



RECORD OF DECISION

MADE BY THE POLICE AND CRIME COMMISSIONERS FOR HUMBERSIDE & CLEVELAND

Decision References		
PCC for Humberside	PCC for Cleveland	
Reference Number: 092019	2019-126694	
Executive Summary		
<p>Request to the Police & Crime Commissioner for Humberside, from the Police & Crime Commissioner for Cleveland – collaborative arrangements for the Chief Constable of Humberside Police to undertake the role of Interim Chief Constable of Cleveland.</p> <p>Background</p> <p>Following the resignation of Chief Constable Mike Veale, an urgent need arises, in the public interest, for the Police and Crime Commissioner for Cleveland to ensure that a Chief Constable is appointed to lead Cleveland Police.</p> <p>The Police & Crime Commissioner for Humberside recognises the critical public interest considerations which gives rise to the arrangements described in this Decision Notice.</p> <p>The Police and Crime Commissioners and the Chief Constables of Humberside and Cleveland propose to enter into a collaboration by consent in order that the Chief Constable of Humberside Police, Lee Freeman, assumes the role of Interim Chief Constable of Cleveland Police and to be designated as such on a temporary basis.</p>		

Proposition

Under the collaboration, the following has been agreed

- i. Mr Freeman will commence his period of office with Cleveland Police with effect from 00:01 on Monday 28 January 2019
- ii. Mr Freeman will retain the rank of Chief Constable (without break in service) throughout the secondment and for the avoidance of doubt, when the arrangement ends, as a matter of law he will immediately revert to his substantive role of Chief Constable of Humberside Police.
- iii. The secondment of Mr Freeman will come to an end upon the first of the following
 - a. Such date as the Police & Crime Commissioners, in consultation with Mr Freeman, shall agree; or
 - b. The appointment of a substantive Chief Constable of Cleveland Police; or
 - c. 28 April 2019; or
 - d. Upon the giving of reasonable notice under the terms of the formal collaboration agreement, by either a Police & Crime Commissioner party or a Chief Constable party, as the case may be.

Considerations

The legal arrangements described in this Decision Notice set out the manner in which the collaboration complies with the Police Reform & Social Responsibility Act 2011 (the 2011 Act) and other aspects of police law.

It is also important to set out the additional collaborative arrangements which complement the arrangements described in this Decision Notice.

The legal arrangements are set out in a Collaboration Agreement made under s22A(1)(b) Police Act 1996, which will be published separately in line with s23E of the 1996 Act.

In brief, the legal arrangements are

- I. The Acting Chief Constable of Cleveland Police has sought and obtained the consent of the Police & Crime Commissioner for Cleveland, for
 - a. the appointment (for legal purposes only) of an additional Deputy

Chief Constable for Cleveland under s39(2) of the 2011 Act.

b. the appointment of Lee Freeman as that additional Deputy Chief Constable under s39(3) of the 2011 Act.

- II. The Acting Chief Constable of Cleveland Police has designated that additional Deputy Chief Constable as the 'appropriate Deputy Chief Constable' for the purposes of s41(2)(b) of the 2011 Act.
- III. The Chief Constable of Humberside Police, Lee Freeman, will join Cleveland Police in the notional rank for legal purposes of Deputy Chief Constable and immediately by operation of s41(1) of the 2011 Act become Acting Chief Constable. Mr Freeman will be designated 'Interim Chief Constable' whilst undertaking the role.
- IV. The Police & Crime Commissioner for Cleveland is satisfied that Mr Freeman is an appropriate choice to assume the role of Chief Constable for Cleveland Police; and has consulted with the Chair of the Cleveland Police & Crime Panel, although no duty is understood to arise for the Panel to hold a confirmation hearing under the provisions of Schedule 8 of the 2011 Act.
- V. At the point that the arrangements in respect of Mr Freeman take effect, he will be absent from the role of Chief Constable of Humberside Police for the purposes of s41(11)(b)(i) of the 2011 Act.
- VI. The role of Acting Chief Constable of Humberside Police will be assumed by Chris Rowley under s41(1)(a) of the 2011 Act.
- VII. The role of Deputy Chief Constable of Humberside Police will be assumed by Chris Noble under s39(1) of the 2011 Act.
- VIII. Clair Tindall will be seconded to Cleveland Police in order to provide support to the Chief Officer team in Cleveland. The secondment of Clair Tindall will be for the same period or a shorter period as determined by Lee Freeman and on the same terms as to reimbursement of the PCC for Humberside, as the arrangements in respect of Chief Constable Freeman.
- IX. The Police & Crime Commissioner for Humberside has consulted with the Chair of the Humberside Police & Crime Panel.

The parties will enter into (as soon as is practicable and no later than Monday 28 January 2019) a s22A Collaboration with each other in relation to the arrangements

in respect of Mr Freeman.

The arrangements are considered by the Commissioners to be in the public interest and to be in line with their statutory duties.

The financial arrangements to underpin this decision will be set out more fully in the collaboration Agreement but can be summarised as follows:

- By agreement, the Police & Crime Commissioner for Cleveland will reimburse the Police & Crime Commissioner for Humberside for the full salary cost of Mr Freeman and Clair Tindall during their secondment period and for any expenses incurred by and paid to those officers in line with Cleveland Police policy.
- Mr Freeman and Clair Tindall will continue to receive the salaries applicable to the posts of Chief Constable of Humberside Police and Inspector (staff officer to Chief Constable) respectively .
- Consequential adjustments to salary arrangements in respect of acting roles in Humberside will be set out in separate Decision Notices in due course.

Decision Requested

The Police and Crime Commissioners for Humberside and Cleveland are invited to:

1. Agree to the request from the Police & Crime Commissioner for Cleveland for Chief Constable Lee Freeman to assume the role of Interim Chief Constable of Cleveland Police.
2. Enter into (and consent to) a Collaboration Agreement between the Police & Crime Commissioners for Humberside and Cleveland and between the Chief Constables of Humberside and Cleveland Police, to cater for the formal legal arrangements.
3. Note and approve of the consequential appointments described in the Considerations sections above.

Police and Crime Commissioner for Humberside

The above decision request HAS / DOES NOT HAVE my approval.

Police and Crime Commissioner for Cleveland

The above decision request HAS / DOES NOT HAVE my approval.

PCC for Humberside	PCC for Cleveland	
Signed: 	Signed: 	
Keith Hunter	Barry Coppinger	
Date: 29 January 2019	Date: 29 January 2019	

Before making this decision the Commissioners received appropriate support and professional advice in relation to material implications and risks. Points of exception are captured below:

Legal / Monitoring Officer Remarks
Having read this report and having considered such information as has been provided at the time of being asked to express this view, the Monitoring Officers are satisfied that this report does not ask the PCCs to make a decision which would (or would be likely to) give rise to a contravention of the law.
Chief Finance Officer Remarks
<p>Cleveland: The vacancy at the level of Chief Constable within Cleveland provides the funding to be able to meet the costs of the secondment of Chief Constable Lee Freeman. There will be some additional costs to enable the interim Chief Constable to be able to locate themselves within Cleveland, however these are not expected be significant. In addition to the costs of the Chief Constable there will also be the costs to pay for the secondment of the Chief Constable's staff officer, the costs of this are not expected to exceed £20k.</p> <p>From a financial perspective there is nothing within the arrangement and agreement that should prevent the PCC agreeing this decision.</p> <p>Humberside: The salary and other costs of the arrangement for the secondment of Chief Constable, Lee Freeman, and his staff officer will be met by the PCC for Cleveland. There will be costs in connection with the Deputy Chief Constable, Chris Rowley, assuming the role of Temporary Chief Constable of Humberside Police and extra consequential salary adjustments for other acting up arrangements. These costs, which are in line with Police Regulations, will be offset by the arrangement</p>

with Cleveland and could in any event be met from within existing approved budgets. From a Humberside financial perspective therefore there is nothing within the arrangements and proposed agreement that should prevent the PCC agreeing to this decision

Other exceptional risk or compliance matters
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None
