

Decision No 2013/15



REPORT TO: POLICE AND CRIME COMMISSIONER FOR LANCASHIRE

REPORT BY: MIRANDA CARRUTHERS-WATT, CHIEF EXECUTIVE

DATE: 28 AUGUST 2013

TITLE: POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011: STAGE II TRANSFERS

EXECUTIVE SUMMARY

By a letter dated 27 March 2013, the Home Secretary directed all Police and Crime Commissioners (PCC) to make and submit a transfer scheme under Part 3 Schedule 15 of the Police Reform and Social Responsibility Act (the Act) for approval.

The Act requires Commissioners to consider what staff they and the Chief Constable (CC) require to discharge their functions and to submit to the Home Secretary by 16 September 2013 a scheme that sets out which staff will be employed by the PCC and which by the CC.

It also requires the PCC to consult with the CC. Initial discussions and briefings have taken place between the PCC, the CC, the Chief Executive and Deputy, and a joint approach has been taken to look at the most effective way for the PCC and CC to discharge their functions and responsibilities.

RECOMMENDATION

It is recommended that the Police and Crime Commissioner for Lancashire (PCC) approve the Scheme of transfer as drafted, and that this report be shared with the Chief Constable (CC) through the Business Management Model.

It is recommended that the Scheme be shared with the recognised Trade Unions in accordance with the timetable already shared with the Trade Unions at the LJNC on 2nd September.

It is further recommended that the Scheme is submitted by the PCC in respect of the Lancashire Constabulary area.

Decision taken by the Police and Crime Commissioner for Lancashire:

Original decision, as set out in the attached report, approved without amendment (please delete as appropriate)	YES	NO
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Original decision required to be amended and decision as detailed below:

The reasons for the amended decision are as detailed below:

Police and Crime Commissioner: Comments

DECLARATIONS OF INTEREST

The PCC is asked to consider any personal / prejudicial interests he may have to disclose in relation to the matter under consideration in accordance with the law, the Nolan Principles and the Code of Conduct.

STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation.

Signed: Police and Crime Commissioner Date:	Signed: Chief Officer: Date:
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Signed: Chief Constable Date:	Signed: Chief Finance Officer: Date:
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Background

By a letter dated 27 March 2013, the Home Secretary directed all Police and Crime Commissioners to make and submit a transfer scheme under Part 3 Schedule 15 of the Police Reform and Social Responsibility Act (the Act) for approval.

The Act requires Commissioners to consider what staff they and the Chief Constable require to discharge their functions and to submit to the Home Secretary by September 16th a scheme that sets out which staff will be employed by the PCC and which by the Chief Constable.

It also requires the Police and Crime Commissioner (PCC) to consult with the Chief Constable (CC). Initial discussions and briefings have taken place between the PCC, the Chief Constable, the Chief Executive and Deputy and a joint approach has been taken to look at the most effective way for the PCC and CC to discharge their functions and responsibilities.

A draft Scheme has been prepared by the Chief Executive following detailed discussions between the PCC and the CC and consultation is underway between the PCC and the CC to ensure that this Scheme, supported by a Memorandum of Understanding, is agreed within the timescales set out by the Home Secretary.

The PCC has taken cognisance of the CC's need to deliver effective and efficient policing whilst retaining the ability to set strategic direction and to be responsible for the totality of policing. The Scheme has been drafted to transfer all staff, save those directly supporting the OPCC, to the CC.

Both the PCC and CC agree that an effective scheme of governance is essential to effective operating. The PCC and CC have had regard to the joint work done to highlight importance of scheme of governance. It is agreed that there will be one integrated scheme.

This will comprise: -

1. Scheme of Consent
2. Financial regulations
3. Standing Orders relating to contracts
4. Scheme(s) of Delegation

The PCC believes that this will meet the requirements of the PRSRA and the FMCOP, and also that it would:

- (a) Enable the PCC and CC to set out a high level statement regarding good governance based on CIPFA / SOLACE Principles, and emphasise the importance of working together.
- (b) Contain a detailed statement of relevant roles and responsibilities.
- (c) Provide a transparent audit trail for decisions made by the PCC and CC.
- (d) Include 'delegations' from the PCC to the Deputy PCC, Chief Executive Officer and Chief Finance Officer and from the CC to relevant officers and staff. This will provide transparency on delegated decision making.
- (e) Provide transparency regarding PCC 'consents' to issues being dealt with by the CC.
- (f) Provide an integrated scheme to ensure clarity between statements of roles, delegation, and consents, which would in turn avoid overlaps and inconsistencies between different documents.

The Scheme will set out how: -

- the PCC expects the funds provided to the CC for policing to be applied;
- the PCC will hold the CC to account for the day to day management of those funds;
- the CC will carry out their duty to assist in the exercise of the PCC's functions;
- the CC will exercise their power to do anything calculated to facilitate the exercise of their own functions;
- the PCC will exercise their power to delegate the exercise of their functions to their own staff, and
- any conditions which may be attached by PCC to the use of the financial and other resources provided to the CC.

Financial Implications

Background Papers