

**WEST MIDLANDS POLICE
AND CRIME
COMMISSIONER**

NON-CONFIDENTIAL

NOTICE OF DECISION

030/2014

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Revisions to the Joint Scheme of Corporate Governance

EXECUTIVE SUMMARY

To ensure that governance arrangements during the term of office of the Acting Police and Crime Commissioner are robust to accommodate any period of the Acting Police and Crime Commissioner's absences, a number of revisions are proposed to the Joint Scheme of Corporate Governance. Changes have also been made which, if adopted by the incoming Police and Crime Commissioner give clarity to the position of any appointed Deputy Police and Crime Commissioner in respect of exercising the functions of the Commissioner in the Commissioner's absence.

DECISION

The Joint Scheme of Corporate Governance is amended as detailed in this report and as set out in Annex A. In addition, for the period from 28 July 2014 to 21 August 2014 I have determined that Councillor Judy Foster may, in my absence and in consultation with the Strategic Policing and Crime Board and/or Chief Executive and/or Chief Finance Officer as appropriate, exercise any function of a Deputy Police and Crime Commissioner as set out in the Scheme of Governance and as permitted by section 18 of the Police Reform and Social Responsibility Act 2011. Further, that for the same period the urgency provisions which relate to the Chief Executive should be read as only being applicable in the absence of both the Acting Police and Crime Commissioner and Councillor Judy Foster or where the Acting Police and Crime Commissioner has given the Chief Executive specific authority to act.

West Midlands Acting Police and Crime Commissioner

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

Signature.....Yvonne Mosquito.....

Date.....28 July 2014.....

NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER

INTRODUCTION AND BACKGROUND

Councillor Yvonne Mosquito was appointed as Acting Police and Crime Commissioner on 14 July 2014. On the same day she endorsed the Scheme of Governance approved by her predecessor Bob Jones. Councillor Mosquito will not be appointing a formal deputy during her term of office but does require there to be adequate arrangements in place to ensure good governance in any period of her absence. This decision therefore includes determinations which will have effect from the date of the decision through to the election on 21 August 2014. In addition the Joint Scheme of Corporate Governance has been reviewed and the Scheme attached at Annex A contains the following amendments:

- Delegations to the Deputy Police and Crime Commissioner

Paragraph 6.1 of the Scheme has been amended to provide clarity that in the absence of the Police and Crime Commissioner the Deputy Police and Crime Commissioner may exercise any function of the Commissioner other than those listed in section 18 (7) (a) (issuing a police and crime plan), (e) (appointing a chief constable, suspending a chief constable or calling up on the chief constable to retire or resign) and (f) (calculating a budget requirement). When exercising functions under this paragraph the Deputy PCC will consult with the Strategic Police and Crime Board and statutory officers as appropriate.

- Urgency powers

As a consequence of the amendment to paragraph 6.1 it is necessary to amend the urgency provisions contained at paragraph 9. Paragraph 9 has been clarified so that it is only in the absence of both the Commissioner and Deputy PCC, or where the Commissioner has given specific authority for the Chief Executive to act, that the Chief Executive can determine any matter falling to the Commissioner, other than those matters described in section 18 (7) of the Police Reform and Social Responsibility Act 2014 which the Commissioner is unable to delegate to a member of their staff.

- Other amendments

Minor amendments have been made to the delegations to the Chief Executive at paragraphs 6.5 and 6.6.2 to clarify that the approval of any restructures will be done in consultation with the Commissioner and Deputy Commissioner and that matters relating to complaints will be exercised in consultation with the Deputy Police and Crime Commissioner.

FINANCIAL IMPLICATIONS

There are no direct financial implications of this decision.

LEGAL IMPLICATIONS

In accordance with s62 (4) Police Reform and Social Responsibility Act 2011, all the functions of a police and crime commissioner are exercisable by an acting commissioner, apart from issuing or varying a police and crime plan.

EQUALITY IMPLICATIONS

Each of the decisions was taken in accordance with the PCC's Equality Policy.

Schedule of Background Papers

Decision Making Policy and related decision 023/2013

Public Access to Information

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.