

GM POLICE FIRE AND CRIME PANEL

Date: 14 January 2022

Subject: Police and Crime Commissioner Review: Deputies and Succession Planning

Report of: Liz Treacy, GMCA Monitoring Officer

PURPOSE OF REPORT

The purpose of this report is to present minor revisions to the Panel's Rules of Procedure as part of the review of succession planning arrangements.

RECOMMENDATIONS:

The Panel is requested to –

1. Consider the request from the Minister of State for Crime and Policing
2. Note the statutory framework applicable in Greater Manchester
3. Approve the revisions to the Panel's Rules of Procedure attached at Appendix 1

CONTACT OFFICER:

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BACKGROUND PAPERS:

- The Police Reform and Social Responsibility Act 2011
- The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017
- The Local Democracy Economic Development and Construction Act 2009
- Letter from Minister of State for Crime and Policing dated 9 July 2021

1. INTRODUCTION AND BACKGROUND

- 1.1. In July 2021 the Mayor received the attached letter – Appendix 2 – from the Minister of State for Crime and Policing.
- 1.2. The letter asks for the Panel to be involved in confirming that a formal succession plan is in place in case of vacancy or incapacity.

2. LEGISLATIVE POSITION

Deputy

- 2.1. Section 18 of the Police Reform and Social Responsibility Act 2011 provides a police and crime commissioner (PCC) with the power to appoint a deputy police and crime commissioner (Deputy PCC). Deputy PCCs may exercise any function of the PCC except –
 - 2.1.1. issuing a police and crime plan;
 - 2.1.2. appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign; or
 - 2.1.3. calculating a council tax or a budget requirement.
- 2.2. In Greater Manchester, police and crime commissioner functions are exercisable by the elected Mayor who may appoint a deputy mayor for policing and crime. The deputy mayor for policing crime may exercise the same functions as a Deputy PCC.
- 2.3. The Mayor has appointed a deputy mayor for policing and crime and has delegated the exercise of PCC functions to the Deputy Mayor for Policing and Crime to the fullest extent possible, as set out in part 9 of the GMCA constitution.

Acting Commissioner

- 2.4. Section 62 of the Police Reform and Social Responsibility Act 2011 provides that a Police and Crime Panel for a police area must appoint a person to act as police and crime commissioner for that area (“an acting commissioner”) if —
 - (a) no person holds the office of police and crime commissioner for that area (vacancy),
 - (b) the police and crime commissioner for that area is incapacitated, or
 - (c) the police and crime commissioner for that area is suspended under section 30 (charged with an offence which carries a maximum term of imprisonment exceeding two years).
- 2.5. The position is modified in Greater Manchester by the Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 such that the obligation to appoint an acting commissioner only arises in the event that the Mayor is suspended under section 30.

2.6. The Panel's Rules of Procedure do provide at section 18.5 for the Panel to appoint an Acting Commissioner in the event that the Mayor is suspended under section 30. In accordance with the legislation, the Rules also provide that the Panel may appoint a person as acting commissioner only if the person is a member of staff of the Greater Manchester Combined Authority deployed wholly or partly in relation to the Mayor's PCC functions or the Deputy Mayor for Policing and Crime at the time of the appointment.

2.7. The appointment of an acting commissioner will depend on the circumstances, including any potential conflict of interest. The GMCA Chief Executive, Treasurer and Monitoring Officer have agreed to the inclusion of their roles in the Panel's Rules of Procedure, as specific options for the Panel under section 18.5. A revision to the Rules has been made to reflect this review.

Vacancy or Incapacity

2.8. For the Panel's information, the position with regard to a vacancy in the office of Mayor or incapacity is dealt with by the Local Democracy Economic Development and Construction Act 2009 which provides that –

2.8.1. if the office of Mayor is vacant then the Deputy Mayor of the GMCA appointed under section 107C of the Local Democracy Economic Development and Construction Act 2009 will act in place of the Mayor, in respect of both general and PCC mayoral functions, until such a time as the office of Mayor is no longer vacant;

2.8.2. if the Mayor is unable to act then the Deputy Mayor of the GMCA appointed under section 107C of the Local Democracy Economic Development and Construction Act 2009 will act in place of the Mayor, in respect of both general and PCC mayoral functions, until such a time as the Mayor is again able to act (although if the Mayor remains unable to act for a period of 6 months a vacancy will arise in the office of Mayor).

3. RECOMMENDATIONS.

3.1. Recommendations appear at the front of this report.