



**Report of the PCC Chief Executive & Monitoring Officer to the Chair
and Members of the Joint Audit Committee
22 September 2016**

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Status: For information**

**Report of the Monitoring Officer 1 April 2015 to 31 March
2016**

1. Purpose

- 1.1. To report to the Joint Audit Committee on the exercise of the statutory function of Monitoring Officer for the Police and Crime Commissioner.
- 1.2. The statutory role of the Monitoring Officer is to address any actual or potential unlawfulness or maladministration arising from a proposal, decision or omission of the Police and Crime Commissioner. In strict legal terms, it is the duty of the Monitoring Officer to prepare a formal report on any such matter to the Police & Crime Panel.
- 1.3. The Monitoring Officer role is, by operation of law, held by the Chief Executive.
- 1.4. In practice, the role requires the Chief of Staff to ensure, in close consultation with the Commissioner's Chief Finance Officer, that there is compliance with the organisation's regulatory rules (as set out in the consolidated Code of Corporate Governance) and ensure that he is informed about – and is in a position to influence - matters of integrity, professional ethics and propriety in all aspects of the exercise of Police and Crime Commissioner business.

2. Recommendations

2.1. Members are asked to:

2.1.1. Note the ongoing compliance by the Commissioner with the arrangements noted in previous annual reports of the Monitoring Officer, for example the Register of Gifts & Hospitality.

2.1.2. Note the arrangements described later in this report in respect of the Police & Crime Commissioner pre-election or 'purdah' period and work associated with the PCC elections.

2.1.3. Note that there have been no formal reports to the Police & Crime Panel under s5 Local Government & Housing Act 1989, in the period covered by this report.

2.1.4. Note that in the same period there have been:

2.1.4.1. No cases reported under the Commissioner's public interest disclosure procedure ('Whistle –Blowing' policy),

2.1.4.2. A number of complaints recorded against the Chief Constable, brief details of which are discussed later in this report.

2.1.4.3. No formal complaints made against OPCC staff.

3. Pre-Election Period

3.1. Although the elections themselves took place outside of the period covered by this report, in the interests of timeliness I have taken the opportunity of describing, in this Annual Report, the arrangements made for management of the pre-election period which began shortly before the end of the 2015-2016 reporting period.

3.2. As Members will know, the Office of the Police & Crime Commissioner has no role in the management of the elections themselves.

3.3. Under the Monitoring Officer's supervision the role of the OPCC during the pre-election or 'purdah' period includes

- 3.3.1. ensuring that the Commissioner's executive powers and duties are carried out lawfully at a time when (as was the case in Cleveland) the incumbent is simultaneously a candidate standing for election.
 - 3.3.2. making arrangements for candidates to have access to objective, factual information about the functions of PCC and about policing and crime matters
 - 3.3.3. making preparations for the process of transition from the end of one PCC term of office, to the new term commencing shortly after the election.
- 3.4. The OPCC established a Working Group to take this work forward, chaired by me as Monitoring Officer. The work of the Group included
 - 3.4.1. analysis of candidates' election addresses and policy announcements in order to be in a position to prepare draft a Police & Crime Plan early in the new term;
 - 3.4.2. monitoring the provision of objective, factual information to candidates, including appropriate information on the PCC website, a briefing session for candidates and answering specific requests for information from candidates;
 - 3.4.3. liaising with the Police Area Returning Officer on matters of common interest in connection with the election.
- 3.5. The group worked to a standard agenda and published minutes of its meetings, so that the objective preparations for transition between PCC terms could be accessed readily and transparently by candidates and by the electorate.
- 3.6. For most of the pre-election period, as a result of interim collaboration arrangements in place at the time, I simultaneously held the role of Monitoring Officer to the Police & Crime Commissioner for North Yorkshire. In this context, therefore, the opportunity was taken to forge close links between the teams working on election-related matters and to share expertise and processes between the respective police areas.
- 3.7. Joint meetings of the Working Groups were held with North Yorkshire and also with the Durham OPCC. Considerable mutual benefit was derived from this co-working.
- 3.8. As Monitoring Officer, during the course of the election I was made aware of one matter of formal dispute between the candidates. In that instance, a complaint was made against the incumbent Police & Crime Commissioner which, in accordance with the law, sits with the Monitoring Officer to Stockton Borough Council as the host authority for the Cleveland Police & Crime Panel.
- 3.9. There were no other instances of substantive Monitoring Officer activity in connection with the pre-election period.

- 3.10. Members may find the recently-published Electoral Commission report on the administration of the 5 May 2016 Police and Crime Commissioner elections in England and Wales, to be of interest. I have attached a copy at Appendix A.

4. Complaints and Conduct Matters

- 4.1. Previous reports of the Monitoring Officer have drawn members attention to the work undertaken in respect of complaints and conduct matters in respect of the Chief Constable. Strictly speaking, this work is undertaken by the Chief Executive as the statutory delegate of the Commissioner rather than as Monitoring Officer.
- 4.2. The following is a brief summary of the conduct and ethics matters caseload during the reporting year:
- 4.2.1. During the reporting year one conduct matter was recorded against a former Chief Constable, Sean Price. This conduct matter was referred to the Independent Police Complaints Commission. The case received considerable publicity and remains under consideration by the IPCC, who at the time of writing this report have not reached a decision as to mode of investigation.
- 4.2.2. One public complaint was recorded against a holder of the office of Chief Constable; several extant cases were progressed towards their conclusions during the reporting year.
- 4.2.3. There have been no formal complaints against the staff of the OPCC; and;
- 4.2.4. No significant instances of non-compliance with the Code of Corporate Governance, of which the Monitoring Officer is aware.
- 4.3. During the year, the documented arrangements in respect of anti-fraud and anti-corruption, public interest disclosures ('whistle-blowing') and confidential reporting, remained in place.
- 4.4. The Commissioner continued to meet his obligations throughout the reporting year, in respect of declaring interests, gifts, gratuities and hospitality.

- 4.5. By way of voluntary extension of the transparency arrangements, declarations of gifts, gratuities, hospitality and expenses/expenditure of both the Chief of Staff and the Chief Finance Officer, have been published since shortly after I took up post.

5. Additional Matters of Note

- 5.1. I can confirm that the following work has taken place during the reporting year:

5.1.1. I continue to consider each and every decision of significant public interest made by the Police & Crime Commissioner, in respect of lawfulness and compliance with good corporate governance and the Commissioner's transparency obligations.

5.1.2. I have either attended or been represented at meetings of the Cleveland Police Internal Ethics Committee; I have also engaged regularly and extensively with the Deputy Chief Constable (as the portfolio lead for Cleveland Police Professional Standards) and the Head of Professional Standards on specific ethics and integrity matters, including matters in which Appropriate Authority decision-making required appropriate liaison;

5.1.3. I continue to have direct access to and close and effective working relationships with the Chief Finance Officers, the Chief Officers, the Force Solicitor and the Audit Committee as advocated in HM Government's PCC guidance document *Delivering Through Your Chief Executive & Monitoring Officer*.

5.1.4. Further work has been undertaken to restructure the Office of the Police & Crime Commissioner, the first phase of changes including revising the role title of my post from 'Chief of Staff' to Chief Executive & Monitoring Officer, in addition to the creation of the posts of Assistant Chief Executive (incorporating the role of Deputy Monitoring Officer), Standards & Scrutiny Manager and Commissioner's Officer for Policy & Scrutiny. Amongst other matters, the revised structure supports both the Commissioner's approach to scrutiny of police and partners and the ongoing work to respond to the extension of PCC powers in relation to complaints against the police.

- 5.2. I will be happy to expand on any aspect of this report should Members wish me to do so.

Simon Dennis
Chief Executive & Monitoring Officer

15 September 2016