



Meeting: **Leicester, Leicestershire and Rutland Police and Crime Panel**

Date/Time: **Friday, 23 September 2016 at 9.30 am**

Location: **Sparkenhoe Copmmittee Room, County Hall, Glenfield**

Contact: **Sam Weston (Tel: 0116 305 6226)**

Email: **sam.weston@leics.gov.uk**

Membership

Mr. J. T. Orson JP CC (Chairman)

Cllr. John Boyce Cllr. Ozzy O'Shea
Cllr. Lee Breckon, JP Cllr. Rosita Page
Mrs. Helen Carter Cllr. Trevor Pendleton
Cllr. Ratilal Govind Cllr. Lynn Senior
Cllr. Malise Graham Cllr. David Slater
Cllr. Terry King Cllr. Manjula Sood, MBE
Col. Robert Martin OBE, DL

**Please note: this meeting will be filmed for live or subsequent broadcast via the Council's web site at <http://www.leics.gov.uk/webcast>
– Notices will be on display at the meeting explaining the arrangements.**

AGENDA

Item

Report by

1. To advise of any other items which the Chairman has decided to take as urgent elsewhere on the agenda.
2. Declarations of interest in respect of items on the agenda.



3. Confirmatory Hearing for the Post of Deputy Police and Crime Commissioner. Police and Crime Commissioner (Pages 3 - 22)

The Police and Crime Commissioner and the Candidate for the post of Deputy Police and Crime Commissioner have been invited to attend this session.

A copy of the Office of the Police and Crime Commissioner's report on the appointment is attached.

A document explaining the process to be followed at today's Confirmatory Hearing has also been attached for information.

4. Date of next meeting.

The next meeting of the Panel is scheduled to take place on 23 September at 1.00pm.

5. Any other items which the Chairman has decided to take as urgent.

6. Exclusion of the Press and Public.

The public are likely to be excluded during the following item of business in accordance with Section 100(A) of the Local Government Act 1972:-

Panel Deliberations on the Proposed Appointment of a Deputy Police and Crime Commissioner.

7. Panel Deliberations on the Proposed Appointment of a Deputy Police and Crime Commissioner.

(Exempt under Paragraphs 1, 3 and 10 of Schedule 12A)

THE PCP'S ROLE IN CONFIRMING SENIOR APPOINTMENTS UNDER SCHEDULE 1 OF THE POLICE REFORM AND SOCIAL RESPONSIBILITY ACT 2011

APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER

Senior appointments under Schedule 1 of the Act are those of Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner made by the Police and Crime Commissioner (PCC). It is the duty of the Police and Crime Panel to hold a public Confirmation Hearing and to review, make reports and recommendations in respect of proposed senior appointments and to publish their reports or recommendations. There is a separate process under Schedule 8 to be followed for the appointment of Chief Constables, which is not covered in this note.

The Rules relating to Confirmation Hearings under Schedule 1

- The PCC must notify the Panel of the proposed senior appointment;
- The Hearing must take place in public, within a period of three weeks of the receipt of formal notification being received from the PCC;
- The candidate may be requested to appear for the purpose of answering questions relating to the appointment (the LGA guidance makes it very clear that this should be the usual practice);
- The Panel shall review the proposed senior appointment and make a report to the PCC, including a recommendation relating to the candidate's appointment; and
- The PCC must respond to the report and recommendations of the Panel to confirm whether they accept or reject its recommendation. There is no duty upon the PCC to give reasons for their decision.

The Rules relating to the PCC's appointment of Deputy Police and Crime Commissioners

The Commissioner cannot appoint someone as a Deputy Police and Crime Commissioner if they fall into any of the following criteria:

- a person who has not attained the age of 18 on the day of the appointment;
- a person who is subject to a relevant disqualification;
- a member of the House of Commons;
- a member of the European Parliament;
- a member of the National Assembly for Wales;
- a member of the Scottish Parliament;
- a member of the Northern Ireland Assembly.

The Procedure for Confirmation Hearings under Schedule 1

1. Notification of Proposed Senior Appointment

The PCC will notify the Panel of a proposed senior appointment in writing to the Chairman of the Panel and to the Clerk to the Panel. The notification of a proposed senior appointment from the PCC should be accompanied by background information such as a CV or a personal statement to assist the Panel in its assessment of the candidate. At the very least, and in accordance with legislation, the PCC is required to provide the following information:

- The name and contact details of the candidate;
- The criteria used to assess the suitability of the candidate for the appointment and how the candidate satisfies these criteria; and
- The terms and conditions on which the candidate is to be appointed.

2. Arrangement of Confirmation Hearing and Notifying the Candidate

Following the receipt of notification from the PCC a Confirmation Hearing is arranged, which will take place within three weeks of the date of receipt of notification from the PCC. The Chairman of the Panel or the Clerk will write to the candidate to confirm the date of the Hearing and notify them of the process to be followed. The letter will set out the legislative provisions underpinning the Hearing and inform the candidate that any information they provide will be heard in the public domain.

If the candidate's references are to be distributed to the Panel it is the responsibility of the PCC to inform relevant referees of the placing of references in the public domain.

3. Pre-Meeting

The Panel will normally organise a pre-meeting prior to a Confirmation Hearing to allow for a consideration of the background information provided by the PCC. The pre-meeting is intended to provide members of the Panel with an opportunity to consider and agree the scope and thrust of their questioning at the Hearing. As referred to in the LGA Guidance document on Confirmation Hearings, questioning will concern primarily the “**professional competence**” of the candidate and their “**personal independence**”^{*}.

** Personal independence is defined in the LGA Guidance as a candidate's ability to act in a manner that is operationally independent of the PCC.*

The pre-meeting will be held in private and, where possible, will be attended by the Clerk or a legal adviser and, if possible, a senior HR adviser from the host authority to assist the Panel in the provision of specialist and technical advice and the devising a list of appropriate questions, if there is any. Additional information relating to the candidate, not provided by the PCC but available elsewhere, should be considered by the Clerk and the HR adviser to ensure that the process is fair and that it will help the Panel assess professional competence and personal independence.

4. The Hearing

With preparation and planning at the pre-meeting, Confirmation Hearings should be short and focused. The Hearing will be a four stage process:

	PRESENT:		
	PANEL	PCC	CANDIDATE
Stage 1: Chairman outlines the process to be followed and the powers of the Panel.	✓	✓	✓
Stage 2: Brief introduction by the PCC explaining why the candidate meets the job description, the criteria he/she meets for the post and the terms and conditions for the post.	✓	✓	✓
Stage 3: Panel to question the candidate to determine if he/she meets the criteria set out in the job description and whether they possess the necessary professional competence and personal independence to carry out the role. <i>Candidates may make a presentation at the start of this stage of the process if they wish.</i>	✓	x	✓
PANEL GOES INTO CLOSED SESSION			
Stage 4: Panel will make its decision and prepare any recommendations to the PCC.	✓	x	x

5. Coming to a View

The Panel has three principal options, as follows:

1. If the Panel is content with the proposed senior appointment, it can agree to report its endorsement to the PCC.
2. Where a candidate meets the standards, but the Panel has concerns about their suitability, such concerns can form part of the Panel's report and recommendations to the PCC.
3. In the event that the Panel determines that a candidate does not meet the requirements for the post, the Panel may provide advice and recommendations accordingly to the PCC in

its report.

NB. The PCC is under no obligation to follow the Panel's advice and the Panel's recommendation not to appoint does not represent a veto in the case of Schedule 1 appointments. It is noted in the LGA Guidance that a recommendation to reject the proposed appointment should be used in only "exceptional" circumstances.

The Panel has to reach a conclusion in relation to the options set out above. It may also choose to comment on other relevant issues.

6. Reporting the Panel's Recommendation

The Chairman of the Panel will write to the PCC on the next working day, following the Confirmation Hearing, to outline the decision and recommendations of the Panel. The candidate will also be sent a copy of the letter.

The Panel will wait five working days before it publishes any information about its recommendations unless it is agreed with the PCC that this information can be released at an earlier stage. The Panel will ensure that the PCC has received and acknowledged receipt of the Panel's recommendations before making its recommendations public.

Sam Weston
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September 2016

POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE POLICE & CRIME PANEL

PAPER MARKED

Report of	POLICE & CRIME COMMISSIONER
Date	FRIDAY 23 SEPTEMBER 2016 – 9.30 A.M.
Subject	APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER FOR LEICESTERSHIRE
Author :	CHIEF EXECUTIVE

Purpose of Report

1. To provide background information to the Police and Crime Panel on the appointment process leading to the selection of Cllr. Kirk Master as the preferred candidate for the role of Deputy Police and Crime Commissioner (DPCC).

Recommendation

2. That the Panel endorses the appointment of Cllr. Kirk Master as the Deputy Police and Crime Commissioner for Leicestershire.

Background

3. The Police Reform and Social Responsibility Act 2011 (the Act) provides, under section 18(1), that the Police and Crime Commissioner for a police area may appoint a person as the Deputy Police and Crime Commissioner for that area.
4. Councillor Master has declared that he is aware of the provisions of the Police Reform and Social Responsibility Act 2011 as regards eligibility to be appointed. He has declared that to the best of his knowledge and belief he is eligible for appointment and is not subject to a relevant disqualification. Attached at **Appendix A** are the relevant extracts from the Act which have been provided to Cllr Master, together with his signed declaration.

Process

5. A DPCC is required by the Act to be a member of staff within the Office of Police and Crime Commissioner (OPCC). The DPCC for Leicestershire will be subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC's staff. Lord Bach informed the Panel of his decision to appoint a Deputy on 8 September 2016. A copy of this decision notification is attached at **Appendix B**.
6. There is no formal job description and person specification for a Deputy PCC. A Commissioner will decide to appoint a DPCC based on his/her individual needs and requirements in order to support them in their role. Lord Bach has considered the

priority areas he wishes to achieve support from his Deputy and he has used this to form the basis of his decision to appoint Cllr. Master.

Criteria used to assess the suitability of Candidate

7. The Commissioner has considered very carefully the set of criteria he is looking for in selecting a suitable individual for this important role. These have been identified as:
- A good understanding of policing and police accountability;
 - Significant experience of building effective partnership relationship;
 - Understanding of and engagement with national, regional, and local community- focussed group, both statutory and voluntary;
 - Experience of community campaigning and advocacy;
 - Alignment with the ethical and social aspirations of the Commissioner, in particular the importance of neighbourhood and community cohesion and diversity;
 - Shared values in respect of the role of the police service and its accountability to the community;
 - Ability to complement the experience and background in geographical and diversity terms of the Commissioner;
 - Significant experience of working within a national context and an understanding of policy making and delivery.

Candidate Proposed

8. The Commissioner has selected Cllr. Master as his preferred candidate based on the following skills and experience. Extensive discussions have taken place between the Commissioner and Cllr. Master. Lord Bach is confident that Cllr. Master will fulfil the role and duties of the Deputy with professionalism and rigour. A copy of Cllr. Master's CV will be provided to members of the Panel prior to the Confirmation Hearing.
9. Key considerations for the Commissioner in making his selection is that Cllr. Master:
- Has extensive experience within statutory and voluntary community based roles;
 - Has been an advocate for excluded groups and communities;
 - Has supported groups and communities thereby enabling them to be more confident and to foster positive change;
 - Has experience of working within youth offending services and dealing with sensitive and difficult issues within the criminal justice system;
 - Has worked as a Civil Servant within the Home Office and understands the complex processes of developing policy in Central Government;
 - Has worked extensively within voluntary sector projects dealing with issues impacting on diversity and "hard to reach" communities;
 - Is a City Councillor and Assistant City Mayor with a portfolio which includes Community Safety;
 - Has experience of police and crime governance through his role on the Police and Crime Panel.

Terms and Conditions of Appointment

10. The Deputy PCC is a member of the PCC's staff and therefore this requires the post-holder to receive terms and conditions aligned with those of all Office of the Police and Crime Commissioner (OPCC) employees. A summary of the terms and conditions are attached at **Appendix C**.
11. The Commissioner has recognised that there is potential for a conflict of interest given Cllr. Master's portfolio as Assistant Mayor with responsibility for Neighbourhood Services. This has been raised with the City Mayor and discussions are ongoing regarding Cllr. Master's continuing responsibilities as Assistant City Mayor to avoid any conflict of interest. Cllr Master will take up the role of Deputy Police and Crime Commissioner for Leicestershire with effect from 3 October 2016.
12. Lord Bach has discussed with Cllr. Master the portfolio of responsibilities he wishes to delegate to him. Although not an exhaustive list, the following is the current identified portfolio which may be subject to change going forward:
 - Youth Diversion – leading on the review of current activity across Leicester, Leicestershire and Rutland, identifying any gaps in provision and making recommendations for change where appropriate;
 - PREVENT – supporting the Commissioner in gaining a better understanding of the local delivery of national policy and developing options for the future;
 - “Hidden Crime” – the Commissioner has stated this as a priority area, so the Deputy will be tasked with reviewing options in relation to hate crime, domestic and sexual violence etc.;
 - Understanding neighbourhoods and communities – the Deputy will be responsible for working with statutory, voluntary and community-based stakeholders and groups in order to build in to the planning work a strong steer on visibility, cohesion and channels for communication and support.

Conclusion

13. The appointment of the Deputy Police and Crime Commissioner has been identified as a critical role for Lord Bach. He has spent the first few months in Office deliberating on the skills and experience he is looking for and the areas of OPCC business he feels more support is needed.
14. Lord Bach has selected Cllr. Kirk Master as his Deputy Police and Crime Commissioner. This report identifies the legislative requirements for appointing a Deputy, together with the criteria used to assess the suitability of the selected candidate and the reasons why the Commissioner has selected Cllr. Master. In addition, this report also informs the Panel on the terms and conditions on which he will be appointed.

Implications

- | | |
|-----------|---|
| Financial | This is a new post within the OPCC and work is currently under way to re-design the form and structure of the Office. This new post will be included with the financial consequences being an additional £40k including on-costs. |
| Legal | The legislation enables the Commissioner to appoint a Deputy and it is a legislative requirement that the Commissioner informs the Panel of his decision to appoint. The legal requirements are being met. |

Equality Impact	The Commissioner has considered equality and diversity in this appointment.
Risks and Impact	The Panel has previously highlighted the risks associated with not appointing a Deputy in order to support the work of the Commissioner. This issue has been reflected in the decision made by Lord Bach in making this decision.
Link to Police and Crime Plan	The Deputy will support the Commissioner in the delivery of the whole Plan.

List of Appendices

Appendix A – Declaration signed by Cllr. Master

Appendix B – Decision to appoint a Deputy Police and Crime Commissioner

Appendix C – Summary of terms and conditions

Background Papers

Police Reform and Social Responsibility Act 2011.

Persons to Contact

Mr Paul Stock
Chief Executive
Tel: 0116 229 8981

Extract – paragraph 8 of Schedule 1 to the Police Reform and Social Responsibility Act 2011

The deputy police and crime commissioner

8 (1) This paragraph applies to a person appointed under section 18 by a police and crime commissioner to be the deputy police and crime commissioner.

(2) None of the following may be appointed as the deputy police and crime commissioner—

- (a) a person who has not attained the age of 18 on the day of the appointment;
- (b) a person who is subject to a relevant disqualification;
- (c) a Member of the House of Commons;
- (d) a member of the European Parliament;
- (e) a member of the National Assembly for Wales;
- (f) a member of the Scottish Parliament;
- (g) a member of the Northern Ireland Assembly.

(3) The terms and conditions of a person who is appointed as the deputy police and crime commissioner must provide for the appointment to end not later than the day when the current term of office of the appointing police and crime commissioner ends.

(4) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the deputy police and crime commissioner.

(5) In this paragraph “current term of office”, in relation to the appointment of a deputy police and crime commissioner by a police and crime commissioner, means the commissioner’s term of office which is running at the time the appointment is made.

(6) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—

(a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or

(b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

Relevant disqualification

Section 65(1) Police Reform and Social Responsibility Act 2011

Disqualification from election or holding office as police and crime commissioner: police grounds

(1) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—

(a) is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);

(b) is a member of—

- (i) the British Transport Police Force;
- (ii) the Civil Nuclear Constabulary;

(c) is a special constable appointed—

- (i) under section 27 of the Police Act 1996 for a police area or the City of London police area;
- (ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);

(d) is a member of staff of the chief officer of police of any police force maintained for a police area;

(e) is a member of staff of—

- (i) a police and crime commissioner;
- (ii) *the Mayor's Office for Policing and Crime*;

(f) is the Mayor of London;

(g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;

(h) is a member (including a member who is chairman or chief executive), or member of staff, of—

- (i) the British Transport Police Authority;
 - (ii) the Civil Nuclear Police Authority;
 - (iii) the Independent Police Complaints Commission;
 - (iv) the Serious Organised Crime Agency;
 - (v) the National Policing Improvement Agency;
- (i) holds any employment in an entity which is under the control of—
- (i) a local policing body;
 - (ii) any body mentioned in paragraph (h);
 - (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;
 - (iv) the chief officer of police for any police force mentioned in paragraph (b).

Section 66 Police Reform and Social Responsibility Act 2011 (relevant parts)

Disqualification from election or holding office as police and crime commissioner: other grounds

(1) A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68).

(3) A person is disqualified from being elected as, or being, a police and crime commissioner if—

(a) the person is the subject of—

(iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;

(iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;

(c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or

(d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

Citizenship condition (Section 68 Police Reform and Social Responsibility Act 2011

68 Citizenship condition

(1) This section applies for the purposes of section 66.

(2) A person satisfies the citizenship condition if the person is—

- (a) a qualifying Commonwealth citizen,
- (b) a citizen of the Republic of Ireland, or
- (c) a citizen of the Union.

(3) For the purposes of this section, a person is a qualifying Commonwealth citizen if the person is a Commonwealth citizen and—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(4) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (3)(a).

(5) In this section the expression “citizen of the Union” is to be construed in accordance with Article 20(1) of the Treaty on the Functioning of the European Union.

NOTIFICATION OF DECISION TO APPOINT A DEPUTY POLICE AND CRIME COMMISSIONER

1. The Police Reform and Social Responsibility Act 2011 (the Act) provides, under section 18(1), that the Police and Crime Commissioner for a police area may appoint a person as the Deputy Police and Crime Commissioner for that area.
2. Under section 18(10) of the Police Reform and Social Responsibility Act 2011 (“the Act”) the Deputy Police and Crime Commissioner (DPCC) is a member of the PCC’s staff.
3. Making use of the power in Section 18 (1) I have decided to propose the appointment of Councillor Kirk Master to the post of Deputy Police and Crime Commissioner for Leicestershire.
4. Councillor Master has declared that he is aware of the provisions of the Police Reform and Social Responsibility Act 2011 as regards eligibility to be appointed. He has declared that to the best of his knowledge and belief he is eligible for appointment and is not subject to a relevant disqualification. Attached at **Annex A** are the relevant extracts from the Act which have been provided to Cllr Master.
5. A DPCC is required by the Act to be a member of my staff. The DPCC for Leicestershire will be subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC’s staff.
6. I will notify this decision to the Police and Crime Panel. In accordance with the Act I will provide to them, :
 - the name of the person I propose to appoint, who for the purposes of the legislation is known as the ‘candidate’;
 - the criteria used to assess the suitability of the candidate for the appointment;
 - why the candidate satisfies those criteria; and
 - the terms and conditions on which the candidate is to be appointed.
7. Cllr Master will then be subject to the confirmatory hearing process required by Schedule 1 to the Act. I understand that the confirmatory hearing will take place on Friday 23 September 2016.
8. The Police and Crime Panel are required to publish a report to me on the proposed appointment in which they must include a recommendation as to whether or not the candidate should be appointed. I will consider the report once published and decide whether to accept or reject the panel’s recommendation on Cllr Master’s proposed appointment. Until the conclusion of this process, Cllr Master remains the candidate for the appointment.

Willy Bach
Police and Crime Commissioner
8 September 2016

Extract – paragraph 8 of Schedule 1 to the Police Reform and Social Responsibility Act 2011
The deputy police and crime commissioner

8 (1) This paragraph applies to a person appointed under section 18 by a police and crime commissioner to be the deputy police and crime commissioner.

(2) None of the following may be appointed as the deputy police and crime commissioner—

- (a) a person who has not attained the age of 18 on the day of the appointment;
- (b) a person who is subject to a relevant disqualification;
- (c) a Member of the House of Commons;
- (d) a member of the European Parliament;
- (e) a member of the National Assembly for Wales;
- (f) a member of the Scottish Parliament;
- (g) a member of the Northern Ireland Assembly.

(3) The terms and conditions of a person who is appointed as the deputy police and crime commissioner must provide for the appointment to end not later than the day when the current term of office of the appointing police and crime commissioner ends.

(4) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the deputy police and crime commissioner.

(5) In this paragraph “current term of office”, in relation to the appointment of a deputy police and crime commissioner by a police and crime commissioner, means the commissioner’s term of office which is running at the time the appointment is made.

(6) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—

- (a) section 65(1) (police officers, police-related employment etc.), other than paragraph (e)(ii); or
- (b) section 66(1), (3) (a) (iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

Relevant disqualification

Section 65(1) Police Reform and Social Responsibility Act 2011

Disqualification from election or holding office as police and crime commissioner: police grounds

(1) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—

(a) is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);

(b) is a member of—

- (i) the British Transport Police Force;
 - (ii) the Civil Nuclear Constabulary;
- (c) is a special constable appointed—
- (i) under section 27 of the Police Act 1996 for a police area or the City of London police area;
 - (ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);
- (d) is a member of staff of the chief officer of police of any police force maintained for a police area;
- (e) is a member of staff of—
- (i) a police and crime commissioner;
 - (ii) *the Mayor's Office for Policing and Crime*;
- (f) is the Mayor of London;
- (g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;
- (h) is a member (including a member who is chairman or chief executive), or member of staff, of—
- (i) the British Transport Police Authority;
 - (ii) the Civil Nuclear Police Authority;
 - (iii) the Independent Police Complaints Commission;
 - (iv) the Serious Organised Crime Agency;
 - (v) the National Policing Improvement Agency;
- (i) holds any employment in an entity which is under the control of—
- (i) a local policing body;
 - (ii) any body mentioned in paragraph (h);
 - (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;
 - (iv) the chief officer of police for any police force mentioned in paragraph (b).

Section 66 Police Reform and Social Responsibility Act 2011 (relevant parts)

Disqualification from election or holding office as police and crime commissioner: other grounds

(1) A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68).

(3) A person is disqualified from being elected as, or being, a police and crime commissioner if—

(a) the person is the subject of—

(iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;

(iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;

(c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or

(d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

Citizenship condition (Section 68 Police Reform and Social Responsibility Act 2011)

68 Citizenship condition

(1) This section applies for the purposes of section 66.

(2) A person satisfies the citizenship condition if the person is—

- (a) a qualifying Commonwealth citizen,
- (b) a citizen of the Republic of Ireland, or
- (c) a citizen of the Union.

(3) For the purposes of this section, a person is a qualifying Commonwealth citizen if the person is a Commonwealth citizen and—

- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
- (b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

(4) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (3)(a).

(5) In this section the expression “citizen of the Union” is to be construed in accordance with Article 20(1) of the Treaty on the Functioning of the European Union.

Police and Crime Commissioner for Leicestershire

Deputy Police and Crime Commissioner - summary of terms and conditions of appointment

Under Section 18(10) of the Police Reform and Social Responsibility Act 2011 (“the Act”) the deputy police and crime commissioner (DPCC) is a member of the PCC’s staff.

The DPCC will be employed by the PCC and be subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC’s staff.

The main terms and conditions of appointment are:-

1. The DPCC will be required as a condition of appointment to make a declaration of eligibility that the appointment is held subject to the requirements of the Act and is not subject to a relevant disqualification¹.
2. Allowances – travelling and subsistence allowance will be paid at the rates applicable to the PCC’s staff. Allowances paid will be disclosed quarterly under the Elected Local Policing Bodies (Specified Information) Order 2012 (as amended) and in accordance with the Home Secretary’s determination, attached as an appendix to this summary.
3. Hours of work and salary – 20 hours per week for which £30,405 per annum will be paid with provision for attendance on days and at times reasonably required by the PCC which will involve work outside normal office hours. No overtime will be paid. Salary reviews will be in line with those made to the Commissioner’s salary which is set by the Home Secretary.
4. Holiday entitlement – 27 days annual leave pro rata plus public and bank holidays.
5. Sickness absence – SSP is payable from the fourth qualifying day in any period of incapacity for work.
6. Pension – entitlement to join the Local Government Pension Scheme (LGPS).
7. Termination – the appointment as DPCC may be terminated at any time by the PCC and will terminate in any event upon the PCC ceasing to hold office for any reason, including reaching the end of the term of office under which the appointment is made. Three months’ notice is required by either party to terminate the contract of employment. The appointment will end if the appointee becomes disqualified under the Act. Unless otherwise terminated, the DPCC will be contracted up to and including the subsequent PCC election.
8. Conduct – Any PCC code of conduct will apply and in addition the DPCC will be subject to the complaints process under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
9. Performance review and appraisal – the DPCC will receive regular performance reviews and appraisals from the PCC.
10. The DPCC will be subject to appropriate security vetting checks and clearances and will be required to sign the Official Secrets Act 1989.

¹ Defined in para. 8(6) of Schedule 1 to the Act

Appendix

Expenses

Secretary of State for Home Department's determination on police and crime commissioner expenses.

Paragraph 3 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 ('the 2011 Act') provides that a police and crime commissioner (PCC) is to be paid authorised allowances. 'Authorised allowances' means allowances, in respect of expenses incurred by the commissioner in the exercise of the commissioner's functions, which are of the kinds and amounts determined by the Secretary of State. A determination under paragraph 3 may make different provision for different cases.

Authorised allowances

The purpose of authorised allowances is to reimburse expenses incurred by PCCs in carrying out their duties, not to provide a general gratuity for undertaking the role. Commissioners are paid a salary determined by the Secretary of State on the advice of the senior salaries review board.

The kinds of allowances determined by the Secretary of State for the purposes of paragraph 3 of Schedule 1 to the 2011 Act are allowances in respect of:

- travel expenses
- subsistence expenses
- exceptional expenses

reasonably incurred by a PCC in the exercise of the commissioner's functions.

The amounts of such allowances determined by the Secretary of State are set out in the below table:

Table of PCC authorised allowance amounts

Type of expense	Key restriction	Rates
Train	In course of business	Reimbursed up to standard class rates
Mileage allowances	Only if necessary	As per HMRC rates
Taxis	Only where public transport not available	Cost of taxi fare
Foreign travel	Prior authority from chief executive and for business purposes	Economy class for flights
Hotel accommodation	Business purposes and agreed in advance Value for money and best use of public funds - lower priced suitable accommodation	No explicit limitation on star standard of hotel accommodation
Subsistence (UK and foreign)	Only paid for evening meals and, where applicable, breakfast (not lunch)	Breakfast £10 Dinner £30
Exceptional expenses not falling within any of the other types	Reasonable incurred in carrying out business of the authority	As approved by the chief executive

Chief Executive Approval:

The Commissioner's Chief Executive should subject all of the commissioner's and any deputy's claims for expenses to rigorous verification and auditing.

Any claims for exceptional expenses incurred by the commissioner or deputy in the exercise of the commissioner's functions will require the approval of the commissioner's chief executive. Where possible, prior approval will be sought. In considering whether to grant this approval the chief executive shall take into account the following factors:

- a. whether there are exceptional circumstances warranting additional support
- b. whether the Commissioner could reasonably have been expected to take any action to avoid the circumstances which gave rise to the expenditure or liability
- c. whether the Commissioner's performance of their Commissioner functions will be significantly impaired by a refusal of the claim

Publishing allowances

Under paragraph 1(d) of the Schedule to the Elected Local Policing Bodies (Specified Information) Order 2011, PCCs are required to publish the allowances paid to them and to their deputies in respect of expenses incurred by the commissioner or deputy in the exercise of the commissioner's functions.

PCCs and their deputies should publish a breakdown of their expenses including:

- their name, force area, financial year, month, date, claim reference numbers, expense type (e.g. travel, accommodation), short description, details, amount claimed, amount reimbursed, amount not reimbursed, and the reason why a claim was not reimbursed
- for travel and subsistence claims: date, place of origin, place of destination, category of journey, class of travel, mileage, length of hotel stay, category of hotel stay.

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