

The Police and Crime Commissioner for Lincolnshire

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APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER FOR LINCOLNSHIRE

1. BACKGROUND

- 1.1 Part 1, Chapter 3, Section 18 of the Police Reform and Social Responsibility Act 2011 (“the Act”) provides Police and Crime Commissioner’s with the statutory power to appoint a Deputy.
- 1.2 Under the Act, the Police and Crime Commissioner (“the PCC”) may appoint a person as the Deputy Police and Crime Commissioner (“the DPCC”) and arrange for the deputy to exercise any function of the PCC, with the exemption of issuing a Police and Crime Plan; appointing the Chief Constable, suspending the Chief Constable, or calling up on the Chief Constable to retire or resign; or calculating a budget requirement.
- 1.3 The PCC proposes to appoint Stuart Tweedale as the DPCC for Lincolnshire.

2. NOTIFICATION

- 2.1 The PCC is obliged under the Act (Schedule 1, paragraph 9) to notify the Police and Crime Panel (“the Panel”) of his proposed appointment of a DPCC, and to include the following details:
 - a) The name of the person who the PCC is proposing to appoint as DPCC.
 - 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.
- 2.2 The Panel must review the proposed appointment and make a report to the PCC on the proposed appointment, including a recommendation to the PCC 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 PCC of the proposed appointment.

- 2.3 The PCC must notify the Panel of his decision whether to accept or reject the recommendation of the Panel.

3. CRITERIA FOR APPOINTMENT

- 3.1 The criteria used to assess the suitability of the candidate for appointment as DPCC are:

- Have a mixture of business and public sector skills and experience.
- Experience of scrutinising public services including finance to deliver value for money.
- Ability to effectively engage with local communities.
- Desire and ability to support the PCC in delivering the best possible outcomes for Lincolnshire.
- Demonstrate a broad understanding of communities across the County and of a long term commitment to Lincolnshire.
- Able to commit to flexible hours of working including weekends and evenings as the role requires.

- 3.2 The following statements provide evidence as to how Mr Tweedale meets the above criteria:

- Has in excess of 21 years business experience, including budgeting, dealing with suppliers and contracts on a local, national and international basis and managing in excess of forty employees. Has also managed both commercial and residential property assets, including facilities management.
- Extensive public sector experience (9 years District Councillor and 3 years County Councillor), holding the roles of Vice Chairman and also Chairman of various scrutiny committees, including Chair of Audit whilst a District Councillor and subsequently a member of the Audit Committee whilst a member of Lincolnshire County Council.
- Held the position of Vice Chairman of Economy Scrutiny and also Chairman of the Audit Committee as a District Councillor on North Kesteven District Council, including experience of anti-fraud work. As a County Councillor his experience has been enhanced whilst holding the role of Support Councillor to an Executive Council member.
- Recipient of numerous industry awards and associated media attention for work undertaken by his family business with local

communities, including engaging with local schools, churches and community groups including the Women's Institute and walking groups.

- Led a team to develop an Aviation Visitor attraction within Lincolnshire, bringing together Members of Parliament, business leaders, and senior members of the RAF along with Executive Councillors to discuss development opportunities.
- Developed meetings with Station Commanders of all the RAF Stations within Lincolnshire, bringing them together to discuss the RAF's role within the local economy and heritage of the County so that Lincolnshire County Council could have a better understanding of the changing face of the RAF.
- Raised Lincolnshire's profile with communities, local and national businesses and also international visitors to Lincolnshire through his work as a Support Councillor for Heritage and then again for Economic Development, including being part of the team that delivered 'Lincoln Castle Revealed'.
- As both a Rural County Councillor and Support Councillor he has had significant experience of working with and supporting local communities over a very wide area, ranging from settlements with less than a hundred people and no local services to those with populations in the many thousands.
- Demonstrated a clear desire and long term ambition to secure the best possible outcomes for the County and to see Lincolnshire being held up as a 'Good Example' of 'Best Practice'.
- Lived in Lincolnshire for 28 years and has a flexible attitude to work including working weekends and evenings.

3.3 Unlike all other members staff employed within the Office of the PCC who are required to be in politically restricted posts (under the Act and Section 2(2) of the Local Government and Housing Act 1989), the DPCC is not a politically restricted post.

3.4 Due to the overtly political nature of this role, Parliament has granted PCCs exemption to Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) for this appointment. This means that the PCC can appoint a DPCC of their personal choosing, without a competitive appointment process or interview.

3.5 The DPCC is required as a condition of their appointment to make a declaration of eligibility. A copy of the declaration form is attached at Appendix A.

4. TERMS AND CONDITIONS

- 4.1 A summary of the terms and conditions relating to the proposed appointment to the post of DPCC are attached at Appendix B. The terms and conditions relate to this appointment and for this term only and may not be the same terms and conditions agreed for any future appointment of a DPCC.

5. NEXT STEPS

- 5.1 The Panel is asked to review the proposed appointment of Stuart Tweedale as DPCC and to make a report to the PCC on the proposal, including a recommendation as to whether or not the candidate should be appointed.
- 5.2 The PCC will consider the report and decide whether to accept or reject the Panel's recommendation on the proposed appointment. Should the PCC decide to appoint Stuart Tweedale it will take effect on the day on which the PCC notifies the Panel of his decision.

Malcolm Burch
Chief Executive to the Police and Crime Commissioner

The Police and Crime Commissioner for Lincolnshire

Deputy Police and Crime Commissioner for Lincolnshire

Declaration

I

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 Lincolnshire 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 to the Police Reform and Social Responsibility Act 2011.

Signed:

Date:

Signature witnessed by:

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Malcolm Burch
Chief Executive and Monitoring Officer

(a) Section 18 to the Police Reform and Social Responsibility Act 2011

(18) Delegation of functions by Police and Crime Commissioners

(3) But a police and crime commissioner may not—

(a) appoint a person listed in subsection (6) as the deputy police and crime commissioner;

The persons referred to in subsections (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).

(b) Paragraph 8 of Schedule 1 to the Police Reform and Social Responsibility Act 2011

Deputy Police and Crime Commissioner

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

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

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

(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).

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

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

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

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

(b) is a member of—

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

(c) is a special constable appointed—

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

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

(e) is a member of staff of—

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

(f) is the Mayor of London;

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

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

- (i) the British Transport Police Authority;
- (ii) the Civil Nuclear Police Authority;
- (iii) the Independent Police Complaints Commission;
- (iv) the Serious Organised Crime Agency;
- (v) the National Policing Improvement Agency;
- (i) holds any employment in an entity which is under the control of—

- (i) a local policing body;
- (ii) any body mentioned in paragraph (h);
- (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;
- (iv) the chief officer of police for any police force mentioned in paragraph (b).

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

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

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

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

(a) the person is the subject of—

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

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

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

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

(e) 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.

**DEPUTY POLICE AND CRIME COMMISSIONER
SUMMARY OF TERMS AND CONDITIONS OF APPOINTMENT**

1. Under Section 18(10) of the Police Reform and Social Responsibility Act 2011 (“the Act”) the Deputy Police and Crime Commissioner (“the DPCC”) is a member of the Police and Crime Commissioner’s (“the PCC’s”) staff.
2. 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.
3. 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.
4. Notwithstanding the above, the main terms and conditions of appointment are set out below:

Job Title	Deputy Police and Crime Commissioner for Lincolnshire
Responsibilities	<p>The purpose and role of the DPCC will be to support and deputise for the PCC. The statutory responsibilities of the PCC, including those which cannot be delegated, are set out in the Act.</p> <p>Within the statutory framework, the PCC will determine the specific responsibilities and activities of the DPCC, and these may be reviewed by the PCC from time to time at their discretion.</p>
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.
Commencement	The date of commencement will be the day on which the PCC notifies the Police and Crime Panel of his decision to appoint to the role.
Term of Contract	The appointment will be a fixed term contract and will end upon the PCC ceasing to hold office for any reason, including reaching the end of his current term of office in May 2020.

Job Role	The PCC will advise the DPCC of the normal duties required of the role however it may be necessary for these to be amended or changed from time to time in accordance with organisational need.
Place of Work	The main place of work will be Lincolnshire Police Headquarters, Deepdale Lane, Nettleham Nr Lincoln although the DPCC may be required to work in other venues across Lincolnshire from time to time. The role will also require regular travel around the County.
Hours of Work	26 hours per week. The DPCC will be required to work outside normal office hours including weekends and evenings as the role requires. No overtime will be paid.
Basic Salary	£18,000 per year
Allowances	Travel and subsistence allowances will be paid at the rates applicable to the PCC. Allowances paid to the DPCC will be disclosed under the requirements of the Elected Local Policing Bodies (Specified Information) Order 2012 (as amended).
Pension Scheme	The DPCC will be entitled to join the Local Government Pension Scheme.
Continuous Service	No employment with a previous employer will count towards the period of employment with the PCC.
Redundancy	In accordance with statutory requirements.
Holidays	20 days annual leave per year plus public and bank holidays.
Sick Pay	The DPCC will be entitled to statutory sick pay (SSP) in the event of properly notified sickness absence, where the necessary criteria are met.
Period of Notice / Termination of Contract	<p>The DPCC may bring their employment with the PCC to an end at any time by giving a month's notice in writing.</p> <p>The PCC may bring the DPCC's employment to an end by giving one month's written notice.</p> <p>The contract of employment will terminate in any event upon the PCC ceasing to hold office for any reason, including reaching the end of his current term of office in May 2020. The appointment will end with immediate effect if the DPCC becomes disqualified under the Act.</p>
Conduct	The DPCC will be a signatory to, and will abide by, the PCC/DPCC Code of Conduct and will be subject to the complaints process under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

Confidentiality	The post of DPCC and appointed post-holder is subject to the Official Secrets Act 1989.
Equal Opportunities	The PCC operates equality of opportunity in compliance with legislation. The PCC recognises and accepts his responsibility to promote equal opportunities both as an employer and a provider of services.