



Reference No: 2022/0007672

## THE POLICE & CRIME COMMISSIONER FOR CLEVELAND

### DECISION RECORD FORM

**REQUEST:**

For PCC approval

**Title: Resignation of Chief Constable Lewis & Arrangements for Acting Chief Constable**

**Executive Summary:**

Chief Constable Lewis wrote to the PCC on the 11 August 2021 setting out that he had been appointed the Chief Constable of Dyfed Powys following a confirmation hearing on the 30<sup>th</sup> July 2021. His last day of service with Cleveland will be 11 December 2021.

By virtue of s41 Police Reform & Social Responsibility Act 2011, the role of Acting Chief Constable is adopted by the Deputy Chief Constable in the event of either or both of an absence or a vacancy in the substantive office of Chief Constable. As a result, the Police & Crime Commissioner is invited to determine that:

- with the approval of the Police & Crime Commissioner and by operation of law, during the absence and subsequent vacancy in the office of Chief Constable, Deputy Chief Constable Helen McMillan will assume the role of Acting Chief Constable.
- these arrangements will commence at 00:01 on 12 December 2021 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 Ms McMillan during this period. In the current circumstances Ms McMillan will be acting up to the full duties of the Chief Constable with effect from the 12 December 2021 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 their 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 PCC.

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. Ms McMillan has elected to take the payment as an honorarium.

The 'Basic' pay for the role of the Chief Constable of Cleveland Police is £149,913 in comparison to the role of Deputy Chief Constable within Cleveland Police of £123,648.

The honorarium can accordingly be for a value of up to £26,265 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 9 January 2021 and will continue until the vacancy is filled.

**Decision:**

(1) I note and approve the legal arrangements for Acting Chief Constable following Chief Constable Lewis's departure and look forward to working with Deputy Chief Constable McMillan in that capacity during the relevant period.

(2) To approve the arrangements for Acting Chief Constable set out above to cater for the periods of absence and then vacancy in respect of the office of Chief Constable and for an honorarium of £26,265 per annum to be paid pro-rata during the acting period.

**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 CFO where the decision has financial implications)

The Acting/Temporary arrangements put in place as a result of the resignation of CC Lewis 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

Human Rights Implications

Sustainability Implications

Risk Management Implications

**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: L Oldroyd

Date: 5/1/22

**Police and Crime Commissioner:**

The above request has my approval.

Signed: [Signature]

Date: 5/1/22