



Police and Crime  
Commissioner  
North Yorkshire



## RECORD OF DECISION

### MADE BY THE POLICE AND CRIME COMMISSIONERS FOR SOUTH YORKSHIRE AND NORTH YORKSHIRE

Decision References	
PCC for South Yorkshire	PCC for North Yorkshire
003/2016	17/2016
<b>Executive Summary</b>	
<p><b>Request to the Police &amp; Crime Commissioner for North Yorkshire, from the Police &amp; Crime Commissioner for South Yorkshire – collaborative secondment of the Chief Constable of North Yorkshire Police to the role of Interim Chief Constable of South Yorkshire Police.</b></p> <p><b>Background</b></p> <p>Following the suspension of the Chief Constable of South Yorkshire an urgent need arises, in the public interest, for the Police and Crime Commissioner for South Yorkshire to ensure that a Chief Constable is appointed to lead South Yorkshire Police.</p> <p>The Police &amp; Crime Commissioner for North Yorkshire recognises the critical public interest considerations which gives rise to the arrangements described in this Decision Notice.</p> <p>The Police and Crime Commissioners for North and South Yorkshire and the Chief Constables of South and North Yorkshire Police propose to enter into a collaboration by consent in order that the Chief Constable of North Yorkshire Police, Dave Jones,</p>	

be seconded to South Yorkshire Police to assume the role of - and to be designated as - Interim Chief Constable of South Yorkshire Police on a temporary basis.

***Proposition***

Under the collaboration, the following has been agreed

- i. Mr Jones will commence his secondment to South Yorkshire Police with effect from noon on Tuesday 3 May 2016
- ii. Mr Jones 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 North Yorkshire Police.
- iii. The secondment of Mr Jones will come to an end upon the first of the following
  - a. Such date as the Police & Crime Commissioner and the Interim Chief Constable shall agree that Deputy Chief Constable Copley should resume the role of Acting Chief Constable under s41 of the 2011 Act; or
  - b. The lifting of the suspension of Chief Constable David Crompton under s38 of the 2011 Act; or
  - c. The appointment of a substantive Chief Constable of South Yorkshire Police; or
  - d. 30 November 2016; or
  - e. Such other date as the Police & Crime Commissioners for South Yorkshire and North Yorkshire shall agree; or
  - f. Upon the giving of reasonable notice under the terms of the formal collaboration agreement, by either the Police & Crime Commissioner for North Yorkshire or the Police & Crime Commissioner for South Yorkshire, or the Chief Constable of North Yorkshire, 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 secondment of Chief Constable Jones and the consequential changes in respect of the Chief Officer team within North Yorkshire Police.

The legal arrangements are set out more fully in Heads of Terms to be agreed between the parties and 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 South Yorkshire Police has sought and obtained the consent of the Police & Crime Commissioner for South Yorkshire, for
  - a. the appointment (for legal purposes only) of an additional Deputy Chief Constable for South Yorkshire under s39(2) of the 2011 Act.
  - b. the appointment of Dave Jones as that additional Deputy Chief Constable under s39(3) of the 2011 Act, subject only to the proviso that
    - i. the Secretary of State shall be invited to waive the requirements of the determination to Regulation 11(4) Police Regulations 2003 which makes provision for the advertising of such a proposed appointment; and
    - ii. in the meantime and unless and until the Secretary of State so determines, the appointment of Mr Jones shall take effect on a temporary basis for such period as the Police & Crime Commissioner for South Yorkshire shall determine by reference to the same criteria as set out at paragraphs iii(a) - (f) of the Propositions section above.
- II. The Acting Chief Constable of South Yorkshire 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 North Yorkshire Police, Dave Jones, will join South Yorkshire 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 Jones will wish to be designated 'Interim Chief Constable' whilst undertaking the role.
- IV. The Police & Crime Commissioner for South Yorkshire is satisfied that Mr Jones is an appropriate choice to assume the role of Chief Constable for South Yorkshire Police; and has consulted with the Chair of the South Yorkshire 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 secondment of Mr Jones takes effect, he will be absent from the role of Chief Constable of North Yorkshire Police for the purposes of s41(11)(b)(i) of the 2011 Act.
- VI. The role of Acting Chief Constable of North Yorkshire Police will be assumed by Deputy Chief Constable Tim Madgwick under s41(1)(a) of the 2011 Act.
- VII. The role of Deputy Chief Constable of North Yorkshire Police will be assumed by Paul Kennedy under s39(1) of the 2011 Act.
- VIII. Temporary Assistant Chief Constable Ken McIntosh will be seconded to South Yorkshire Police in order to provide support to the Chief Officer team in South Yorkshire. The secondment of Temporary Assistant Chief Constable McIntosh will be for such period as Mr Jones shall agree with the Acting Chief Constable of North Yorkshire Police for which provision will be made in the collaboration agreement and will in any event terminate at the point of Mr McIntosh's retirement.

It is recommended that the parties move to enter into, as soon as is practicable, a s22A Collaboration with each other in relation to the secondment of Chief Constable Jones and Assistant Chief Constable McIntosh, to South Yorkshire Police.

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

Collaborative arrangements between PCCs and Police Forces are considered to be in the public interest and therefore to align with the Commissioners' respective Police & Crime Plan.

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 South Yorkshire will reimburse the Police & Crime Commissioner for North Yorkshire for the full salary cost of Mr Jones and Mr McIntosh during the secondment period and for any expenses incurred by and paid to those officers in line with South Yorkshire Police policy.
- Mr Jones will continue to receive the salary applicable to the post of Chief Constable of North Yorkshire Police and will waive any increase in salary which would otherwise accrue to him under the Police Regulations 2003 for undertaking the role of Chief Constable of South Yorkshire Police.
- Consequential adjustments to salary arrangements in respect of Acting roles in North Yorkshire will be set out in separate Decision Notices in due course.

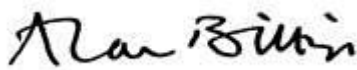

**Decision Requested**

The Police & Crime Commissioner for South Yorkshire is invited to agree to the requests from Acting Chief Constable Copley to:

1. the appointment (for legal purposes only) of an additional Deputy Chief Constable for South Yorkshire under s39(2) of the 2011 Act.
2. the appointment of Dave Jones as that additional Deputy Chief Constable under s39(3) of the 2011 Act.
3. the Acting Chief Constable of South Yorkshire 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.

The Police and Crime Commissioners for South and North Yorkshire are invited to:

1. Agree to the request from the Police & Crime Commissioner for South Yorkshire for secondment of Chief Constable Dave Jones to the role of Interim Chief Constable of South Yorkshire Police.
2. Enter into (and consent to) a Collaboration Agreement between the Police & Crime Commissioners for North and South Yorkshire and between the Chief Constables of North and South Yorkshire Police, to cater for the formal legal arrangements.

Police and Crime Commissioner for South Yorkshire The above decision request HAS my approval.	
Police and Crime Commissioner for North Yorkshire The above decision request HAS my approval.	
PCC for South Yorkshire	PCC for North Yorkshire
Signed: 	Signed: 
Date: 3 May 2016	Date: 3 May 2016

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:

<b>Legal / Monitoring Officer Remarks</b>
Having read this report and having considered such information as has been provided at the time of being asked to express this view, the Chief Executive & Solicitor is satisfied that this report does not ask the PCC for South Yorkshire to make a decision which would (or would be likely to) give rise to a contravention of the law.
Having read this report and having considered such information as has been provided at the time of being asked to express this view, both the Acting Chief Executive & Monitoring Officer and the Acting Force Solicitor and Head of Legal Services are satisfied that this report does not ask the PCC for North Yorkshire to make a decision which would (or would be likely to) give rise to a contravention of the law.
<b>Chief Finance Officer Remarks</b>
Having read this report and having considered such information as has been provided at the time of being asked to express this view, the CFO for the PCC for South Yorkshire is satisfied that the business case has adequately addressed relevant financial considerations.
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<b>Human Resource Advisor Remarks</b>
<p>Having read and considered this report, the Head of HR and Training for North Yorkshire is satisfied that the provisions outlined are indeed due to an urgent need in the public interest and that the Decision complies with the Police Reform and Social Responsibility Act 2011 as well as other aspects of Police Regulations. Any remaining provisions will be set out in separate Decision Notices to follow if necessary.</p> <p>South Yorkshire human resource advisor comments are not required on this form.</p>
<b>Other exceptional risk or compliance matters</b>
None
<p>The Commissioners are satisfied that prior to being invited to make this decision that the supporting documentation deals with specific compliance matters. Where appropriate these will continue to receive due consideration.</p>