



**OFFICE OF THE POLICE & CRIME
COMMISSIONER FOR THAMES VALLEY**

**THAMES VALLEY POLICE AND CRIME PANEL
CONFIRMATION HEARING
16th December 2016**

PROPOSED APPOINTMENT OF A DEPUTY POLICE AND CRIME COMMISSIONER

Executive 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 (PCC) must notify the Police and Crime Panel ("the Panel") of his proposed appointment to the post of 'Deputy Police and Crime Commissioner'.

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

- a) The name of the person whom the commissioner is proposing to appoint ("the candidate")
- b) The criteria used to assess the suitability of the candidate for the appointment
- c) Why the candidate satisfies those criteria
- 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.

Decision

That **MR. MATTHEW BARBER** be proposed to the Police and Crime Panel as my candidate for appointment to the post of Deputy Police and Crime Commissioner for Thames Valley.

Police and Crime Commissioner

Signature

Date

PART 1 – NON-CONFIDENTIAL

1. Introduction and background

- 1.1. The Police Reform and Social Responsibility Act 2011 (“the Act”) provides, under section 18(1), that the Police and Crime Commissioner (PCC) for a police area may appoint a person as the deputy police and crime commissioner (DPCC) for that area.
- 1.2. Making use of the power in section 18(1) I propose to appoint Mr. Matthew Barber to the post of DPCC for Thames Valley.
- 1.3. Mr. Barber has declared that he is aware of the provisions of the Act as regards eligibility to be appointed. Attached at Annex A are the relevant extracts from the Act concerning disqualification of a person from appointment to the post of DPCC which have been provided to Mr Barber.
- 1.4. Mr. Barber has declared that to the best of his knowledge and belief he is eligible for appointment and is not subject to a relevant disqualification as set out in Annex A (Candidate’s declaration attached at Annex B).
- 1.5. Under section 18(10) of the Act the DPCC is a member of my staff and is therefore subject to a contract of employment which sets out the terms and conditions of the appointment.
- 1.6. The Panel is required to review the proposed appointment and make a report to me on the proposal, including a recommendation as to whether or not the candidate should be appointed. I will consider the report when issued and decide whether to accept or reject the Panel’s recommendation on Mr. Barber’s proposed appointment. Until the conclusion of this process, Mr. Barber remains the proposed candidate for the appointment.

2. Issues for consideration

- 2.1. A PCC must also notify the Panel of the following information in support of any proposed appointment of a DPCC:
 - a) The name of the person whom the commissioner is proposing to appoint (“the candidate”)
 - b) The criteria used to assess the suitability of the candidate for the appointment
 - c) Why the candidate satisfies those criteria
 - d) The terms and conditions on which the candidate is to be appointed.

This information is set out below.

2.2 Name of the Candidate

The name of the person I am proposing to appoint to the post of Deputy PCC for the Thames Valley is Mr. Matthew Barber.

2.3 Criteria used to assess the suitability of the candidate for the appointment

The criteria I have used to determine my nomination are:

- a) Experience and understanding of the public sector and of governance and accountability structures.
- b) Understanding of, and engagement with, community groups.
- c) Experience of community campaigning and advocacy.
- d) Shared values in respect of the role and purpose of the police service and its accountability to the communities it serves.
- e) Ability to complement my own experience and skills, as well as background socio/demographic/geographical knowledge of communities across the Thames Valley.
- f) Experience and understanding of the local government community and of public sector procurement.

2.4 Why the candidate satisfies those criteria

Mr. Barber:

- a) Is an experienced and effective councillor, being the Leader of White Horse District Council and, therefore, has extensive experience of engaging with, and acting as the advocate of, the communities he serves.
- b) Shares my values and respects the tradition of non-politicised British policing as well as my view that the primary role of the police service and the Commissioner acting on behalf of the public is to cut crime and improve crime detection rates.
- c) Has background knowledge and experience as a councillor which will inform my understanding of the service needs of our local communities and, in particular, the balance required between urban and rural communities in general across the Thames Valley.
- d) Has experience in local government strategic service planning, particularly around outsourced services and delivering shared services.

2.5 The terms and conditions on which the candidate is to be appointed

A summary of the draft outline terms and conditions relating to the proposed appointment to the post of Deputy Police and Crime Commissioner for the Thames Valley are attached at Annex C. In brief, this proposal is for a part-time appointment (average 22.2 hours per week, i.e. 0.6 full-time equivalent post) at a pro-rata salary of £45,000 per annum (which equates to a full-time equivalent salary of £75,000 per annum).

3. Financial comments

- 3.1 The salary and employer oncosts can be contained within existing budgetary provisions.

4. Legal comments

- 4.1. The power and process by which a PCC may appoint a Deputy Police and Crime Commissioner for his police area is provided by The Police Reform and Social Responsibility Act 2011 (section 18(1), and Schedule 1, paragraphs 8 to 12 (inclusive)).

- 4.2. Under Schedule 1, paragraph 8(3), the terms and conditions of a person who is appointed as the DPCC must provide for the appointment to end not later than the day when the current term of office of the appointing PCC ends (i.e. 13th May 2020).
- 4.3. Although the DPCC is a member of the PCC's staff (s18(10) of the Act), under paragraph 8(4) of Schedule 1 of the Act the appointment of a DPCC 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 PCC's office.

5. Background papers

The Police Reform and Social Responsibility Act 2011

<p>Public Access to Information</p> <p>Information in this form is subject to the Freedom of Information Act 2000 (FOIA) and other legislation.</p> <p>Part 1 of this form will be made available on the website within 1 working day of approval. Any facts and advice that should not be automatically available on request should not be included in Part 1 but instead on a separate Part 2 form.</p> <p>Deferment of publication is only applicable where release before that date would compromise the implementation of the decision being approved.</p>
<p>Is the publication of this form to be deferred? No</p> <p>If yes, for what reason?</p> <p>Until what date?</p>
<p>Is there a Part 2 form? No</p>

Name & Role	Officer
<p>Head of Unit I have reviewed this document and am satisfied that it has been produced in accordance with published guidance</p>	PCC Chief Executive
<p>Legal Advice The proposals in this document are in accordance with the relevant legislative requirements</p>	OPCC Governance Manager
<p>Financial Advice This appointment can be accommodated within existing budgetary provisions</p>	PCC Chief Finance Officer
<p>Equalities & Diversity No specific implications arising</p>	PCC Chief Executive

PCC CHIEF OFFICERS' APPROVAL

We have been consulted about the proposal and confirm that financial and legal advice has been taken into account in the preparation of this report.

We are satisfied that this proposal represents an appropriate decision to be taken by the Police and Crime Commissioner for submission to the Police and Crime Panel for consideration and endorsement.

Paul Hammond
Chief Executive

Date 02 December 2016

Ian Thompson
Chief Finance Officer

Date 02 December 2016

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

Extracts from the Police Reform and Social Responsibility Act 2011

Schedule 1, paragraph 8: The Deputy Police and Crime Commissioner

Relevant extracts from Schedule 1, paragraph 8 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;
 - 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 Authority;
 - (ii) the Civil Nuclear Police Authority;
 - (iii) the Independent Police Complaints Commission;
 - (iv) the Serious Organised Crime 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).

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 the Thames Valley

**Declaration by proposed appointee to the office of
Deputy Police and Crime Commissioner for the Thames Valley**

I, MATTHEW BARBER

of

Orchard View, Church Street, West Hanney, WANTAGE, Oxfordshire OX12 0LW

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 Thames Valley 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

Name

Dated:

Deputy Police and Crime Commissioner for the Thames Valley

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.

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 to a DPCC is provided at Appendix 1 to this Annex). 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 the Thames Valley 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 - the commencement date of the DPCC will be subject to the Police and Crime Panel confirmation hearing process; accordingly, this appointment is for an indicative period of 3 years and 5 months but in any event the contract of employment will end no later than Wednesday, 13th May 2020, i.e. the end of the current appointing PCC’s tenure in office (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 – the DPCC will be appointed to work, on average, 22.2 hours per week (which equates to 0.6 of a full-time equivalent post). 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.

6. Remuneration – the DPCC will be paid at the rate of £45,000 per annum (which equates to a full-time equivalent salary of £75,000 per annum), effective from the date of appointment. No overtime will be paid. Salary reviews will be in line with those made to the PCC's salary which is set by the Home Secretary. You will be paid in arrears at monthly intervals by bank direct transfer.
7. Allowances – travelling and subsistence allowance will be paid at the rates applicable to the PCC's staff. Allowances paid will be disclosed quarterly.
8. Holiday entitlement – All holiday leave is calculated in hours. The DPCC will be entitled to 133.2 hours per annum (18 days per annum equivalent) annual leave pro rata (proportionate to the number of completed calendar months of service during the standard leave year – represented by the period 1st January – 31st December – with one twelfth of annual leave entitlement for each completed month of service). In addition, you are entitled to receive your standard remuneration for all Bank and Public holidays normally observed in England and Wales (usually 8 days in any year). 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.
9. Sickness absence – statutory sick pay (SSP) is payable from the fourth qualifying day in any period of incapacity for work.
10. Pension – you are entitled to join the Local Government Pension Scheme (LGPS) as operated by Buckinghamshire County Council on behalf of the OPCC.
11. 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 12 weeks' 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 upon:
 - a. the completion of the stipulated contract period (including agreed extensions as appropriate)
 - b. in any event not later than the day when the current appointing PCC's normal tenure in office ends (i.e. 13th May 2020), or
 - c. in the event of the current appointing PCC leaving office mid-term (for whatever reason, including if the appointee becomes disqualified under the Act), when, following an election to fill a vacancy in the office of the PCC, the person elected makes and delivers a declaration of acceptance of office,whichever of these events is the sooner.
12. Termination of Contract of Employment by Employee – you may terminate your employment by giving the PCC 12 weeks' 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.

13. 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.
14. Performance Review and Appraisal – the PCC may conduct a performance review and appraisal of the DPCC (in a form and frequency as appropriate to be determined by the PCC).
15. Official Secrets Act – the post of DPCC and appointed post-holder will be subject to the Official Secrets Act 1989.

Appendix 1

Summary of the Statutory Responsibilities and Functions of the 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 Reference to Section of Act (or other legislation as necessary)	Permissible Delegation of PCC function to DPCC?	
		Permissible (at discretion of PCC)	Non-Permissible (s18(3)(b) PR&SR Act)
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)	√	

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 with any information which the Panel may reasonably require	s13	√	
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		√	
Commissioning			
Victim support services	Anti-Social Behaviour, Crime and Policing Act 2014	√	
Restorative justice services	---- do ----	√	