



THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

DECISION RECORD FORM

REQUEST: For PCC approval.

Title: Determination of Payment Arrangements for Acting Chief Constable

Executive Summary: The PCC approved on Decision Record Form 2017-00051160 the legal arrangements for an Acting Chief Constable in the light of the retirement of Chief Constable Iain Spittal, with Deputy Chief Constable Simon Nickless assuming the role of 'Acting Chief Constable' within the meaning of s41 Police Reform & Social Responsibility Act 2011 .

These arrangements are due to commence at 00:01 on 16 December 2017 for so long as the vacancy subsists.

As a result of the Acting arrangements, the PCC also needs to approve the payment arrangements which will apply to Mr Nickless during this period. In the current circumstance Mr Nickless will be acting up to the full duties of the Chief Constable with effect from the 16th December 2017 until the vacancy is filled.

Regulation 27 of the Police Regulations 2003 empowers the Home Secretary to make Determinations on Temporary Salary. The relevant part of this determination is Annex I which states:

After 28 consecutive days of being required to perform the duties normally performed by a member of the force of a higher rank than his own, an officer of a substantive rank of or above assistant chief constable will be paid at a rate equivalent to 90% of the higher rank's basic pay or receive an honorarium of an amount determined by the police authority (now PCC).

The Chief Constable vacancy will not be filled within 28 days of the leaving date of Iain Spittal and therefore it is reasonable to set out what should happen during the period of the vacancy in terms of payment for the period of the vacancy.

In terms of payment, it is the individual officers' choice to elect whether to be paid by way of honorarium or at a rate equivalent to 90% of the higher rank's basic pay. Mr Nickless has elected to take the payment as an honorarium.

The 'Basic' pay for the role of the Chief Constable of Cleveland Police is £139,890 in comparison to the role of Deputy Chief Constable within Cleveland Police of £115,383.

The honorarium can accordingly be for a value of up to £24,507 per annum, which would then be paid pro-rata until the vacancy is filled.

Given the above, the honorarium would start 28 days after the period of acting began, which in this case is the 13th January 2018 and will continue until the vacancy is filled.

Decision: The PCC is asked to

(a) Determine that it is appropriate to remunerate the interim post-holder at the most appropriate rate for the responsibility being exercised during the substantive vacancy; and

- (b) Note the election made by Mr Nickless in favour of payment by way of honorarium ; and
- (c) Note that in any event, payment of an honorarium of £24,507 incurs (due to its non-pensionable status) a slightly lower cost to the police fund; and
- (d) Approve that the DCC is paid an honorarium during the period of undertaking the role of Acting Chief Constable (from the 16th December 2017 until a permanent appointment to the post is made) pro rata at an equivalent annual rate of £24,507; and
- (e) Approve that in line with regulations the payment begins 28 days after the Acting period began and therefore commences for pay purposes on the 13th January 2018.

OPCC Lead Officer: Michael Porter

Contractor Details (if applicable):

Implications:

Has consideration been taken of the following:	Yes	No
Financial	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Equality & Diversity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Human Rights	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sustainability	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Risk	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(If yes please provide further details below)

Decision Required – Supporting Information

Financial Implications: (Must include comments of the PCC’s Chief Finance Officer where the decision has financial implications)

The Acting/Temporary arrangements put in place as a result of the retirement of Chief Constable Spittal will not result in any additional financial costs to the organisation as a whole. The arrangements set out within this decision are in line with the police regulations and therefore an appropriate decision for the PCC to make.

Legal Implications: (Must include comments of the Monitoring Officer where the decision has legal implication)

Legal matters are set out in the body text.

Equality and Diversity Implications

None apply.

Human Rights Implications

None apply.

Sustainability Implications

None apply.

Risk Management Implications

None apply.

OFFICER APPROVAL

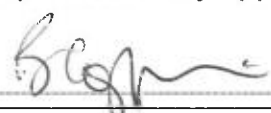
Monitoring Officer

I have been consulted about the decision and confirm that financial, legal, and equalities advice has been taken into account. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner.

Signed  Date 13/12/17

Police and Crime Commissioner:

The above request HAS my approval.

Signed  Date 13/12/17