



## PCC Succession Plan

### Introduction

Following the announcement from Part One of the Review into the role of Police and Crime Commissioners (PCCs), in a letter dated 9 July 2021, the Minister of State for Crime and Policing advised all PCCs:

*“... we committed to legislating.... to mandate that all PCCs must appoint a deputy.*

*The necessity for a deputy has been brought into sharp focus by the Covid-19 pandemic, which led to an enforced delay to the PCC elections in 2020. The Home Secretary’s statement also highlighted our plans to look at expanding the role of PCCs. Selecting a deputy not only provides the local accountability model with greater resilience in the event of incapacity, for example, but also the ability to effectively carry out the duties and responsibilities of the role by increasing the capacity of the model...*

*... I expect all PCCs to work with their office to put in place a formal succession plan to be followed in case of vacancy or incapacitation, where one does not already exist. I would also ask that you involve your police and crime panel in these discussions as necessary, given their statutory role in this process...”*

The PCC has not appointed nor considered it necessary to appoint a deputy but will keep this under review as the Home Secretary’s plans to expand the role of PCCs emerge and are enacted.

Should the office of PCC become vacant, or the PCC become incapacitated, this document sets out who would act as Commissioner and the appointment process.

### 1. Relevant Legislation

- 1.1) The [Police Reform and Social Responsibility Act 2011](#) sets out the legal provisions that apply regarding the appointment of a deputy and further, the steps required to be taken in the event of a PCC vacancy or incapacitation.
- 1.2) Under section 18 of the Act, it is currently a matter for the discretion of a PCC as to whether they appoint a person as deputy PCC. If appointed, such deputy becomes a member of the PCC’s staff. Under Schedule 1 of the Act, the appointment of a deputy is required to be exposed to scrutiny by the Police and Crime Panel.
- 1.3) By contrast, a PCC must appoint a Chief Executive under Schedule 1 to the Act. It is not an optional matter. It is a requirement. The appointment is statutorily exposed to the scrutiny of the Police and Crime Panel.
- 1.4) The Act at section 51 sets out the statutory steps that are required to be taken in the case of a vacancy in the office of PCC. Where there is a vacancy an election must be held to fill it. If the vacancy occurs within the period of six months before the next ordinary election then no election is to be held in respect of the vacancy, and the office is to be left unfilled until the ordinary election.

- 1.5) Section 59 of the Act provides that, briefly summarised, a vacancy can occur in the case of:
- an election irregularity;
  - a notice of resignation being given;
  - death;
  - declaration by the High Court or appropriate officer.

More detail is found at sections 59-61 of the Act. Note also paragraph 1.10 below.

- 1.6) Section 62 of the Act provides that in a situation where:
- no person holds the office of PCC because it is vacant;
  - the PCC is incapacitated; or
  - the PCC is suspended under section 30 of the Act,
- the Police and Crime Panel must appoint a person to act as PCC.
- 1.7) The Panel may appoint a person as acting commissioner but only if the person is a member of the PCC's staff at the time of the appointment. In appointing a person as acting commissioner in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the PCC in relation to the appointment.
- 1.8) All the functions of a PCC are exercisable by an acting commissioner, apart from issuing or varying a police and crime plan.
- 1.9) The appointment of an acting commissioner ceases to have effect upon the earliest of:
- the election of a person as PCC;
  - the termination of the acting commissioner appointment by the Panel;
  - the PCC ceases to be incapacitated;
  - the PCC ceases to be suspended.
- 1.10) Where an acting commissioner is appointed in view of a PCC's incapacitation and such incapacitation lasts for six months from the appointment, the office of PCC becomes vacant (section 63 of the Act).
- 1.11) The above paragraphs are a brief summary of the relevant legislation. Should a case of vacancy or incapacitation occur the legislation will require detailed consideration.

## **2. Acting PCC in Kent**

- 2.1) Where a statutory requirement arises for the appointment of an acting PCC under section 62 of the Act, a member of the PCC's staff will be required to be appointed as such acting PCC.
- 2.2) The PCC has no appointed deputy so a member of his office staff will be required to be appointed.
- 2.3) In the event of an appointment being required, the person holding the statutory role of Chief Executive will be considered for appointment as acting commissioner in accordance with the relevant legislation. A formal appointment decision would be required by the Panel under section 62 in respect of the person to act as PCC if the circumstances necessitate such an appointment being made.
- 2.4) Should there be any need to backfill the Chief Executive role during the period of the appointment as acting PCC, the Chief Executive will decide how that is to be achieved having regard to all the circumstances including the likely length of the acting appointment. In any event, the Scheme of Consent provides for the Chief Executive to authorise other staff to make decisions on their behalf to ensure resilience in the performance of statutory functions.

- 2.5) The Chief Executive is also authorised under the Scheme to discharge the functions of the PCC (apart from those that may not statutorily be delegated to them) and which would enable the day to day functioning of the PCC role in the interim period before an acting appointment is made by the Panel.

### **3. Review**

- 3.1) This succession plan will be regularly reviewed and in particular should a deputy be appointed by the PCC or if there is a change in the person holding the position of Chief Executive.

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