

**THE OFFICE OF POLICE AND CRIME COMMISSIONER
FOR DERBYSHIRE
DECISION RECORD**

Request for PCC Decision	Received in OPCC Date: 7-03-13	OPCC Ref: 27/13
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Title: DELEGATIONS TO THE DEPUTY POLICE AND CRIME COMMISSIONER

Executive Summary: To be completed by PCC Specialist lead

The report outlined the proposals for the delegation of functions to the Deputy Police and Crime Commissioner, Hardyal Dhindsa that will become part of the Scheme of Delegation and Consent.

The Commissioner proposed to delegate in his absence due to illness or leave, all allowable functions to his Deputy, reserving only prohibited in law, as detailed within the report.

Decision

Resolved that

- i. That the Commissioner determine full delegated powers (in his absence due to illness or leave) to his Deputy Police and Crime Commissioner within the law, reserving only those that are prohibited, being the issuing of a police and crime plan, appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign and calculating a budget requirement.
- ii. That the Scheme of Delegation and Consent (Stage 1 Transfer) be amended accordingly.

Declaration

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of

Conduct for the Police and Crime Commissioner for Derbyshire. Any such interests are recorded below.

None

The above request has my approval.

Signature *Electronically Signed*

Date 18 March 2013

PUBLICATION SCHEME CONSIDERATIONS

Is the related Section B report to be published Yes

If no, please indicate relevant exemption

Is the publication of this approval to be deferred No

If Yes, provide reasons below

Date to be deferred to –

NB Statutory Instrument 2011/3050 (as amended by SI 2012/2479) states that: *all decisions made by a PCC are in the types of information that must “be published as soon as practicable after it becomes available to the elected local policing body”.*

OFFICER APPROVAL

Chief Executive or Nominee:

I have been consulted about the proposal and confirm that financial, legal and equalities 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

Electronically Signed

Name Philip Harper

Date 18 March 2013

STRATEGIC GOVERNANCE BOARD

18 MARCH 2013

REPORT OF THE CHIEF EXECUTIVE

7B: DELEGATIONS TO THE DEPUTY POLICE AND CRIME COMMISSIONER

1. PURPOSE OF THE REPORT

- 1.1 The Police Reform & Social Responsibility Act 2011 (the Act) allows a police and crime commissioner to appoint a deputy, and to arrange for the deputy to exercise any function of the police and crime commissioner (with some limits).
- 1.2 This report outlines the proposals for the delegation of functions to the Deputy Police and Crime Commissioner, Hardyal Dhindsa, that will become part of the Scheme of Delegation and Consent.

2. INFORMATION AND ANALYSIS

- 2.1 The Police and Crime Commissioner for Derbyshire Alan Charles has already determined, after an open recruitment process, to appoint Hardyal Dhindsa as his Deputy Police and Crime Commissioner. The law¹ allows Commissioner Charles to arrange for his Deputy to exercise any of the Commissioner's functions, although there are some limitations.
- 2.2 The Commissioner and the Chief Constable have put in place a Scheme of Delegation and Consent (Stage 1 Transfer) which determines which business may be actioned by officers, and any business not covered by the Scheme requires the Commissioner's approval.
- 2.3 Section 18 of the Act is specific as to the functions that can only be carried out by a commissioner or the deputy, but para 7(a), (e) and (f) are reserved to the commissioner alone. These are

- (a) issuing a police and crime plan;
- (b) **determining police and crime objectives;**
- (c) **attendance at a meeting of a police and crime panel in compliance with a requirement by the panel to do so**
- (d) **preparing an annual report to a policing and crime panel ;**
- (e) appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign;
- (f) calculating a budget requirement.

2.4 In addition, if a function of a police and crime commissioner is exercisable by any other person, any property or rights vested in the commissioner may be dealt with by the other person in exercising the function, as if vested in that person.

2.5 The Commissioner proposes to delegate (in his absence due to illness or leave) all allowable functions to his Deputy, reserving only those prohibited in law - issuing the plan, relating to the Chief Constable and calculating a budget requirement.

3. RECOMMENDATIONS

- i. That the Commissioner determine full delegated powers (in his absence due to illness or leave) to his Deputy Police and Crime Commissioner within the law, reserving only those that are prohibited, being the issuing of a police and crime plan, appointing the chief constable, suspending the chief constable, or calling upon the chief constable to retire or resign and calculating a budget requirement.
- ii. That the Scheme of Delegation and Consent (Stage 1 Transfer) be amended accordingly.

¹ Police Reform & Social Responsibility Act 2011, Section 18 (1) (b)

4. IMPLICATIONS

All implications are assessed and scored to the table below.

HIGH – supporting explanation and narrative required and to be contained within the report

MEDIUM – narrative to be contained within the report at the discretion of the author

LOW – no narrative required

	LOW	MEDIUM	HIGH
Crime & Disorder		√	
Environmental	√		
Equality & Diversity	√		
Financial		√	
Health & Safety	√		
Human Rights	√		
Legal		√	
Personnel	√		

Contact details in the event of enquiries	Name: Helen Boffy External telephone number: 01773 733779 Email address: helen.boffy.4808@derbyshire.pnn.police.uk
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BACKGROUND PAPERS

Police Reform & Social Responsibility Act 2011

ATTACHMENTS

None