



# THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

## DECISION RECORD FORM

<b>REQUEST:</b> For approval
<b>Title:</b> Determination of Payment Arrangements for Acting Chief Constable
<b>Executive Summary:</b> The PCC approved on Decision Record Form 96-2015 the legal arrangements for an Acting Chief Constable in the light of the retirement of Chief Constable Cheer, with Deputy Chief Constable Iain Spittal assuming the role of 'Acting Chief Constable' within the meaning of s41 Police Reform & Social Responsibility Act 2011 <sup>1</sup> .  These arrangements were due to commence at 00:01 on 7 January 2016 for so long as the vacancy subsists. However CC Cheer's leave arrangements mean that in practice there is an additional period of legal absence commencing 00:01 on 26 December 2015 and running continuously from then on.  As a result of the Acting arrangements, the PCC also needs to approve the payment arrangements which will apply to Mr Spittal during this period. In the current circumstance Mr Spittal will be acting up to the full duties of the Chief Constable with effect from the 26th December 2015 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 prior to the Police and Crime Commissioner election in May 2016 and therefore will be in excess of 28 days.  In terms of payment, it is the individual officers' choice to elect whether to be paid by way of honorarium at a rate equivalent to 90% of the higher rank's basic pay. Mr Spittal has elected to take the payment as an honorarium.  The 'Basic' pay for the role of the Chief Constable of Cleveland Police is £137,133 in comparison to the role of Deputy Chief Constable within Cleveland Police of £113,109.  The honorarium can accordingly be for a value of up to £24,024 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 23rd January and will continue until the vacancy is filled post the PCC elections in May 2016.
<b>Decision:</b> 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

<sup>1</sup> The conventional rank designation adopted in Force is 'Temporary Chief Constable' although there is no significance in one title or the other in terms of the application of the pay rule to a chief officer.

- (b) Note the election made by Mr Spittal in favour of payment by way of honorarium ; and
- (c) Note that in any event, payment of an honorarium of £24,024 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 26th December 2015 until a permanent appointment to the post is made) pro rata at an equivalent annual rate of £24,024; 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 23rd January 2016.

**OPCC Lead Officer:**

Michael Porter

**Contractor Details (if applicable):**

Not 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 CFO where the decision has financial implications)

The Acting/Temporary arrangements put in place as a result of the retirement of CC Cheer 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 arise

### Human Rights Implications

None arise

### Sustainability Implications

None arise

### Risk Management Implications

None arise

### OFFICER APPROVAL

#### Chief Executive

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: \_\_\_\_\_



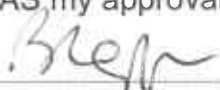
Date: \_\_\_\_\_

3 February 2016

### Police and Crime Commissioner:

The above request HAS my approval.

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

4/2/16