

REPORT TO SOUTH YORKSHIRE POLICE AND CRIME PANEL

1.	Meeting:	Police and Crime Panel
2.	Date:	28 th January 2013
3.	Title:	Proposed appointment of the Deputy Police and Crime Commissioner for South Yorkshire
4.	Organisation:	Office of the Police and Crime Commissioner for South Yorkshire

5. Summary

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.

Under Schedule 1, paragraph 9, of the Act, the Police and Crime Commissioner must notify the Police and Crime Panel ('the Panel') of his proposed appointment to the post of 'Deputy Police and Crime Commissioner'.

The Commissioner must also notify the Panel of the following information:

- a) The name of the person he is proposing to appoint;
- b) The criteria used to assess the suitability of the candidate for the appointment;
- c) Why the candidate satisfies those criteria; and
- d) The terms and conditions on which the candidate is to be appointed.

Under paragraph 10 of Schedule 1, the Panel must review the proposed appointment and make a report to the Commissioner on the proposed appointment, including a recommendation to the Commissioner as to whether or not the candidate should be appointed, within a period of three weeks beginning with the day on which the Panel receives notification from the Commissioner of the proposed appointment.

The Commissioner must notify the Panel of the decision whether to accept or reject the recommendation of the Panel.

6. Recommendation

It is recommended that the Police and Crime Panel approves the proposed appointment of Mrs Tracey Cheetham as Deputy Police and Crime Commissioner for South Yorkshire

7. Proposals and details

7.1 Name of the Candidate:

The name of the Person the Police and Crime Commissioner is proposing to appoint to the post of Deputy Police and Crime Commissioner for South Yorkshire is Mrs Tracey Cheetham.

7.2 Criteria used to assess the suitability of the candidate for the appointment:

- a) Educated to degree level or equivalent professional/specialised qualification or have experience, which demonstrates intellectual capacity to operate within a complex role.
- b) An in-depth understanding of local, regional and central government, and the legislative and political framework in which they operate.
- c) Well-developed influencing and negotiation skills.
- d) Ability to work collaboratively in enhancing collaborative working.
- e) Substantial experience of working across different agencies.
- f) Sound experience of working with diverse communities and working to secure improved outcomes for local people.
- g) Excellent personal skills.
- h) Ability to secure credibility, respect and recognition from peers and stakeholders.
- i) Shares the Police and Crime Commissioner's aspirations, values and commitment for being the voice of local people to make their area safer.

The Police and Crime Commissioner is satisfied that Mrs Tracey Cheetham, who is the Constituency Manager for MP, Dan Jarvis and a local Councillor currently, has suitable experience and understanding of the community of South Yorkshire and the role to which it is proposed she is appointed.

7.3 Terms and Conditions of Appointment:

The Deputy Police and Crime Commissioner will be a member of staff of the Office of the Police and Crime Commissioner. A copy of the Terms and Conditions are attached.

The appointment is full time and is not politically restricted. The term of employment can be terminated with 1 months' notice by either party but will terminate in any event of the Commissioner leaving or being removed from office or when the current term of office of the appointing Police and Crime Commissioner ends (ie the sixth day after the day of the poll at the next ordinary election in 2016).

8. Finance

The salary for the role of Deputy PCC is £45,000 which takes account of time allowed for elected member duties.

The salary and on-costs can be contained within existing budgetary provision.

9. Risks and Uncertainties

9.1 Equalities and Human Rights Considerations

Although the Deputy Police and Crime Commissioner is a member of the Commissioner's staff (s18(10) of the Act), under paragraph 8(4) of Schedule 1 of the Act, the appointment is exempt from the requirement of Section 7 of the Local Government and Housing Act 1989, that all staff appointments should be made on merit. There is therefore no requirement for the open recruitment process that would normally apply when recruiting staff to the Commissioner's office.

Nevertheless, in carrying out his functions, the Deputy Police and Crime Commissioner will need to have due regard to the provisions of the Equality Act 2010 and, in particular, to the general equality duty, the broad purpose of which is to integrate consideration of equality and good relations into day to day business and for consideration to be given to how public bodies can positively contribute to the advancement of equality and good community relations.

9.2 Risk

There are no particular risks arising as a result of this proposal.

9.3 Public Interest

This document will be made available to the public.

10. Background Papers and Consultation

Appendix A Disqualification Criteria

Appendix B Declaration

Appendix C Summary of Terms and Conditions

Appendix D Statutory Role, Responsibilities of the PCC

Appendix E Expenses

Appendix F CV of proposed candidate – to be circulated at the meeting

11. Contact

Name: Erika Redfearn

Position: Interim Chief Executive

Organisation: Office of the Police & Crime Commissioner

Contact number and email address: 01226 772863; eredfearn@syjs.gov.uk

**DEPUTY POLICE AND CRIME COMMISSIONER
– DISQUALIFICATION CRITERIA**

Extracts from the Police Reform and Social Responsibility Act 2011

S8 The Deputy Police and Crime Commissioner

Relevant extracts from paragraph 8, Schedule 1, of the Police Reform and Social Responsibility Act 2011

- 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)

S65 Disqualification from election or holding office as police and crime commissioner: police grounds

Relevant extracts from Section 65(1) of the Police Reform and Social Responsibility Act 2011

- 65 (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 a member of staff, of-
 - (i) the British Transport Police;
 - (ii) the Civil Nuclear Police Authority;
 - (iii) the Independent Police Complaints Commission;
 - (iv) the Serious 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) anybody 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).

S66 Disqualification from election or holding office as police and crime commissioner: other grounds

Relevant extracts from Section 66 of the Police Reform and Social Responsibility Act 2011

- 66 (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).

S68 Citizenship condition

Relevant extract from Section 68 Police Reform and Social Responsibility Act 2011

- 68 (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.

The Police and Crime Commissioner for South Yorkshire

**Declaration by proposed appointee to the office of
Deputy Police and Crime Commissioner for South Yorkshire**

I, **Tracey Cheetham** of Barnsley, declare that I am aware of the provisions of the Police Reform and Social Responsibility Act 2011 and to the best of my knowledge and belief I am eligible for appointment as Deputy Police and Crime Commissioner for South Yorkshire and I am not subject to a relevant disqualification.

I acknowledge that I hold office subject to the requirements of paragraph 8 of Schedule 1 of the Police Reform and Social Responsibility Act 2011.

Signed.....

Witnessed.....

Dated:.....

Deputy Police and Crime Commissioner for South Yorkshire

Summary of Terms and Conditions of Appointment (draft)

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 police and crime commissioner’s (PCC) 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. However, this post is **not** a “politically restricted” post within the terms of the Local Government and Housing Act 1989 and Local Government (Political Restrictions) Regulations 1990.

As this post represents a new statutory role, the delegated functional responsibilities of the post and associated terms and conditions will be subject to review at the discretion of the PCC.

Notwithstanding the above, the main terms and conditions of appointment are:-

1. Job Title – ‘Deputy Police and Crime Commissioner’ (DPCC).
2. Responsibilities – the purpose and role of the DPCC are to support and deputise for the PCC, whose statutory duties and responsibilities are set out in the Act (a summary of the statutory responsibilities and functions of the PCC and the permissible delegation of functions by a PCC to a DPCC is provided at Appendix D). You should also have regard to guidance issued from time to time by Government and relevant national bodies. The specific role and responsibilities of the DPCC for South Yorkshire will be reviewed at the discretion of the PCC.
3. Eligibility - the DPCC will be required as a condition of employment 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 disqualification.
4. Date of Commencement of Employment and Length of contract - this appointment is for a period co terminus with the term of office of the Police and Crime Commissioner and the commencement date of the DPCC will be subject to the Police and Crime Panel confirmation hearing process (details to be agreed with the PCC subject to his receipt of the report and recommendations of the Police and Crime Panel).
5. Hours of Work and Salary – the DPCC will be appointed to work 37 hours per week (i.e. full time). The nature of the post and role will require that these hours of working by the DPCC will be flexible, with provision for attendance on days and at times reasonably required by the PCC which will involve work outside of normal office hours.

Remuneration – the salary for the role of Deputy PCC is £45,000 which takes account of time allowed for elected member duties. The salary is effective from the

date of appointment. There will be no entitlement to overtime payments. Payment will be made at monthly intervals by bank credit transfer.

6. 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 (a copy of the relevant extracts from the Home Secretary’s ‘Determination on Police and Crime Commissioner Expenses’ is attached at Appendix 2 to this Annex).
7. Holiday entitlement – All proposed leave must be arranged and agreed with the PCC before it is taken and appropriate documentation completed. Every effort will be made to accommodate your wishes on the timing of annual leave; however, there may be occasions when requests cannot be met due to the requirements of the PCC.
8. Sickness absence – payment for sickness absence will be paid in accordance with the OPCC’s terms and conditions.
9. Pension – you are entitled to join the Local Government Pension Scheme (LGPS).
10. Termination of Contract of Employment by Employer – the appointment as DPCC may be terminated at any time by the PCC. You are entitled to a minimum period of one months’ notice of termination of your contract of employment. These notice rights do not affect the PCC’s right to terminate your employment summarily without pay in lieu of notice in cases of gross misconduct. Your contract of employment will terminate in any event upon the PCC ceasing to hold office for any reason, whichever event is the sooner, including reaching the end of the term of office under which the appointment is made. The appointment will end if the appointee becomes disqualified under the Act.
11. Termination of Contract of Employment by Employee – you may terminate your employment by giving the PCC one months’ notice. If you fail to give and serve the prescribed notice period for termination of your employment, the PCC may deduct a sum for that period of notice not served from any outstanding amount due to him/her.
12. 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.
13. Performance Review and Appraisal – the PCC will conduct the performance review and appraisal of the DPCC (in a form and frequency as appropriate to be determined by the PCC).
14. Official Secrets Act – the post of DPCC and appointed post-holder will be subject to the Official Secrets Act 1989.

Summary of the Statutory Role, Responsibilities and Functions of the Police and Crime Commissioner (PCC) and the permissible delegation of functions by a PCC to a Deputy Police and Crime Commissioner (DPCC)

PCC FUNCTIONAL RESPONSIBILITY	PR&SR Act 2011	Permissible Delegation of PCC function to DPCC	
	Reference to Section of Act	Permissible (at discretion of PCC)	Non-Permissible (s18(3)(b))
Policing			
Secure the maintenance of an efficient and effective police force for that area	s1(6)	√	
Strategic Planning			
Issue a Police and Crime Plan	s5		X
Review the Police and Crime Plan	s5(9)	√	
Holding the Chief Constable (CC) to account for:			
<ul style="list-style-type: none"> The exercise of the functions of the CC, and of persons under the direction and control of the CC 	s1(7)	√	
<ul style="list-style-type: none"> The exercise of the duty to have regard to the Police and Crime Plan 	s1(8)(a)	√	
<ul style="list-style-type: none"> The exercise of the duty to have regard to the Strategic Policing Requirement 	s1(8)(b)	√	
<ul style="list-style-type: none"> The exercise of the duty to have regard to codes of practice issued by the Secretary of State 	s1(8)(c)	√	
<ul style="list-style-type: none"> The effectiveness and efficiency of the CC's arrangements for co-operating with other persons 	s1(8)(d)	√	
<ul style="list-style-type: none"> The effectiveness and efficiency of the CC's arrangements for engagement with local people 	s1(8)(e)	√	
<ul style="list-style-type: none"> The extent to which the CC achieves value for money 	s1(8)(f)	√	
<ul style="list-style-type: none"> The exercise of duties relating to equality and diversity 	s1(8)(g)	√	
<ul style="list-style-type: none"> The exercise of duties in relation to the safeguarding of children and the promotion of child welfare 	s1(8)(g)	√	

PCC FUNCTIONAL RESPONSIBILITY	PR&SR Act 2011	Permissible Delegation of PCC function to DPCC	
	Reference to Section of Act	Permissible (at discretion of PCC)	Non-Permissible (s18(3)(b))
Partnership Working			
May make a crime and disorder reduction grant to any person	s9(1)	√	
Must have regard to the relevant priorities of each responsible authority	s10(1)	√	
Must act in co-operation with responsible authorities	s10(2)	√	
Must make arrangements with criminal justice agencies for the exercise of functions so as to provide an efficient and effective criminal justice system for the area	s10(3)	√	
Must keep under consideration the ways in which the collaboration functions could be exercised to improve the efficiency and effectiveness of the policing body and/or the Force, or one or more other policing bodies and forces	s89(2)	√	
Enter into collaboration arrangements	s89 & Schedule 12	√	
Keep collaboration agreements under review	s89 & Schedule 12	√	
Provide advice and assistance to a body outside the UK	Schedule 16, para. 25	√	
People			
Appointment, suspension and removal of the CC	s38		X
Appointment of a chief executive and chief finance officer	Schedule 1	√	
Appointment of Deputy Police and Crime Commissioner	s18(1)		X
Appointment of other staff as appropriate	Schedule 1, para. 6(3)	√	
Information and Engagement			
Publish specified information for the public in the time or manner specified	s11	√	
Produce an Annual Report	s12	√	
Provide the Police and Crime Panel	s13	√	

PCC FUNCTIONAL RESPONSIBILITY	PR&SR Act 2011	Permissible Delegation of PCC function to DPCC	
	Reference to Section of Act	Permissible (at discretion of PCC)	Non-Permissible (s18(3)(b))
with any information which the Panel may reasonably require			
Make arrangements for obtaining:	s14		
• The views of people about matters concerning the policing of the area		√	
• The views of victims of crime about matters concerning the policing of that area		√	
• The views of:			
(a) The people in that area		√	
(b) The relevant ratepayers' representatives		√	
on the proposals of the PCC for expenditure before the first precept for a financial year is issued by the a PCC			
Finance			
Enter into agreements for the supply of goods and services	s15	√	
Keep a Police Fund	s21	√	
Receive grants for police purposes	s24	√	
Receive grants for capital expenditure	s25	√	
Receive national security grants	s25	√	
Receive grants from local authorities	s25	√	
Accept gifts or loans	s25	√	
Borrow monies	s25	√	
Issue a precept	s26		X
Receive emergency financial assistance	s27	√	
Do anything calculated to facilitate the exercise of the PCC's functions, including:	Schedule 1, para. 14	√	
• Entering into contracts and other agreements		√	
• Acquiring and disposing of property (including land)		√	
• Borrowing money		√	

**Secretary of State for Home Department's
Determination on Police and Crime Commissioner Expenses**

Relevant Extracts concerning Authorisation and Disclosure of Allowances Paid

7. Under paragraph 1(d) of the Schedule to the Elected Local Policing Bodies (Specified Information) Order 2011, Police and Crime Commissioners 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.
8. Police and Crime Commissioners 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.