

Lancashire Police and Crime Panel

Monday, 17th December, 2012 at 10.00 am in Cabinet Room 'C' - County Hall, Preston

Agenda

Part 1 (Open to Press and Public)

No. Item

1. Apologies

2. Minutes of the Last Meeting (Pages 1 - 6)

3. Briefing on the Police and Crime Plan (Pages 7 - 10)

Police and Crime Commissioner and the Chief Executive of the Office of the Police and Crime Commissioner to attend the meeting and give a presentation on the Plan.

4. Briefing in respect of the budget/precept process. (Pages 11 - 14)

Police and Crime Commissioner and the PCC Chief Finance Officer to attend the meeting and give a presentation.

5. Confirmation hearing in respect of the appointment of a Deputy Police and Crime Commissioner for Lancashire. (Pages 15 - 36)

6. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Secretary to the Panel should be given advance warning of any Member's intention to raise a matter under this heading.

7. Date of Next Meeting

The next scheduled meeting of the Police and Crime Panel will be held at 10.00am on the 29th January 2013 in Meeting Room 'A' at the Town Hall, Blackburn.

I M Fisher
Secretary to the Police and Crime Panel

County Hall
Preston

Lancashire Police and Crime Panel

Minutes of the Meeting held on Monday, 26th November, 2012 at 10.00 am in Conference Room 1, Town Hall, Blackburn

Present:

Chair

Councillor K Hollern (Blackburn with Darwen Borough Council)

Committee Members

Councillor A Barnes, Rossendale Borough Council
Councillor P Barton, Hyndburn Borough Council
Councillor J Cooper, Burnley Borough Council
County Councillor G Driver, Lancashire County Council
Councillor M Foxley, Pendle Borough Council
Councillor P Gibson, Wyre Borough Council
Councillor I Grant, West Lancs Borough Council
Councillor L Oades, Fylde Borough Council
Councillor P Rankin, Preston City Council
Councillor M Ranson, Ribble Valley Borough Council
Councillor M Smith, South Ribble Borough Council
Councillor M Thomas, Lancaster City Council
Mr S Vali, Independent Co-opted member

Also in attendance

- Ian Fisher, County Secretary and Solicitor - Lancashire County Council
- Roy Jones, Assistant County Secretary - Lancashire County Council
- Mike Neville, Senior Committee Support Officer - Lancashire County Council
- Mr C Grunshaw, Police and Crime Commissioner for Lancashire
- Miranda Carruthers-Watt, Chief Executive – Office of the Police and Crime Commissioner.

1. Apologies

Apologies for absence were presented on behalf of Councillor T Kennedy (Burnley) and Mr P Richardson, independent co-opted member and received from Councillor P Wilson (Chorley).

2. Minutes of the last meeting.

Resolved: that the Minutes of the meeting held on the 1st October 2012 be confirmed as an accurate record and signed by the Chair.

3. Update on the Constitution of the Police and Crime Panel

It was reported that since the last meeting the Director General (Crime and Policing Group) at the Home Office had written to the Chief Executive of the County Council to confirm that the Home Secretary had formally approved the co-option of the three

additional elected representatives to the Panel. The Panel was therefore fully constituted with 20 members each having full voting rights.

It was also noted that Burnley Borough Council had confirmed that Councillor T Kennedy had replaced Councillor Mottershead on the Panel.

Resolved:

1. That the confirmation of the appointment of an additional three elected representatives by the Home Secretary be noted.
2. That it be noted that following the confirmation specified in 1 above the Police and Crime Panel for Lancashire is now fully constituted on the basis of 18 elected representatives and 2 independent co-opted members, all of whom have full voting rights.

4. Programme of Meetings

It was reported that in accordance with the decision of the Panel at the last meeting further consideration had been given to the start time of meetings with a view to some being held in the evenings and a revised programme of meetings was presented. In considering the report the Panel noted that two meetings would be held in the evening. It was suggested that consideration be given to some future meetings of the Panel also being held at the Town Hall in Blackpool

Resolved: That the future meetings of the Panel be held as follows.

- 17th December 2012 - 10.00am, in Cabinet Room 'C', County Hall Preston.
- 29th January 2013 - 10.00am, in Meeting Room 'A' at Blackburn Town Hall
- 12th February 2013 - 6.30pm, in Cabinet Room 'C', County Hall, Preston.
- 13th March 2013 - 10.00am in Meeting Room 'A' at Blackburn Town Hall.
- 8th July 2013 - 6.30pm in Cabinet Room 'D' at County Hall, Preston.

5. Police and Crime Commissioner

The Chair welcomed the newly elected Police and Crime Commissioner for Lancashire, Mr C Grunshaw, to the meeting.

The Chair expressed the Panel's intention to carry out its scrutiny role and work in partnership with the Commissioner and her hope that collectively they would ensure that they achieved the best for the people of Lancashire.

Mr Grunshaw addressed the meeting with regard to his role and priorities as Commissioner and reported that his priorities were as follows.

- Maintaining a visible policing presence.
- Protecting neighbourhood policing.
- Prioritising antisocial behaviour, domestic violence and child sexual exploitation.
- Championing the rights of victims, and
- Reducing reoffending.

He recognised that Lancashire Constabulary was a top performing force with a reputation for delivering excellent neighbourhood policing, with year on year crime reductions and there was a history of partnership working in Lancashire. He also acknowledged that the members of the Panel had extensive knowledge and experience from the different communities across Lancashire and hoped that the Panel would act as a critical friend, providing constructive challenge and support in order that he could provide strong leadership and a focus for crime reduction and community safety.

Mr Grunshaw also took the opportunity to announce his intention to appoint Mr I Master as Deputy Police and Crime Commissioner (DPCC) who he felt had relevant experience as a member of the former Lancashire Police Authority and from his work with local communities. The appointment of a DPCC was discussed and the Panel noted that the appointment would be subject to a formal confirmation hearing in accordance with the process set out in the next item on the agenda.

With regard to a question about community policing Mr Grunshaw acknowledged that the public liked Police and Crime Support Officers (PCSOs) who were a useful source of intelligence to the Police. He expressed the intention to maintain funding for PCSOs though he recognised that some posts were jointly funded with local authorities and would require an ongoing commitment from partners.

Resolved:

1. That the appointment of Mr C Grunshaw as the Police and Crime Commissioner for Lancashire be noted.
2. That the intention to appoint Mr I Master as Deputy Police and Crime Commissioner be noted and, subject to the receipt of formal notification, consideration be given to the holding of a confirmation hearing as set out in the next item on the agenda.

6. Procedure for dealing with Confirmation Hearings.

In view of the announcement by the Police and Crime Commissioner under the previous item regarding his intention to appoint a Deputy, the Panel agreed that a confirmation hearing should be held at the next scheduled meeting on the basis set out in the report.

Resolved: That, subject to the receipt of formal notification from the Police and Crime Commissioner of his intention to appoint Mr I Master as the Deputy Police and Crime Commissioner for Lancashire, arrangements be made for a confirmation hearing to be held at the next scheduled meeting of the Panel on the 17th December 2012.

7. Procedure for dealing with Complaints about the Police and Crime Commissioner

A report was presented regarding various options as to how the Panel could fulfil its statutory duty for the handling of complaints against the Police and Crime Commissioner and the Deputy Police and Crime Commissioner, once appointed.

When considering the options it was noted that that it was possible to delegate the initial handling of complaints to the Commissioner's Chief Executive. However, in the interests of transparency and in order to maintain the integrity of the Panel there was general

agreement that the initial handling of complaints should be undertaken by the Secretary to the Panel in his role as the Monitoring Officer of the host authority. This option had only very recently been made permissible under Government Regulations.

In order to facilitate the timely consideration of any matters referred to the Panel it was also agreed that a Sub Committee should be established with delegated powers to undertake the resolution of complaints. It was noted that in accordance with the Regulations, any matter being handled in accordance with Part 4 may be remitted at any time to the Panel as a whole (whether at the request of the Sub Committee, the complainant or the person complained against, or otherwise) if the Panel is of the opinion that this will lead to a more satisfactory resolution of the complaint.

The Panel noted that in the absence of any provision in legislation or guidance regarding who should handle a complaint made against the Panel itself the position on this would be reviewed when such provision is made. In the meantime each member of the Panel would be subject to their respective appointing Authority's Codes of Conduct and the 2 independent co-opted members of the Panel would adopt the Code of Conduct of the host authority.

Resolved:

1. That the Secretary to the Panel be responsible for the initial handling and administration of complaints against the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.
2. That a Complaints Sub Committee, on the basis of 5 members of the Panel (2 from the labour group, 2 from the conservative group and 1 other member, with names to be nominated to and agreed by the Secretary of the Panel) be established with the following delegated powers and duties to act on the Panel's behalf when considering the informal resolution of complaints:
 - a) To consider any complaint referred to the Panel by the Secretary to the Panel in accordance with Part 4 of the Complaints Regulations relating to informal resolution.
 - b) To consider complaints which appear to relate to the conduct of the Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC) where the Secretary of the Panel considers that either there is an actual or perceived, conflict of interest or possible negative public perception in respect of him taking the decision whether to record a Complaint or Conduct Matter, or in respect of him, identifying a Serious Complaint for subsequent referral to the Independent Police Complaints Commission (IPCC).
 - c) To consider any matters referred back to the Panel by the IPCC (including a Serious Complaint that has been referred to the IPCC and then referred back to the Panel);
 - d) That meetings of the Sub Committee be convened by the Secretary to the Panel, in consultation with the Chair of the Panel as and when required.

3. That the Secretary to the Panel be responsible for the monitoring of complaints in order to ensure that complaints are considered in an appropriate manner and to provide regular updates to the Panel regarding the findings.
4. That the arrangements adopted by the Panel for the handling and resolution of complaints be reviewed after 6 months' operation and a report on the findings presented to the Panel in July 2013
5. That the Secretary to the Panel identifies a contact point for the Independent Police Complaints Commission.
6. That the 2 independent co-opted members of the Panel adopt the Code of Conduct of the County Council.

8. The Scrutiny Function of the PCP

A report was present regarding recently published guidance from the Centre for Public Scrutiny and the Local Government Association in relation to the scrutiny function of the Panel. It was noted that the guidance would be a useful source of reference as the Panel developed its scrutiny role in the future.

Resolved: That the guidance in relation to the scrutiny role of the Panel be noted.

9. Urgent Business

There were no items of urgent business for discussion at the meeting.

10. Date of Next Meeting

It was noted that the next scheduled meeting would be held at 10.00am in Cabinet Room 'C' at County Hall, Preston.

Ian Fisher
Secretary to the Police and Crime Panel

Lancashire County Council
County Hall
Preston



BRIEFING ON THE POLICE AND CRIME COMMISSIONER'S POLICE AND CRIME PLAN

Legislative Context

Under the Police Reform and Social Responsibility Act 2011, the Police and Crime Commissioner must issue a Police and Crime Plan. The key provisions from the Act relating to the Plan are set out below. (In the Act, the police and crime commissioner is sometimes referred to as the elected local policing body.)

Section 5

- (1) The police and crime commissioner for a police area must issue a police and crime plan within the financial year in which each ordinary election is held.
- (2) A police and crime commissioner must comply with the duty under subsection (1) as soon as practicable after the commissioner takes office.
- (3) A police and crime commissioner may, at any time, issue a police and crime plan.
- (4) A police and crime commissioner may vary a police and crime plan.
- (5) In issuing or varying a police and crime plan, a police and crime commissioner must have regard to the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996.

(The strategic policing requirement is issued by the Secretary of State for the Home Office and sets out her view on what the national threats are at the time of writing and the appropriate national policing capabilities that are required to counter those threats. The strategic policing requirement supports chief constables and police and crime commissioners to ensure they fulfil forces' national responsibilities, and helps commissioners, in consultation with their chief constable, to plan effectively for policing challenges that go beyond their force boundaries.)

- (6) Before issuing or varying a police and crime plan, a police and crime commissioner must—
 - (a) prepare a draft of the plan or variation,
 - (b) consult the relevant chief constable in preparing the draft plan or variation,
 - (c) send the draft plan or variation to the relevant police and crime panel,
 - (d) have regard to any report or recommendations made by the panel in relation to the draft plan or variation (see section 28(3)),
 - (e) give the panel a response to any such report or recommendations, and
 - (f) publish any such response.

(7) In complying with subsection (6)(c), the police and crime commissioner must ensure that the relevant police and crime panel has a reasonable amount of time to exercise its functions under section 28(3).

(8) A police and crime commissioner must consult the relevant chief constable before issuing or varying a police and crime plan if, and to the extent that, the plan or variation is different from the draft prepared in accordance with subsection (6).

(9) A police and crime commissioner must—

- (a) keep the police and crime plan under review, and
- (b) in particular, review the police and crime plan in the light of—

- (i) any report or recommendations made to the commissioner by the relevant police and crime panel under section 28(4) [section 28 (4) relates to the police and crime commissioner's annual report], and
 - (ii) any changes in the strategic policing requirement issued by the Secretary of State under section 37A of the Police Act 1996; and
- exercise the powers under subsection (3) or (4) accordingly.

(10) A police and crime commissioner who issues or varies a police and crime plan must—

- (a) send a copy of the issued plan, or the variation, to the relevant chief constable and to each of the other persons and bodies that are, for the purposes of section 5 of the Crime and Disorder Act 1998, responsible authorities in relation to local government areas that are wholly or partly within the relevant police area, and
- (b) publish a copy of the issued plan, or the variation.

(11) The duty under subsection (10) to send or publish a copy of the variation may instead be satisfied by sending or publishing a copy of the plan as varied.

(12) It is for the commissioner to determine the manner in which—

(a) a response to a report or recommendations is to be published in accordance with subsection (6)(f), and

(b) a copy of the plan or variation is to be published in accordance with subsection (10)(b).

Section 7

(1) A police and crime plan is a plan which sets out, in relation to the planning period, the following matters—

- (a) the elected local policing body's police and crime objectives;
- (b) the policing of the police area which the chief officer of police is to provide;

- (c) the financial and other resources which the elected local policing body is to provide to the chief officer of police for the chief officer to exercise the functions of chief officer;
 - (d) the means by which the chief officer of police will report to the elected local policing body on the chief officer's provision of policing;
 - (e) the means by which the chief officer of police's performance in providing policing will be measured;
 - (f) the crime and disorder reduction grants which the elected local policing body is to make, and the conditions (if any) to which such grants are to be made.
- (2) The elected local policing body's police and crime objectives are the body's objectives for—
- (a) the policing of the body's area,
 - (b) crime and disorder reduction in that area, and
 - (c) the discharge by the relevant police force of its national or international functions.
- 4) The Secretary of State may give guidance to elected local policing bodies about the matters to be dealt with in police and crime plans.
- (5) An elected local policing body must have regard to such guidance.

The guidance indicates that the Police and Crime Plan must be a 5 year plan.

Section 8

- (1) A police and crime commissioner must, in exercising the functions of commissioner, have regard to the police and crime plan issued by the commissioner.
- (2) The chief constable of the police force for a police area listed in Schedule 1 to the Police Act 1996 must, in exercising the functions of chief constable, have regard to the police and crime plan issued by the police and crime commissioner for that police area.

Section 28

- (3) A police and crime panel must—
 - (a) review the draft police and crime plan, or draft variation, given to the panel by the relevant police and crime commissioner in accordance with section 5(6)(c), and
 - (b) make a report or recommendations on the draft plan or variation to the commissioner.

Development of the Police and Crime for Lancashire - Planned Activity

- Scoping work has been undertaken on the Police and Crime Plan, with a draft outline being considered by the Commissioner earlier this month.
- Development of the Plan is being undertaken jointly between the Police and Crime Commissioner's Office and the Constabulary.
- Supporting and reference documents are being collated including:
 - i. Community Safety Partnership (CSP) Strategic Assessments
 - ii. CSP Partnership Plans
 - iii. County Strategic Assessment
 - iv. Lancashire Criminal Justice Board Strategic Assessment
 - v. Health & Wellbeing draft Strategic Assessment
- Documents such as Strategic Assessments and Delivery Plans from other Boards such as Children's Safeguarding and Lancashire Drug and Alcohol Action Team Partnership will also be taken into account when developing the Plan.
- The proposed timetable for the development of the first Police and Crime Plan is:

Activity

First Draft Plan developed

Commissioner consults with Chief Constable

Partner Consultation Event (details tbc)

Public Consultation Events

Plan refined following consultation

Commissioner consults with Chief Constable

Plan considered by the Police and Crime Panel

Plan refined, if required, following consideration of the report and recommendations made by the Panel.

Commissioner finalises Plan, undertakes final

consultation with Chief Constable and issues the Plan

Timescale

20 December 2012

Early January 2013

Mid January 2013

11-25 January 2013

Early February 2013

Early February 2013

12 February 2013

Mid February 2013

March 2013

Agenda Item 4

Police and Crime Panel – 17th December 2012

Briefing note in relation to item 4 – the budget/precept process (circulated to members of the Panel at the meeting)

Setting the annual precept

Police and Crime Commissioners are established as precepting authorities under the Local Government finance Act 1992. Schedule 5 of the Police Reform and Social responsibility Act sets out the process for issuing a precept and this includes some responsibilities on Police and crime panels. Under the Act;

- PCC's must notify the Police and Crime Panel of the proposed precept;
- the Police and Crime Panel must review the proposed precept and issue a report to the PCC on the proposed precept (this may include recommendations);
- Police and Crime Panels may veto a proposed precept. If they do, they must provide a statement on why they have vetoed it;
- a decision of veto must be agreed by two-thirds of the panel members;
- the PCC must consider the report by the Panel (including any recommendations) and give the panel a response to their report
- the PCC to publish the response.

It is for the panel to determine how a response to a report or recommendations is to be published.

If there is no veto and the PCC has published his response to the panel's report, the PCC may then issue the proposed precept - or a different precept (but only if in accordance with a recommendation in the panel's report to do so).

Timescales

The regulations set out some statutory timescales for all of this to take place;

- the PCC must notify the panel of the proposed precept by **1 February**;
- the panel to review and make a report to the PCC on the proposed precept (whether it vetoes the precept or not) by **8 February**;
- where the panel vetoes the precept, the PCC to have regard to and respond to the Panel's report, and publish his response, including his revised precept, by **15 February**;
- the panel must review the revised precept and issue a second report to the PCC by **22 February**;
- the PCC to have regard to and respond to the Panel's second report and publish his response, by **1 March**.

The Police and Crime Commissioner for Lancashire will be presenting the relevant budget information and proposed precept to the Police and crime Panel at the next meeting on 29 January. The panel has until 8 February to issue a report with a response to the proposed precept.

Panel's report on the proposed precept

If the panel fails to report to the PCC by 8 February the scrutiny process comes to an end, even if the panel have voted to veto the proposed precept, and the PCC may issue the proposed precept.

PCC's response to a veto

Where the panel vetoes the proposed precept, the PCC must have regard to the report made by the panel, give the panel a response to the report and publish the response, by 15 February. In his response, the PCC must notify the panel of the revised precept that he intends to issue.

Where the panel's report:

- indicates that they vetoed the precept because it was too high, the revised precept must be lower than the previously proposed precept.
- indicates that they vetoed the precept because it was too low, the revised precept must be higher than the previously proposed precept.

The PCP may only veto the first proposed precept. Such a veto must be agreed by two-thirds of PCP members (the full membership rather than those present at a meeting). Where a veto occurs, the report to the PCC must include a statement to that effect.

Panel's review of the revised precept

On receipt of a response from the PCC notifying them of the revised precept proposal, the panel must review the revised precept proposal and make a second report to the PCC on the revised precept by 22 February. This report may:

- indicate whether the panel accepts or rejects the revised precept (although rejection does not prevent the PCC from issuing the revised precept); and
- make recommendations, including recommendations on the precept that should be issued.

If the panel fails to make a second report to the PCC by 22 February, the PCC may issue the revised precept.

Issuing the precept

Excluding where the panel fails to report on the proposed precept by 8 February or make a second report on the revised precept by 22 February, the scrutiny process ends when the PCC gives the panel his response to their second report.

The PCC may then:

- issue the revised precept; or
- issue a different precept, although:
 - they must not issue a precept that is higher than the revised precept if the revised precept was lowered following the panel's initial report on the first proposed precept indicating it was vetoed because it was too high;
 - they must not issue a precept which is lower than the revised precept if the revised precept was raised following the panel's initial report on the first proposed precept indicating it was vetoed because it was too low.

Agenda Item 5

Police and Crime Panel

Meeting to be held on 17th December 2012

Confirmation Hearing for the Deputy Police and Crime Commissioner for Lancashire.

(Appendix 'A' Refers)

Contact for information: Roy Jones 01772 5336199, Office of the Chief Executive
roy.jones@lancashire.gov.uk

Executive Summary

This report sets out the arrangements and process for the holding of a confirmation hearing in relation to the appointment of a Deputy Police and Crime Commissioner for Lancashire

Recommendation

The Panel is asked to make a recommendation to the Police and Crime Commissioner (PCC) as to whether or not the candidate for the position of Deputy Police and Crime Commissioner (DPCC) should be appointed.

Background and Advice

Mr C Grunshaw, the newly elected Police and Crime Commissioner for Lancashire attended the Police and Crime Panel on the 26th November 2012 and addressed the meeting with regard to his role and priorities for policing in the future.

At the meeting Mr Grunshaw also informed the Panel of his intention to appoint Mr I Master as the Deputy Police and Crime Commissioner and it was agreed that a confirmation hearing in respect of the appointment would be held at the next scheduled meeting of the Panel on the 17th December 2012.

Process for a confirmation hearing

1. On the 30th November the PCC wrote to the Chair of the PCP to formally give notice of his intention to appoint Mr Master as DPCC. Enclosed with the notification were details of the criteria used to assess his suitability, why the candidate satisfied those criteria, and the terms and conditions on which he is to be appointed. In addition Mr Master has provided a personal statement and a declaration of eligibility for the position of DPCC.

Copies of all the relevant documents are set out in Appendix 'A'.

2. The Panel has until the 21st December 2012 to review the proposed appointment by holding a confirmation hearing and as agreed at the last

meeting such a hearing will be held on the 17th December. The purpose of the confirmation hearing is to enable the candidate to appear before the Panel to answer questions relating to the appointment.

3. The Chair will write to Mr Master to formally invite him to attend the confirmation hearing and will provide him with details regarding the arrangements for the hearing.
4. At the hearing attention will focus on assessing Mr Master's suitability for the role of DPCC as measured against the principles of professional competence (a candidate's ability to carry out the role) and personal independence (the need for the candidate to act in a manner which is operationally independent of the PCC). If this is to be a political appointment to assist the PCC to drive their vision and priorities, consideration of their independence will be different to that of other chief officer appointments. However, the DPCC will need to understand the separation of political and operational responsibilities for policing.
5. Members of the Panel may put questions to Mr Master at the hearing in order to assess whether he:-
 - has relevant knowledge, skills and experience to enable them to carry out that role;
 - has the personal independence to exercise the role as set out in the role profile;
 - has the time and capacity to carry out the position.
6. As soon as possible after the hearing the Panel must make a report and recommendation to the PCC as to whether or not Mr Master should be appointed. The report must be published in a manner which is considered appropriate and the Chair of the Panel will inform the PCC in writing of the Panel's views on Mr Master's suitability for the post and the recommendation as to whether or not he candidate should be appointed.
7. The PCC may choose to accept or reject the Panel's recommendation as to whether or not Mr Master should be appointed and must notify the Panel of his decision, though he is not required to give reasons for the decision.

Legal Implications

These are included in the report.

Financial Implications

There are no direct financial implications arising from the recommendation set out.

Consultations

Report prepared by the Secretariat for the PCP in consultation with officers from the Office of the PCC.

Implications:

This item has the following implications, as indicated:

Risk management

The holding of a confirmation hearing is in accordance with the provisions of the Police and Social Responsibility Act 2011.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Letter and enclosures received from the Police and Crime Commissioner regarding the intention to appoint a DPCC	30 th November 2012	Christine Durber, Lancashire Police Authority 01772 533415

Reason for inclusion in Part II, if appropriate
N/A



Decision No 2012/04

REPORT TO: POLICE AND CRIME COMMISSIONER FOR LANCASHIRE

REPORT BY: DEPUTY CHIEF EXECUTIVE

DATE: 30 NOVEMBER 2012

APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER

Appendix A refers

EXECUTIVE SUMMARY

The report concerns a decision to notify the Police and Crime Panel for Lancashire of the Police and Crime Commissioner's proposed appointment of a Deputy Police and Crime Commissioner for Lancashire.

RECOMMENDATION

That the Commissioner agrees to notify the Police and Crime Panel for Lancashire that he proposes to appoint Mr Ibrahim Master as Deputy Police and Crime Commissioner for Lancashire.

Decision taken by the Police and Crime Commissioner for Lancashire:

Original decision, as set out in the attached report, approved without amendment (please delete as appropriate)	YES	
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Original decision required to be amended and decision as detailed below: N/A
The reasons for the amended decision are as detailed below: N/A

Police and Crime Commissioner: Comments

DECLARATIONS OF INTEREST

The PCC is asked to consider any personal / prejudicial interests he may have to disclose in relation to the matter under consideration in accordance with the law, the Nolan Principles and the Code of Conduct.

STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation.

Signed: Clive Grunshaw

Police and Crime Commissioner

Date: 30 November 2012

Signed: M Carruthers-Watt

Chief Officer:

Date: 30 November 2012

Relates to Decision No 2012/04



Appendix A

THE POLICE AND CRIME COMMISSIONER FOR LANCASHIRE

APPOINTMENT OF DEPUTY AND ASSISTANT POLICE AND CRIME COMMISSIONERS

1. Background and Advice

1.1 Deputy Police and Crime Commissioner

Under Section 18 (1)(a) of the Police Reform and Social Responsibility Act 2011 the Police and Crime Commissioner (Commissioner) for Lancashire may appoint a Deputy Police and Crime Commissioner (Deputy Commissioner) for Lancashire. This is a statutory office that is not politically restricted. The Commissioner may delegate functions to the Deputy Commissioner. The office holder is a member of the Commissioner's staff.

The appointment of Deputy Commissioner is made at the discretion of the Commissioner. Before the Commissioner can appoint a Deputy Commissioner a statutory process must be undertaken. The Commissioner must formally notify the Police and Crime Panel for Lancashire (the Panel) of the proposed appointment. The notification must include the following information (i) the name of the proposed appointee, (ii) the criteria used to assess the suitability of the candidate, (iii) why the candidate satisfies those criteria, and (vi) the terms and conditions on which the candidates is to be appointed.

Within three weeks of receiving the notification, the Panel must review the proposed appointment by holding a public confirmation hearing, which the candidate attends to answer questions about the appointment. The confirmation hearing is scheduled for 17 December 2012. The hearing should focus on assessing the suitability of the candidate for the role in terms of professional competence (the candidate's ability to carry out the role) and personal independence (the need for the candidate to act in a manner which is operationally independent of the Commissioner). In terms of the personal independence of the Deputy Commissioner, this should reflect that the appointment is to provide advice and support to the Commissioner in carrying out the functions of his office and meeting his priorities.

After the confirmation hearing, the Panel must make a report, which must include a recommendation to the Commissioner as to whether or not the candidate should be appointed. The Commissioner may accept or reject the Panel's recommendation and he must notify the Panel of his decision. The Commissioner does not have to give reasons for his decision.

The proposed role statement, criteria for appointment and proposed Terms and Conditions for the post of Deputy Commissioner, and a personal statement from Mr Master which are to given to the Panel are attached at Appendix 1.

2. Consultations

The Commissioner has consulted with Mr Master about the role and he is willing to accept the proposed appointment on the terms and conditions proposed.

3. Implications:

This item has the following implications, as indicated:

3.1 Risk management

The appointment of a Deputy Commissioner to support the Commissioner is intended to provide additional capacity, advice and support for Mr Grunshaw in fulfilling the Commissioner's functions.

3.2 Financial considerations

It is proposed that the salary for the post of Deputy Commissioner is set at 70% of the salary of the Police and Crime Commissioner for Lancashire, which is determined by the Home Secretary. The Deputy's salary would therefore be linked to any movement in the pay scale for the Commissioner, as determined nationally.

On this basis, the salary for the Deputy, pro rata based on 2.5 working days per week, would equate to £30,000 in a full year, based on the Commissioner's salary of £85,000.

Early indications are that this approach is in line with arrangements that are being established by Police and Crime Commissioners in other areas.

There is provision in the Commissioner's budget to cover these proposals.

3.3 Legal considerations

The Police Reform and Social Responsibility Act 2011 (the Act) provides that the Commissioner may appoint a person as the Deputy Commissioner for the police area, and arrange for the Deputy Commissioner to exercise any function of the Commissioner save for issuing a police and crime plan, appointing the Chief Constable, suspending the Chief Constable or calling for the Chief Constable to retire or resign and calculating a budget requirement

The Act applies a number of disqualifications to the post of Deputy Police and Crime Commissioner. Mr Master has confirmed that to the best of his belief, he is eligible for appointment to this post and he is not subject to any relevant disqualification. A copy of the form is attached at Appendix 1.

Details of the legal requirements of the appointment process are set out in the report.

3.4 Equality considerations

The appointment of Deputy Commissioner 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 no requirement for an open recruitment process to this office. The appointment would



Deputy Police and Crime Commissioner for Lancashire Role Statement

Focus for the role

1. Support the Commissioner in the development of strategy and performance improvement in policing and crime, with particular emphasis on:
 - a) providing a visible lead on business crime,
 - b) enhancing the customer service focus within the Constabulary, and
 - c) improving diversity, including diversity in recruitment, within the Constabulary.
2. Deputise for the Commissioner, especially on community engagement activities.
3. Develop the civic role of the Commissioner's office.

Criteria for appointment

Knowledge and Understanding

1. Knowledge and understanding of crime and policing strategy and policy
2. Knowledge and understanding of local communities and community issues within Lancashire
3. Understanding the importance of community views in shaping the local policing style and culture
4. Understanding of governance and finance matters in relation to policing
5. Understanding of police accountability

Skills

1. Political awareness and skills to enable new policy initiatives to be implemented within complex local circumstances
2. Confidence to lead by example, to help set and communicate the Commissioner's strategic vision, establish clear goals and objectives, and build support and commitment within the Constabulary, as well as with partner organisations and the wider community
3. Capacity to treat all people fairly and with respect, value diversity and respond sensitively to difference
4. Ability to engage in constructive dialogue with communities and partners to understand and determine priorities for the future and ability to represent their views in an impartial way to influence policy-making and improve services

5. Ability to rise above the detail and to see problems and issues from a wider, forward-looking perspective
6. Ability to recognise and respond positively to the need for change, to identify where improvements can be made and to challenge accepted views, policies and practices constructively, without being confrontational

Experience

1. Building effective long term relationships and working with others to achieve positive outcomes for the community
2. Contributing to decision making and performance management at strategic, partnership or board level and influencing others to bring about improvements in performance
3. Chairing meetings
4. Involvement in making senior appointments

Other

1. Ability to travel on official business locally, regionally and nationally and represent the Commissioner as required
2. Ability to work flexibly as required

November 2012

Deputy Police and Crime Commissioner for Lancashire

PERSONAL STATEMENT BY MR IBRAHIM MASTER

Knowledge and Understanding of:

Crime and policing strategy and policy; local communities and community issues within Lancashire; the importance of community views in shaping the local policing style and culture; governance and finance matters in relation to policing; and police accountability.

I have had over thirteen years' experience as one of the appointed members of the Lancashire Police Authority (LPA) and have experience of sitting on all the different committees of the LPA over the years.

This has meant that I have been appointed and reappointed three times onto the LPA by my peers, after an open, rigorous, competitive Lancashire wide process. This, I hope, is evidence of my competencies and a recognition of my skills and ability in the field of holding the Chief Constable to account on behalf of the community.

The LPA was regarded as a top performing Police Authority, whilst Lancashire Constabulary has consistently been one of the top performing Forces in the UK. To have been part of this success as an Independent Member of the LPA for over 13 years has enabled me to acquire the necessary competencies, skills and experience required for the role of the DPCC, for example strategic skills, analytical/scrutiny skills, communications, sound judgement, self-confidence, community engagement and leadership skills.

I have a track record of working with a diverse range of voluntary sector organisations, promoting social inclusion, a fair and just society, interfaith dialogue and community cohesion. My work in the voluntary sector has made me acutely aware of the disparate needs of the many stakeholders the PCC will have to engage with.

The work of my Deputy Lieutenant role also takes me across Lancashire, primarily to deputise for the Lord Lieutenant at presentation giving or community events and has allowed me to engage with the wider community.

Shaping and delivering an effective and efficient policing service based on the needs of our communities ie citizen focused, is a key feature of how I (and the PCC) would do my business with the Constabulary. Both, the PCC and I, want to see the community's priorities reflected in the policing service. What this means is that, irrespective of the financial constraints placed upon the service, we will always endeavour to take into account the views, needs and priorities of our diverse communities when setting our priorities for the future, in tandem with a clear assessment of the threats, risks and harm that face our communities.

As an LPA member, I have dealt with police governance, police performance, achieving value for money, setting the council tax precept and budget, developing Policing Priorities and the Policing Plan, managing financial and strategic risks, complaints against senior officers, appointed senior officers, consultation with the community, training and development policies and much more.

As a member of both the Blackburn with Darwen Primary Care Trust and the LPA I have assisted in planning and setting budgets and developing financial strategies for both these organisations. In both cases, the processes involved a full assessment of the assets required to meet operational requirements, including in terms of human resources, infrastructure, land, property and equipment.

As Chair of the LPA's Human Resources (HR) Committee I have also assisted in the development of costed HR plans, which would make an assessment of the resources, both financial and human, required to meet operational objectives of the constabulary as set out in the Policing Plan.

Skills:

Political awareness and skills to enable new policy initiatives to be implemented within complex local circumstances. Confidence to lead by example, to help set and communicate the Commissioner's strategic vision, establish clear goals and objectives, and build support and commitment within the Constabulary, as well as with partner organisations and the wider community.

Through my involvement with local and national politicians, I have gained a first class knowledge of local and regional government structures, supported by a sound understanding of central government structures.

In the area of partnership working, I have been able to use my extensive links, networks and local knowledge effectively to assist and inform the service delivery of both the PCT and the LPA.

As a member of the Constabulary's Confidence and Equality Board and the People Tasking and Coordination Group, I feel that I have helped shape the direction of the Force's Diversity and People strategy. The Constabulary is now regarded as a leading Force in equality and diversity issues.

I have also played an important role in interfaith dialogue. I have an excellent relationship with other faith leaders, including the Bishop of Blackburn and have been instrumental in forging strong links between the Christian and Muslim communities across Lancashire.

Skills:

Capacity to treat all people fairly and with respect, value diversity and respond sensitively to difference. Ability to engage in constructive dialogue with communities and partners to understand and determine priorities for the future and ability to represent their views in an impartial way to influence policy-making and improve services.

The PCC will have to ensure that the Force's Diversity strategy is implemented properly and in a timely manner if it is to deliver an equitable service to all the people of Lancashire, which in turn will lead to increased public confidence in the policing service.

I believe that respecting the values of others, different from you and recognising the needs of the diverse community are important aspects of equitable service delivery. I believe in showing respect for the opinions and feelings of others, no matter what their race, religion, sexual orientation gender, age, disability or belief.

Every person is unique, equally valued and should be treated with dignity and respect. It will be important for the police to understand and be sensitive to social, cultural and racial differences and to people's problems, vulnerabilities and needs.

In order to achieve all this within the police service, the PCC/DPCC must challenge police attitudes and behaviour which are abusive, aggressive and discriminatory to the people of Lancashire. If the community is to be re-assured, then the Police must respond sensitively to the diverse needs and be even handed in their policing.

I also believe that if relations between the police and the community are to be enhanced, then it will be vitally important that both the PCC and the police enhance their community contacts and extend their links with the community; *they must start to build the bridges now to reach what lies ahead.*

Partnership working can be a means through which community bridges can be built and can also be a means by which community safety can be achieved. I would therefore encourage working with our key partners to ensure that Lancashire is a safer place to live in.

Consulting with key partners and the community will be a statutory requirement and will be key to determining the priorities to be included in the Police & Crime Plan and in developing performance indicators.

Skills:

Ability to rise above the detail and to see problems and issues from a wider, forward-looking perspective. Ability to recognise and respond positively to the need for change, to identify where improvements can be made and to challenge accepted views, policies and practices constructively, without being confrontational.

I am able to quickly differentiate between key facts and salient points, from the more generalised information and have often had to interpret a mass of complex information, ranging from key Performance Indicators, to Policy documents to Her Majesty's Inspectorate of Constabulary reports, and then to articulate the possible impact/implications on the community.

An effective, cooperative and constructive working relationship between the PCC office and the Chief Constable will be paramount in securing an effective and efficient policing service in Lancashire. My relationships with all of the ACPO (Association of Chief Police Officers) team of senior officers have been first class over the 13 years that I have been on the LPA. I have always enjoyed a respectful and professional relationship with the senior officers without allowing the relationships to become cosy.

I believe it is important that the PCC/DPCC avoid public confrontations with the Chief Constable or his Chief officers, leaving the more searching and assertive questions in private, so that we would not be seen in public to be opposing each other. Notwithstanding this, my role would be to represent the community, so if the Force performance dipped for example, I would challenge, but challenge assertively, not aggressively always keeping my focus on the policing outcomes.

Experience:

Building effective long term relationships and working with others to achieve positive outcomes for the community. Contributing to decision making and performance management at strategic, partnership or board level and influencing others to bring about improvements in performance. Chairing meetings. Involvement in making senior appointments

As part of my roles on the LPA and Blackburn with Darwen Primary Care Trust, I have gained considerable experience of monitoring and scrutinising key areas of both the Constabulary's and the PCT's work, such as: health standards, financial reports, financial compliance, Clinical and Corporate Governance, Financial Planning, Risk Register, Internal and External Audit Reports, statistics on recruitment and retention, stop and search, equitable service delivery targets, complaints, recruitment, Equality Impact Assessments and a whole suite of other performance metrics.

As chair of the LPA Human Resources Committee, I have regularly sat on Quarterly Performance Reviews of Police Divisional performance. I have also sat on senior Officers Professional Development Reviews (PDRs), as well as in meetings with Staff unions and associations. I have also sat on Appointment and Remuneration Committees of both the PCT and LPA.

My senior level experience also includes chairing both the Audit Committee and the Provider Services Unit (PSU), two major committees of the PCT. My role on the PCT included giving a strategic lead to both these committees and to the PCT, ensuring that it met its statutory, financial and legal responsibilities. I worked with other Non Executive Directors and had to supervise and have oversight of the delivery of integrated healthcare for the local community; holding to account the professionally-led Executive. I contributed to the strategic development of health improvement plans and ensured the best use of financial resources. I also helped to ensure that the PCT promoted equality of opportunity in its service provision and that it met its healthcare targets.

Other:

Ability to travel on official business locally, regionally and nationally and represent the Commissioner as required. Ability to work flexibly as required

I am a local businessman and entrepreneur who has been in business for over 25 years now and have extensive experience in retailing as well as property management. I have gained an enviable reputation as an effective business manager and this was recognised when I was asked, as part of the Blackburn Partnership Board, to act as a "Guardian Angel" or mentor for some fledgling businesses and new start-ups in Blackburn. This involved giving business appraisal advice and support to these new businesses, instilling confidence and stability into the new businesses during the first year.

I have addressed various public conferences across the UK, sharing speaking platforms with many senior and prominent politicians. I have experience of successfully handling the media and have appeared on many live TV and radio current affairs and Political programmes, including an appearance on the BBC's Hard Talk programme in 2005.

In terms of time commitment, I would have no problems taking over the role of the DPCC, as other family members would continue to run my businesses in my absence. My general interests and hobbies include cricket, following Blackburn Rovers FC, browsing the internet news sites, reading the financial press and community work.

I am married with five grown up children and am a family orientated person who believes in core family values.

Signed: **Ibrahim Master** **Date:** **29.11.12**



SUMMARY OF THE TERMS AND CONDITIONS OF APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER 2012

SUMMARY TERMS AND CONDITIONS	
1.	The appointment will be subject to the provisions of the Police Reform and Social Responsibility Act 2011.
2.	<p>The appointment is made at the discretion of the Police and Crime Commissioner and runs to</p> <ul style="list-style-type: none">i. the end of the present Administration; orii. when Clive Grunshaw leaves his office as Commissioneriii in the event of the election for Police and Crime Commissioner for Lancashire, the day after the election. <p>If the postholder wishes to resign, he will be required to give one month's notice of termination of his appointment, unless the Commissioner agrees otherwise.</p>
3.	The principal duties and responsibilities of the appointment will be set out in the Role Statement.
4.	The salary will be 70% of the salary of the Police and Crime Commissioner for Lancashire, which is set by the Home Secretary, (currently £85,000) pro rata, based on 2.5 working days per week, (currently £60,000; pro rata £30,000), and will be paid monthly by credit transfer on the 28 th day of each calendar month.
5.	<p>Working hours will be a minimum of 2.5 days per week on a flexible basis to meet the needs of the Office.</p> <p>There will be a requirement to work additional hours as may from time to time be reasonable and necessary for the efficient performance of the duties.</p>

SUMMARY TERMS AND CONDITIONS

6.	Full reasonable travel and subsistence costs incurred in the performance of duty will be reimbursed, in accordance with Police Staff allowances currently in force.
7.	Appropriate Information Technology and Communications support will be provided in the workplace and for use away from the workplace (eg at home) in connection with work related duties.
8.	Any grievances relating to the actions of the Commissioner, or any officers in the Commissioner's office, should be raised initially with the Commissioner or the Chief Executive and Solicitor. The Commissioner's decision on any such matter will be final, subject only to any relevant provisions of the Employment Act 2002, the ACAS Code of Practice on disciplinary and grievance procedures, Fairness at Work and any amendment or re-enactment thereof.
9.	The post holder is eligible to join the Local Government Pension Scheme.
10.	The post holder's performance will be subject to regular review by the Commissioner. The first review will take place six months after appointment.

November 2012



**The Police and Crime Commissioner for Lancashire
Declaration by proposed appointee to office of Deputy Police and Crime Commissioner**

I Mr Ibrahim Master
Of
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 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..... Mr I Master

Witnessed... Christine Durber,
 Deputy Chief Executive

Dated:29 11 12

Extracts from the Police Reform and Social Responsibility Act 2011 Disqualifications relating to role of Deputy Police and Crime Commissioner

Section 18 to the Police Reform and Social Responsibility Act 2011

(3) (a) But a police and crime commissioner may not appoint a person listed in subsection (6) as the deputy police and crime commissioner.

(6) The persons referred to in subsection (3)(a) are:-

- (a) a constable (whether or not in England and Wales);
- (b) a police and crime commissioner;
- (c) the Mayor's Office for Policing and Crime;
- (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;
- (e) the Mayor of London;
- (f) the Common Council of the City of London;
- (g) any other person or body which maintains a police force;
- (h) a member of the staff of a person falling within any of paragraphs (a) to (g)

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.

Schedule 1 to the Police Reform and Social Responsibility Act 2011

(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; (excluded)
- (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 the Insolvency Act 1986;

(iv) a bankruptcy restrictions interim order under paragraph 5 of the Schedule 4A to the Insolvency Act 1986;

(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.