Nottinghamshire Police and Crime Commissioner – Notice of Decision

AUTHOR:	Sharon Caddell
TELEPHONE NUMBER:	0115 844 5998
EMAIL ADDRESS:	Sharon.caddell@notts.police.uk
DECISION OR INFORMATION:	Interim delegations of Chief Executive and Monitoring Officer authority – effective from 3rd December 2021
DATE RECEIVED:*	24/11/2021
REF:* (to be inserted by the OPCC)	2021.113

TITLE:	Delegation of Monitoring Officer and Head of Paid Service (Chief Executive) roles

EXECUTIVE SUMMARY:

The Police and Crime Commissioner (PCC) for Nottinghamshire is statutorily required, under the Police Reform and Social Responsibility Act (PRSRA) 2011, in accordance with Section 4 and Section 5 Local Government Act 1989, to appoint a Chief Executive and Monitoring Officer (CEMO).

The CEMO is an executive role within the OPCC as a corporation sole, and the role cannot be fulfilled by the Police and Crime Commissioner or the Chief Finance Officer. It is a politically restricted role.

The CEMO is generally responsible for:

- working closely with the PCC to enable the delivery of their vision, strategy and priorities;
- ensuring the PCC discharges their statutory duties and responsibilities;
- ensuring that robust governance arrangements are in place; and,
- facilitating the accurate and appropriate scrutiny of Nottinghamshire Police's activities.

The CEMO fulfils the statutory function of the Head of Paid Service and provides operational and strategic leadership to the Office of the PCC. They also engage with senior colleagues from central and local government, criminal justice and other partnership/voluntary sector organisations at a local, regional and national level.

The CEMO also has a statutory remit to draw to the PCC's attention to any actual or possible contravention of law, maladministration or injustice.

Due to the impending absence of the current Chief Executive, the Monitoring Officer and Head of Paid Service roles to be undertaken by Mrs Sharon Caddell in an acting capacity, which will ensure these statutory roles are covered in the absence of Mr Kevin Dennis, who will be taking leave from the organisation from 3rd December 2021, and retiring on 31st December 2021. This will remain in place until a substantive CEMO is formally appointed following a recruitment process.

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INFORMATION IN SUPPORT OF DECISION: (eg report or business case)

In accordance with the Police Reform and Social Responsibility Act 2011, and Local Government Act 1989 (S4 and S5), there are two roles that the Commissioner must appoint, the CEO and the CFO. These roles cannot be combined.

The CEO also acts as the Monitoring Officer, reporting to the PCC if it appears that any proposal, decision or failure constitutes, has given rise to, or is likely to break the law or a code of practice. The CEO will work with the PCC to deliver the Police and Crime Plan's vision, strategy and identified priorities.

The CEO will make sure that the NOPCC is led effectively through ongoing management and public involvement. The CEO will also help make sure that the Force's activities are appropriately governed and scrutinised.

The PCC has a legal duty to give the CEO the staff, accommodation and other resources which are needed so that they can carry out their duties. The Monitoring Officer is under a personal legal duty to report on proposals, decisions or omissions which is a contravention of any enactment or rule of law.

The formal delegations are as follows:

- Take day to day action to ensure the efficient and effective management of the Office of the PCC, including the appointment or dismissal of all staff and volunteers.
- Ensure the discharge of the PCC's functions, with the exception of those matters identified in the scheme that cannot be delegated by law, giving effect to the decisions and direction of the PCC
- Prepare the Police and Crime Plan, consulting with the Chief Constable, for submission to the PCC
- Prepare an Annual Report for submission to the Commissioner for the Commissioner to fulfil his statutory duty to report annually on progress against the Police and Crime Plan to the Police and Crime Panel
- Provide information to the Police and Crime Panel as lawfully and reasonably required to enable the Panel to carry out its functions
- To make financial and contractual decisions as outlined in the Financial Regulations and Contract Standing Orders.
- To oversee the way that complaints against officers and staff within Nottinghamshire Police are managed so this is efficient and effective and to advise the PCC on this basis.
- To fix fees for copies of documents and extracts of documents requested under the Freedom of information Act 2000, or the Data Protection Act 1998, or otherwise
- To make recommendations to the PCC with regard to staff terms and conditions of service in respect of the PCC's staff
- To administer the Independent Custody Visitors (ICV) Scheme and any other volunteer schemes including the appointment, suspension and removal of custody visitors and other volunteers.
- To obtain legal or other expert advice in matters pertaining to the OPCC.
- To commence, defend, withdraw or agree financial settlements of all claim or legal proceedings where required, on the PCC's behalf in consultation with the PCCCFO.
- To consider, with the PCC, any complaint made against the Chief Constable, and where appropriate, to make arrangements for appointing an officer to investigate the complaint.
- To respond to consultations on proposals affecting the PCC.
- To ensure that appropriate arrangements are in place to gather community's views on policing and crime in Nottinghamshire.
- To ensure compliance with the requirements for publication of all aspects of the Local Policing Bodies (Specified Information Order 2011).

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- To decide on whether any information to support a decision taken by the PCC and published by Executive Order should be exempt from being published under the exemptions contained within the Local Government At 1972 – Schedule 12A.
- To make recommendations to the PCC on Police Pension forfeiture in accordance with the policy.
- In the absence or unavailability of the Commissioner's Chief Finance Officer to sign contracts, leases and make other urgent financial decisions in accordance for Financial Regulations and Contract Standing Orders.
- Approve all requests for financial assistance to officers and staff involved in legal proceedings or inquests except those felt to be significant because:
    - They involve a high profile claimant
    - There is a particular public interest in the case
    - There is a real risk that the Commissioner or the Force will be exposed
    - to serious public criticism or serious weaknesses in the organisation
    - or policies and procedures will be revealed.
- To approve exceptional cases in the provision of police advice and assistance to international agencies, because the full cost is £4,000 or more (including air flights, accommodation and salary costs of the police officer of member of staff); and it is a sensitive case involving travel to a politically sensitive country.
- To order goods and services and spend on tenders for goods and services provided for the revenue budget.
- To ask for and accept quotations and tenders for goods and services provided for the revenue budget.
- To manage any complaint against staff under the direction and control of the CEO.
- To undertake the management of staffing resources for all staff employed by the Commissioner (and not under the direction and control of the PCC in line with agreed policies and procedures (including issues such as creating and appointing staff, restructuring, re-grading, discipline, grievances and job evaluation etc).

The above duties may be distributed among the paid service of the Office of Police and Crime Commissioner for Nottinghamshire.

FINANCIAL INFORMATION	
Signature: **Chief Finance Officer**	[redacted]
Date:	25th November 2021

**** See guidance on non-public information**

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Is any of the supporting information classified as non-public or confidential information?**	Yes	☐	No	☒
If yes, please state under which category from the guidance**				

DECISION:

To approve that the Chief Executive (Monitoring Officer and Head of Paid Service) role be delegated to and undertaken Mrs Sharon Caddell in an acting capacity, in order to ensure that these statutory roles are covered in the absence of previous Chief Executive, who will be taking leave from the organisation from 3rd December 2021, and retiring on 31st December 2021.

This delegation will remain in place until a substantive CEO is formally appointed following a recruitment process.

OFFICER APPROVAL:

I have been consulted about the proposal and confirm that the 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: Chief Executive	Ken Dennis
Date:	26/4/21

DECLARATION:

I confirm that I do not have any disclosable pecuniary interests in this decision and I take the decision in compliance with the Code of Conduct for the Nottinghamshire Office of the Police and Crime Commissioner. Any interests are indicated below:

The above request has my approval

Signature: Nottinghamshire Police & Crime Commissioner	C E Henry
Date:	1st December 2021

** See guidance on non-public information