



Report of the Temporary Assistant Chief Executive & Deputy Monitoring Officer, to the Chair and Members of the Cleveland Audit Committee

30 September 2021

Annual Monitoring Officer/ Deputy Monitoring Officer Report covering the period 1 April 2020 – 31 March 2021

1.0 Purpose

- 1.1 The purpose of this report is to provide members of the Cleveland Audit Committee with an annual update on the exercise of the statutory function of Monitoring Officer for the Police and Crime Commissioner (PCC) for the period 1 April 2020 – 31 March 2021.

2.0 Background

- 2.1 Police and Crime Commissioners (PCCs) must have a Chief Executive in post who will support and advise the PCC in delivering his/her statutory duties and responsibilities.
- 2.2 In addition to the above the Chief Executive is also required to hold the role of Monitoring Officer¹. The function of the Monitoring Officer is to report to the PCC, if it appears that any proposal, decision or omission by the elected Policing Body or by any person holding any office or employment under the PCC, constitutes, has given rise to or is likely to or would give rise to:
- a contravention of any enactment or rule of law or any code of practice; or
 - any such maladministration or injustice²
- 2.3 The Monitoring Officer must send a copy of that report to the Police and Crime Panel.
- 2.4 The Monitoring Officer is required to work closely with the PCCs Chief Finance Officer to ensure compliance with organisations regulatory rules (as set out in the Code of Corporate Governance) and is in a position to influence matters of integrity, professional ethics and propriety in all aspects of the exercise of the PCCs business.

¹ Section 5 of the Local Government and Housing Act 1989, as amended by the PRSRA

² Section 5 (2) of the Local Government and Housing Act 1989 as amended by PRSRA

- 2.5 To ensure resilience of the role of Monitoring Officer, the PCCs Temporary Assistant Chief Executive acts as Deputy Monitoring Officer.

3.0 Business Continuity / Resilience Plans

- 3.1 During the reporting period the Office of the Police and Crime Commissioner (OPCC) successfully implemented their business continuity plans as a result of the global pandemic. The team swiftly adapted to home working arrangements and were able to continue delivering the statutory and business needs on behalf the PCC.
- 3.2 In addition to the above, during the reporting period the resilience arrangements as discussed at paragraph 2.5 proved successful and worked well when the Monitoring Officer was unexpectedly unavailable for a period of time (from November 2020).
- 3.3 To provide clarity, during the reporting period the Chief Executive undertook the role of Monitoring Officer between 1 April 2020 – 3 November 2020. The Temporary Assistant Chief Executive undertook Monitoring Officer duties between November 2020 – March 2021.

4.0 Police and Crime Commissioner

- 4.1 As panel members will be aware, the former Police and Crime Commissioner, Barry Copping, relinquished the role of PCC on 8 September 2020. The resignation of the PCC triggered a legal process for the filling of a vacancy in the office of Commissioner in circumstances where no election could take place until at least May 2021.
- 4.2 The vacancy process is a matter of law, within the remit of the Police and Crime Panel. The Panel met on 15 September 2020 and appointed Lisa Oldroyd to the role of Acting PCC. This left a vacancy in the OPCC in the Assistant Chief Executive (Deputy Monitoring Officer) role. This post was appointed to in November 2020.
- 4.3 Members will be interested to note that the Government has asked OPCCs to prepare resilience plans, to ensure that PCC abstraction scenarios like those which arose in Cleveland (and for that matter, in other areas such as our neighbouring OPCC in Durham) can be addressed with the aid of pre-planning. This requirement will abide the Government's plans for mandating Deputy PCCs, can be progressed at a future point in time.

5.0 Complaints and Conduct Matters

- 5.1 The following is a brief summary of the conduct and ethics matters caseload during the reporting period:
- 5.1.1 One complaint/conduct matter was recorded in the Office of the Police and Crime Commissioner in respect of a holder of the office of Chief Constable.
- 5.1.2 Matters recorded in previous reporting periods remain ongoing.

5.1.3 There has been one formal public complaint against the staff of the OPCC which was dealt with through local resolution.

5.2 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. These will be reviewed and refreshed during the 2021/22 period.

5.2.1 The Commissioner/Acting Commissioner continued to meet their obligations throughout the reporting year, in respect of declaring interests, gifts, gratuities and hospitality. These are published on the PCC website as required.

6.0 Other matter of note

6.1 Throughout the reporting period the Monitoring Officer/Deputy Monitoring Officer continued to consider each and every decision of significant public interest made by the PCC, in respect of lawfulness and compliance with good corporate governance and the Commissioner's transparency obligations.

6.2 Although falling outside of the report year covered by this report, it is timely to note formally for Members that the collaborative arrangements between Cleveland and North Yorkshire for Chief Executive and Monitoring Officer services, came to an end by mutual consent on 12 May 2021 to allow for a smooth transition to the Commissioners' preferred new post-election arrangements in each Office. Accordingly, Simon Dennis' tenure as Cleveland's Monitoring Officer ended at 23:59 on 12 May 2021. Acting Chief Executive and Monitoring Officer Lisa Oldroyd assumed the role with effect from 13 May 2021.

7.0 Recommendations

7.1 Members of recommended to note the contents of this report.