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**Gwent Police
and Crime Panel**

**Panel Heddlu
& Throseddu Gwent**

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Date: 5th January 2024

Dear Sir/Madam,

A special meeting of the **Gwent Police and Crime Panel** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Friday, 12th January, 2024** at **10.00 am** to consider the matters contained in the following agenda.

A G E N D A

	Pages	
1	Declarations of Interest.	
2	Apologies for Absence.	
3	Proposal to temporarily appoint the Deputy Police and Crime Commissioner as Acting Police and Crime Commissioner	1 - 4

MEMBERSHIP:

Councillor Gareth A. Davies, Blaenau Gwent County Borough Council
Councillor Jacqueline Thomas, Blaenau Gwent County Borough Council
Councillor Marina Chacon-Dawson, Caerphilly County Borough Council
Councillor Mrs Christine Forehead, Caerphilly County Borough Council
Councillor Colin Peter Mann, Caerphilly County Borough Council
Councillor Tony Easson, Monmouthshire County Council
Councillor Tony Kear, Monmouthshire County Borough Council
Councillor Farzina Hussain, Newport City Council
Councillor Debbie Jenkins, Newport City Council
Councillor Mark Spencer, Newport City Council
Councillor Lynda Clarkson, Torfaen County Borough Council
Councillor Nick Horler, Torfaen County Borough Council

Co-opted Members- Mrs G. Howells and Ms R. Jones

By Invitation

Mr J. Cuthbert, Office of the Gwent Police and Crime Commissioner
Ms E. Thomas, Office of the Gwent Police and Crime Commissioner

Mrs S. Curley, Office of the Gwent Police and Crime Commissioner
Mr D. Garwood-Pask, Office of the Gwent Police and Crime Commissioner

And Appropriate Officers.

OFFICE OF POLICE AND CRIME COMMISSIONER FOR GWENT

LEAD CHIEF OFFICER: SIÂN CURLEY, CHIEF EXECUTIVE

TITLE: PROPOSAL TO TEMPORARILY APPOINT THE DEPUTY POLICE AND CRIME COMMISSIONER AS ACTING POLICE AND CRIME COMMISSIONER

DATE: 22nd December 2023

TIMING: URGENT

1.	<p><u>RECOMMENDATION</u></p> <p>That the Police and Crime Panel considers the following information in accordance with its legal duties, and approves the appointment of Eleri Thomas, the Deputy Police and Crime Commissioner (DPCC) as Acting Police and Crime Commissioner (APCC) due to the temporary incapacitation of the Police and Crime Commissioner (PCC), Jeff Cuthbert.</p>
2.	<p><u>INTRODUCTION & BACKGROUND</u></p> <p>Based on medical advice, the PCC for Gwent, Jeff Cuthbert has decided to step back from his role as PCC for a few weeks in order to recover from a period of ill health.</p> <p>Section 62 of the Police Reform and Social Responsibility Act 2011 (The Act) allows for the appointment of an APCC should the PCC be incapacitated.</p> <p>The Act stipulates that the person appointed to be APCC must be a person who is “a member of the PCC’s staff at the time of the appointment” (Section 62(2)). It should be noted that the Act specifies that the Deputy Police and Crime Commissioner is classed as a member of staff (Section 18 (10)).</p> <p>Home Office guidance issued in July 2016 on the Policing and Crime Bill, which introduced amendments to the legislation affecting PCCs states: “In the event of a PCC vacancy arising, either temporarily (eg through illness) or permanently, the Police and Crime Panel appoints someone as Acting Commissioner. Where in place, the Deputy PCC is the obvious person to appoint in such cases.”</p> <p>In appointing a person as the APCC in a case where the PCC is incapacitated, the Panel must have regard to any representations made by the commissioner in relation to the appointment.</p> <p>In making his decision the PCC asked for Section 62 to be invoked and for the Deputy PCC to act in his place.</p>

3.	<p><u>NEXT STEPS</u></p> <p>Once appointed the APCC will be able to fulfil all of the duties of the PCC apart from varying or setting the Police and Crime Plan.</p> <p>Under the Act Section 62 (6)(c), the appointment of an acting commissioner ceases to have effect when the PCC ceases to be incapacitated. Section 63 of the Act provides a longstop period of 6 months. In effect, where an acting commissioner has been appointed because a PCC is incapacitated, at the end of a 6 month period the Office of PCC becomes vacant if the PCC is still incapacitated. The ordinary elections of the PCC to be held in May 2024 will in any event supersede this maximum 6 month period.</p> <p>The Panel will note the PCC intends to return to his role within a few weeks and will be notified formally as soon as the PCC is ready and able to recommence his role.</p>
4.	<p><u>FINANCIAL CONSIDERATIONS</u></p> <p>For the period of acting up, the Acting PCC would be paid the salary level for the PCC. This would equate to £73,302 pro rata.</p>
6.	<p><u>PERSONNEL CONSIDERATIONS</u></p> <p>This proposal allows continuity for the OPCC and the people of Gwent. Although the DPCC role would be temporarily vacant, essential work will be shared between OPCC staff as appropriate and the Acting PCC would still be able to advise on these areas of work.</p>
7.	<p><u>LEGAL IMPLICATIONS</u></p> <p>S62(4) of the Act states that an Acting PCC may exercise all the functions of a police and crime commissioner, apart from “issuing or varying a police and crime plan” and that any property or other rights vested in the police and crime commissioner also transfer.</p>
8.	<p><u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u></p> <p>This report has been considered against the general duty to promote equality, as stipulated under the Strategic Equality Plan and has been assessed not to discriminate against any particular group.</p> <p>Consideration has been given to requirements of the Articles contained in the European Convention on Human Rights and the Human Rights Act 1998 in preparing this report.</p>
9.	<p><u>RISK</u></p> <p>If the proposal is not approved there is a risk of a loss of continuity in the role of PCC and the decision to set the budget and precept level could be delayed meaning that we do not comply with our statutory responsibilities.</p>
10.	<p><u>PUBLIC INTEREST</u></p> <p>This report is available to the public.</p>

11.	<u>CONTACT OFFICER</u> Siân Curley, Chief Executive
12.	<u>ANNEX</u> Statement from DPCC

Statement from Eleri Thomas, Deputy Police and Crime Commissioner for Gwent

I was extremely honoured to accept the appointment as DPCC in 2016 and 2021 and the subsequent endorsements by the Panel. I have worked closely with the PCC and the team within the Office of the Police and Crime Commissioner ever since. I see the current proposal for me to undertake the role of Acting Commissioner as a temporary, short-term arrangement while the PCC takes a short break to recover from a period of ill health. I will carefully manage the statutory functions entrusted to the position with the support of the Chief Executive as well as the wider team. I am confident that I would also have the support of Gwent Police's Chief Officer team and our partners.

As Deputy Police and Crime Commissioner I am aware of and have supported the PCC in the full range of functions and responsibilities that come with the office of Commissioner. I have been a fundamental part of key strategic discussions and decision-making processes throughout this time, within the office, with Gwent Police and wider strategic partners. I have supported the Commissioner and deputised for him in a number of roles, from chairing boards such as the Gwent Criminal Justice Board to representing Gwent on a Welsh basis and nationally. I also lead in relation to a number of areas and I play an active role in partnership and public engagement.

I hope that over the past 7 years I have demonstrated to the panel the personal and leadership qualities I possess in order to allow me to fulfil the role of Acting PCC. It is my intention to continue the excellent work of the PCC in keeping Gwent safe, and I will work closely with the Chief Constable to ensure that the people of Gwent are receiving an efficient and effective policing service.

I recognise the PCC's significant commitment to his role and the people of Gwent and wish him a speedy recovery so that he can resume his responsibilities at the earliest opportunity.

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