PCC to exercise the delegations to the Chief Executive Officer as set out in Section 3 of the Framework so that the business of the OPCC may continue in the absence of the PCC.

Implications

Financial: none.

Legal: inherent in the report.

Equality Impact Assessment: none.

Risks and Impact: none.

Link to Police and Crime Plan: supports the delivery of the Police and Crime Plan through the provision of continuity of decision making and direction.

Background Papers

Corporate Governance Framework for the OPCC

Person to Contact

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