

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE

POLICE AND CRIME PANEL

Report of	POLICE AND CRIME COMMISSIONER
Subject	DRAFT SUCCESSION PLAN
Date	MONDAY 20 JUNE 2022 – 1:00 p.m.
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Purpose of Report

1. The purpose of this report is to ensure the Police and Crime Panel have a recommendation from the Police and Crime Commissioner as to his preference regarding a succession plan.

Recommendations

2. The panel are recommended to:-
 - a. comment on the contents of the report, and
 - b. to note the Commissioner's recommendation for a succession plan as set out in the paper

Introduction

3. The Minister of State for Crime and Policing, Rt Hon. Kit Malthouse MP advised on the 9 July 2021, that all Police and Crime Commissioners and their offices should put in place a 'formal succession plan to be followed in case of vacancy or incapacitation'.
4. The Police and Crime Panel has a statutory role in appointing a person to act as Police and Crime Commissioner and as such this document is the recommendation for a succession plan to be followed in the case of vacancy or incapacitation.
5. Since election in 2021, the Police and Crime Commissioner (PCC) has not appointed nor considered it necessary to appoint a Deputy Police and Crime Commissioner (DPCC). The position and decision to appoint a deputy will be reviewed in coming months by the PCC as the Home Secretary's plans to expand the role of PCCs emerge and are enacted.

Relevant Legislation

6. 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.
7. Paragraphs 2.3 to 2.12 highlight the key points in the relevant legislation relating to this succession plan.
8. 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 and the PCC can arrange for the deputy to exercise any function of the PCC. If appointed, such deputy becomes a member of the PCC's senior staff.
9. Schedule 1 of the 2011 Act documents that the PCC must appoint a Chief Executive (Head of Commissioner's staff) and a Chief Finance Officer (responsible for the administration of the Commissioner's financial affairs).
10. The Police and Crime Panel must be notified of all proposed permanent senior appointments and are therefore able to make recommendations on the appointments. The act sets out that the senior staff posts are; the Chief Executive, the Chief Finance Officer and a Deputy Police and Crime Commissioner.
11. Section 51 of the Police Reform and Social Responsibility Act 2011 sets out the statutory steps that are required to be taken in the case of a vacancy in the office of the 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.
12. 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.

13. Section 62 of the 2011 Act provides that the Police and Crime Panel must appoint a person to act as PCC if any of the following statements are true:
 - no person holds the office of PCC for that area,
 - the PCC for the area is incapacitated, or
 - the PCC for the area is suspended under section 30 of the 2011 Act
14. There is further guidance as to the person the Panel may appoint as acting Commissioner set out in section 62, however to summarise 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.

15. All the functions of a PCC are exercisable by an acting Commissioner, apart from issuing or varying a police and crime plan. (Section 62, subsection 4).
16. The appointment of an Acting Commissioner ceases to have effect upon the earliest of:
 - the election of a person as PCC,
 - the termination, or appointment by the Police and Crime Panel of the Acting Commissioner,
 - the PCC for the area ceases to be incapacitated;
 - the PCC for the area ceases to be suspended.
17. Section 63 of the 2011 Act sets out that 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 and the PCC ceases to be Police and Crime Commissioner.

Provisions for an Acting PCC in Leicestershire

18. As set out under Section 62 of the 2011 Act, the Police and Crime Panel must appoint a person to act as Commissioner and should the need for this statutory requirement arise this will need to be a member of the PCCs staff.
19. At this moment in time, the PCC has not appointed a Deputy PCC, however should this change the recommendation is that this person would be appointed as the Acting Commissioner. As previously recognised upon appointment the Deputy PCC becomes a member of the PCCs staff and is able to fulfil this role. No person who is not a staff member may be appointed to this position.
20. The PCC is recommending to the Police and Crime Panel that in the event of an appointment being required and a Deputy PCC is not in place, the individual 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.
21. This succession plan will be regularly reviewed in consultation with the Police and Crime Panel 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.

Implications

Finance: None

Legal:

Equality Impact Assessment:

Risks and Impact:

Links to Police and Crime Plan:

List of Attachments / Appendices

None

Persons to Contact

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