

DECISION NUMBER: PCCG-2021-029

OFFICE OF POLICE AND CRIME COMMISSIONER

TITLE: Manual of Corporate Governance Annual Review

DATE: 17th March 2022

TIMING: Annual

PURPOSE: For Approval

1.	<u>RECOMMENDATION</u>
1.1	That the Police and Crime Commissioner (PCC) and Chief Constable approve the proposed amendments to the Manual of Corporate Governance (MoCG) subject to any comments received from the Joint Audit Committee (JAC) at their meeting on 9 th March 2022.
2.	<u>INTRODUCTION & BACKGROUND</u>
2.1	On 10 th January 2022, the Head of Assurance and Compliance initiated the annual review of the MoCG via email. Relevant staff and officers were asked to review sections of the document and feed any proposed changes back to the Office of the Police and Crime Commissioner (OPCC).
2.2	A report providing the proposed changes to the MoCG would ordinarily be presented to the JAC in advance of the Strategy and Performance Board (SPB). However, due to changes to the meeting dates the SPB will now take place prior to the JAC. Therefore, the PCC and Chief Constable are asked to approve the changes in principle prior to their consideration by the JAC.
3.	<u>ISSUES FOR CONSIDERATION</u>
3.1	Amendments to Manual of Corporate Governance A number of changes have been identified as a result of the annual review process. A detailed list of these can be found at appendix 1.
4.	<u>NEXT STEPS</u>
4.1	Once approval has been received from the PCC and Chief Constable, the MoCG will be amended in both English and Welsh, circulated to relevant officers and published to the OPCC's website.
5.	<u>FINANCIAL CONSIDERATIONS</u>
5.1	There are no financial considerations as a result of this report.
6.	<u>PERSONNEL CONSIDERATIONS</u>
6.1	There are no personnel considerations as a result of this report.

7.	<u>LEGAL IMPLICATIONS</u>
7.1	The Joint Legal Services (JLS) department has been involved in the review of the MoCG, ensuring that any legal implications that have arisen have been resolved during the review process.
8.	<u>EQUALITIES AND HUMAN RIGHTS CONSIDERATIONS</u>
8.1	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.
8.2	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.
9.	<u>RISK</u>
9.1	Any risks identified during the review of the MoCG will be negated by the approval of the amended document.
10.	<u>PUBLIC INTEREST</u>
10.1	This document can be made available to the public.
11.	<u>CONTACT OFFICER</u>
11.1	Joanne Regan, Head of Assurance and Compliance.
12.	<u>ANNEXES</u>
12.1	Appendix 1 – Details of proposed changes to the MoCG.

Appendix 1

Review of the Manual of Corporate Governance

Below are the key changes that are proposed in relation to the annual review of the MoCG:

Page Number	Proposed Change
20	Reference included of the statutory requirement for both the Commissioner and Chief Constable to appoint a Data Protection Officer.
38	Staying Ahead Programme changed to Organisational Change Programme
40	Joint Audit Committee (JAC) terms of reference updated to include 'Consider and comment upon the information governance annual reports' as requested at the JAC meeting held in September 2021.
41	Joint Strategic Planning Group attendance list updated.
47	Estate Strategy Board terms of reference updated to most recent version.
66	Duties Upon Officers Addition of paragraph 3.5 which clarifies that the DPCC may exercise any function of the Commissioner other than issuing a police and crime plan, appointing, suspending or calling upon the chief constable to resign or retire and calculating a budget requirement, and that the decision as to whether or not the Commissioner is absent shall in the first instance rest with the Commissioner or, if so required, shall rest with the Chief Executive.
68	Scheme of Delegation – Chief Executive Paragraph 4.15 has been split to separate the complaint review and Chief Constable complaint delegations to the Chief Executive. Additional explanation has been included regarding the handling of Chief Constable complaints. Paragraph 4.17 has been added regarding the management of complaints made against and by OPCC staff.

	<p>Paragraph 4.22 has been added to allow the Chief Executive ‘To authorise, pursuant to section 223 of the Local Government Act 1972 (as amended) any member of the Commissioner’s staff to prosecute or defend or to appear in proceedings before a court or tribunal or to conduct any such proceedings’.</p>
68	<p>Scheme of Delegation – Chief Finance Officer Additional wording added to paragraph 5.1 – ‘As the financial advisor to the Commissioner to ensure that the financial affairs of the Commissioner are properly administered having regard to their probity, legality and appropriate standards’.</p> <p>Additional wording added to paragraph 5.3 – ‘To manage and administer the award of grants and awards by the Commissioner in accordance with any agreed protocols and arrangements’.</p> <p>Paragraph 5.9 - Money Laundering Regulations updated from 2003 to 2019</p> <p>Additional wording added to paragraph 5.18 - ‘and to ensure that effective insurance arrangements are in place’.</p> <p>Additional wording added to paragraph 5.20 – ‘To ensure the safe custody of all title deeds under secure arrangements and the maintenance of a register of all properties owned by the Commissioner, recording the locations extent and plan reference, purchase details, particulars of nature of interest and rests payable and particulars of any tenancies granted’.</p>
74	<p>Scheme of Delegation – Deputy Chief Constable Paragraph 8.1.1</p> <ul style="list-style-type: none"> • removal of High Potential Development Scheme. • reference made to the DCC being the Appropriate Authority for police complaints other than those made against the Chief Constable. • Staying Ahead Programme changed to Organisational Change Programme <p>Paragraph 8.12 - Reference to the Head of the Professional Standards Department amended from Chief Superintendent to Superintendent.</p>

76	<p>Scheme of Delegation – Assistant Chief Constable</p> <p>Paragraph 8.2.1</p> <p>Clarity that the ACC responsibilities for firearms are in relation to firearms collaboration and firearms licensing – delegated authority (revocation of licences and seizure of weapons)</p>
76	<p>Scheme of Delegation – Assistant Chief Officer, Resources</p> <p>Paragraph 8.3.1</p> <p>Inclusion of firearms licensing service management under ACOR responsibilities.</p>
124 onwards	<p>Part 3e – Standing Orders Relating to Contracts</p> <ul style="list-style-type: none"> ➤ Paragraph 4 – additional wording included after EU Directive, '(insofar as it remain applicable to such processes)'. Reference to EU Directive amended to 'procurement legislation and guidance' ➤ Paragraph 6 & 7 – updated to reflect changes in procurement legislation post Brexit ➤ Page 126, Paragraph 17 – 'applicable procurement legislation and guidance' replaces reference to EU Directives. ➤ Page 128, Paragraph 23 – 'applicable procurement legislation and guidance' replaces reference to EU Directives. ➤ Page 129, Paragraph 28 - additional wording included at end of the existing sentence, 'Scores are awarded on a consensus basis with the stakeholder group agreeing a single justifiable consensus score as against the agreed criteria and not simply an average score'. ➤ Page 129, Paragraph 32 – the following is included after the words 'common seal' - 'or the entering into a deed under seal and executed accordingly'. ➤ Page 130, Paragraph 38 – reference to EU threshold replaced by procurement threshold ➤ Page 130, Paragraph 39 - 'applicable procurement legislation and guidance' replaces reference to EU Directives. ➤ Page 131, Paragraph 43 - 'applicable procurement legislation and guidance' replaces reference to EU Directives. ➤ Page 131, Paragraph 44 – reference to EU directives replaced with Public Contract Regulations 2015 ➤ Page 131, Paragraph 45 - 'applicable procurement legislation and guidance' replaces reference to EU Directives. ➤ Page 132, Paragraph 52 - EU threshold replaced with procurement threshold. Official Journal of the European Economic Community replaced with Find a Tender Service (FATS). ➤ Page 132, Paragraph 60 - Official Journal of the European Economic Community replaced with FATS. ➤ Page 133, Paragraph 65(a) - 'applicable procurement legislation and guidance' replaces reference to EU Directives. ➤ Page 134, Paragraph 67 - 'applicable procurement legislation and guidance' replaces reference to EU Directives. ➤ Page 136, Paragraph 75 – reference to paragraph 71 amended to 74.

	<ul style="list-style-type: none"> ➤ Page 136, Paragraph 79 – reference to EU threshold amended to applicable procurement threshold. ➤ Page 137, Paragraph 86 – reference to EU threshold amended to applicable procurement threshold. ➤ Page 137, Paragraph 87 – removal of ‘cases the relevant EU Public Sector Procurement Directive 2014/24/EU’. ➤ Page 138, Paragraph 87(c) – reference to EU treaty amended to Public Contract Regulations 2015 ➤ Page 138, Paragraph 89 - ‘applicable procurement legislation and guidance’ replaces reference to EU Directives. ➤ Page 140, Paragraph 99 – inclusion of ‘and compliance with Modern Slavery Requirements’ at the end of the paragraph. ➤ Page 140, Paragraph 104 – amended to ‘Every contract for the execution of works, the supply of goods or materials or the provision of services, shall contain an indemnity in the favour of the Commissioner for breach of statutory duty under data protection legislation which arises from the use, disclosure or transfer of personal data by the contractor and his servants and agents’. ➤ Page 140, Paragraph 106 – clarification regarding signing of contracts if not signed in counterparts. ➤ Page 143, Paragraph 122 – inclusion of ‘c) permitted under the Public Contracts Regulations 2015’. ➤ Page 144, Paragraph 124 (b) – OJEU reference amended to FATS ➤ Page 144, Paragraph 132 – reference to EU legislation removed ➤ Page 145, Threshold Table – threshold 3 & 4 changed from EU Regulations to Public Contract Regulations 2015
149	<p>Data Protection Legislation</p> <p>Paragraph 1.4 – inclusion of following, ‘The Commissioner and the Chief Constable are separate data controllers and processors and have duties under the UK General Data Protection Regulation (UKGDPR), the Data Protection Act 2018 and the Freedom of Information Act 2000’.</p>

CONSIDERATION BY THE JOINT AUDIT COMMITTEE

The JAC considered the proposed amendments to the MoCG at their meeting on 9th March 2022. They had no comments related to the proposed changes and were satisfied that the approval in principle by the PCC and Chief Constable at the meeting of the Strategy and Performance Board on 2nd March 2022 would stand.

Jeff Cuthbert B.SC., MCIPD, Police and Crime Commissioner for Gwent

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct.

Any such interests are recorded below.

The above decision log has my approval.

Signed



Date

17/03/2022

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Position

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Background papersManual of Corporate Governance
2021/22