

POLICE AND CRIME PANEL

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Thursday, 18th September, 2014

Time: 9.30 a.m.

A G E N D A

1. To determine if the following matters are to be considered under the categories suggested, in accordance with the Local Government Act 1972.
2. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for Absence.
4. Questions from Members of the Public.
5. Approval by the South Yorkshire Police and Crime Panel of an 'Acting Commissioner' under Section 62(1)(a) of the Police Reform and Social Responsibility Act 2011 (report herewith) (Pages 1 - 3)
6. Work Programme (Deborah Fellowes, Scrutiny Manager, to report)

REPORT TO SOUTH YORKSHIRE POLICE AND CRIME PANEL

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	16th September 2014
3.	Title:	Approval by the South Yorkshire Police and Crime Panel of an 'Acting Commissioner' under Section 62(1)(a) of the Police Reform and Social Responsibility Act 2011
4.	Organisation:	The South Yorkshire Police and Crime Commissioner

5. Summary

The purpose of this report is to provide Panel members with information to assist in their approval of an acting police and crime commissioner ('Acting Commissioner') under Section 62(1)(a) of the Police Reform and Social Responsibility Act 2011.

6. Recommendations

That the Panel considers the contents of this report.

7. Proposals and details

The Police and Crime Commissioner for South Yorkshire, Shaun Wright, announced his resignation from office on the 16th September 2014, rendering the office of police and crime commissioner vacant.

Section 62(1)(a) of the Police Reform and Social Responsibility Act 2011 requires a police and crime panel for a police area to appoint an 'acting commissioner' in these circumstances.

It is a decision for the Police and Crime Panel as to who should be appointed as Acting Commissioner under the 2011 Act, but the 2011 Act makes clear that that person should be a person who is already a member of the Police and Crime Commissioner's staff at that point in time (Section 62(2) of the 2011 Act).

In the opinion of the Chief Executive, Office of the Police and Crime Commissioner for South Yorkshire, that the four options for 'Acting Commissioner' at this point in time are:-

1. (Deputy Police and Crime Commissioner) Tracey Cheetham, who is willing to be considered for approval by the Panel.

Mrs Cheetham is a member of staff of the Police and Crime Commissioner for South Yorkshire. She tendered her resignation as Deputy Police and Crime Commissioner on 1 September 2014. Mrs Cheetham's contract was put in place to commence on 28 January 2013 (before the Chief Executive's appointment). On Mrs Cheetham's resignation, the Chief Executive took the view that Mrs Cheetham should serve out her one month's notice period, which expires on 30th September 2014. This was agreed by Mrs Cheetham.

Mrs Cheetham's supporting statement is attached, at **Appendix 1 (which is not for publication – RESTRICTED – Personal Information)**;

2. Michelle Buttery, Chief Executive and Solicitor, Office of the Police and Crime Commissioner for South Yorkshire, which would be a non-political appointment for this short, transitional period of time – but the Chief Executive is not putting herself forward, for the reasons contained in her letter to the Panel's monitoring officer (and which relate to her own role as monitoring officer, which she feels would be compromised if appointed as Acting Commissioner);
3. Steve Pick, Section 151 Officer / Treasurer (Chief Finance Officer under the 2011 Act) on a temporary contract, awaiting the imminent appointment of a permanent Chief Finance and Commissioning Officer. Mr Pick has been the Section 151 Officer to the Police and Crime Commissioner for South Yorkshire, since November 2012 (through the South Yorkshire Joint Secretariat arrangements prior to his current temporary contract).

Mr Pick is willing to be considered for approval by the Panel and this option would again offer the Panel a non-political appointment for this short, transitional period of time. Mr Pick's supporting statement is attached, at ***Appendix 2 (which is not for publication – RESTRICTED – Personal Information)***; and

4. A person yet to be appointed by the Police and Crime Commissioner on a temporary contract, but who could be so appointed under delegated authority conferred on the Chief Executive and Solicitor and on the Chief Finance Officer under the Commissioner's and Chief Constable's current scheme of delegation within the Joint Corporate Governance Framework.

In order to further assist the Panel, the Chief Executive has written to the Panel's monitoring officer, providing other information relevant to the Panel's consideration of the above options, including legal advice received on the issue. Of course, the Panel may wish to receive their own legal advice on the issues contained within that letter.

8. Contact

Michelle Buttery, Chief Executive, Office of the Police and Crime Commissioner
Barnsley - michellebuttery@southyorkshire-pcc.gov.uk
Tel: 01226 772803

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted