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Appointments of Deputy Police and Crime Commissioner

EXECUTIVE SUMMARY

The purpose of this report is to approve the appointment of a Deputy Police and Crime Commissioner.

The background information contained in this report outlines the provisions of the Police Reform and Social Responsibility Act 2011 which allow a police and crime commissioner to appoint a deputy police and crime commissioner ('the decision'). It also includes details of the confirmatory hearing process required to be undertaken by a police and crime panel following the decision.

DECISION

I appoint Wasim Ali to the position of Deputy Police and Crime Commissioner (DPCC), pursuant to the power available to me in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

Police and Crime Commissioner for the West Midlands

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the Police and Crime Commissioner of the West Midlands. Any interests are indicated below.

Signature.....

Date 14 May 2024

NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER

1. The Police Reform and Social Responsibility Act 2011 (the Act) provides, at section 18(1), that the police and crime commissioner for a police area may appointment a person as the deputy police and crime commissioner for that area.
2. Under section 18(10) of the Police Reform and Social Responsibility Act 2011 (“the Act”) the deputy police and crime commissioner (DPCC) is a member of the PCC’s staff. The Commissioner intends to appoint a deputy police and crime commissioner; and his proposed candidate for the post is Wasim Ali.
3. Mr Ali has declared that he is aware of the provisions of the Police Reform and Social Responsibility Act 2011 as regards eligibility to be appointed. He has declared to the Commissioner that to the best of his knowledge and belief he is eligible for appointment and is not subject to a relevant disqualification. Attached at Annex A are the relevant extracts from the Act which have been provided to Wasim Ali.
4. A DPCC is required by the Act to be a member of the Commissioner’s staff. The DPCC for the West Midlands will be subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC’s staff.
5. As required by the Police Reform and Social Responsibility Act 2011 the Commissioner will notify the West Midlands Police and Crime Panel of his decision. In accordance with the Act he will provide to them:
 - the name of the person he proposes to appoint, who for the purposes of the legislation is known as the ‘candidate’
 - the criteria used to assess the suitability of the candidate for the appointment
 - why the candidate satisfies those criteria; and
 - the terms and conditions on which the candidate is to be appointed
6. Wasim Ali will then be subject to the confirmatory hearing process required by schedule 1 of the Act. The date of the confirmatory hearing is to be confirmed.
7. The Police and Crime Panel are required to publish a report to the Commissioner on the proposed appointment in which they must include a recommendation as to whether or not the candidate should be appointed. The Commissioner will consider the report once published and decide whether to accept or reject the Panel’s recommendation on Wasim Ali’s proposed appointment.

TERMS OF APPOINTMENT

8. The DPCC will be an employed member of the staff of the Office of the Police and Crime Commissioner. DPCC Wasim Ali will be a full-time member of staff with a salary of £71,841 per annum. The contract will be subject to annual break points, and shall come to an end on Wednesday 10 May 2028.

FINANCIAL IMPLICATIONS

9. The budget for the Commissioner includes provision for the payment of a salary to a Deputy Police and Crime Commissioner. The terms and conditions which attach to the role will be provided to West Midlands Police and Crime Panel as required by the Act.

LEGAL IMPLICATIONS

- 10.** The legal provisions which relate to the appointment of a deputy police and crime commissioner are contained in the background section to this report.

EQUALITY IMPLICATIONS

- 11.** The provisions of the Act dis-apply section 7 of the Local Government and Housing Act 1989 to the appointment of a deputy police and crime commissioner.

Schedule of Background Papers

Attached to this report:

Annex a – Qualification criteria

Annex b – Role Specification for the DPCC

Public Access to Information

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.

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

The deputy police and crime commissioner

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

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

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

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

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

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

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

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

Relevant disqualification

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

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

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

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

(b) is a member of— (i) the British Transport Police Force; (ii) the Civil Nuclear Constabulary;

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

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

(e) is a member of staff of—

(i) a police and crime commissioner;

(ii) the Mayor's Office for Policing and Crime;

(f) is the Mayor of London;

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

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

(i) the British Transport Police Authority;

(ii) the Civil Nuclear Police Authority;

(iii) the Independent Office for Police Conduct;

(iv) the Serious Organised Crime Agency;

(v) the National Policing Improvement Agency;

(i) holds any employment in an entity which is under the control of—

(i) a local policing body;

(ii) any body mentioned in paragraph (h);

(iii) the chief officer of police for any police force maintained for a police area or the City of London police area;

(iv) the chief officer of police for any police force mentioned in paragraph (b).

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

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

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

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

(a) the person is the subject of—

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

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

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

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

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

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

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

(a) a qualifying Commonwealth citizen,

(b) a citizen of the Republic of Ireland, or

(c) a citizen of the Union.

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

(a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or

(b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.

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

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

JOB DESCRIPTION

Job title:	Deputy Police and Crime Commissioner
Grade:	£71,841 per annum
Directly responsible to:	Police and Crime Commissioner
Directly responsible for:	N/A
Location:	Lloyd House, Colmore Circus Queensway, Birmingham, B4 6NQ

Job Purpose:

The Deputy Police and Crime Commissioner will be responsible for supporting and assisting the Police and Crime Commissioner (PCC) in all duties that can legally be delegated to a Deputy Police and Crime Commissioner under the Police Reform and Social Responsibility Act 2011 (exceptions are issuing a police and crime plan; appointing or suspending the Chief Constable, or calling upon the Chief Constable to retire or resign; and calculating a budget requirement).

Main duties and responsibilities

1. To assist the West Midlands Police and Crime Commissioner by ensuring that he is able to effectively engage and represent all areas of the West Midlands and to support the PCC in his role of ensuring an efficient and effective police service for the West Midlands through the setting of the strategic direction for the Force and through holding the Chief Constable to account for the exercise of his functions.
2. Support the PCC to monitor and drive the delivery of the Police and Crime Plan during his term of office, including:
 - maintain an overview of the implementation of the Commissioner's manifesto in order to ensure consistency in approach but having regard to the differing needs in the West Midlands
 - scrutinise, support and challenge the overall performance of the Force including against the priorities agreed within the Plan
 - advise the Commissioner in exercising his functions in setting the budget and precept
 - ensure the effective working of arrangements for consulting with and engaging local residents, communities and victims of crime
 - ensure effective working with local authorities and other partners and advise the Commissioner on their effectiveness in achieving the outcomes from his award of crime and disorder reduction grants

- advise and support the Commissioner in his decision-making role and in holding the Chief Constable to account
 - support the Commissioner more generally in the fulfilment of his statutory duties, to include equalities and human rights obligations.
3. Attendance at meetings and events which attendance may be required for the effective fulfilment of the DPCC's obligations under this agreement either to support or represent the PCC.
 4. To consider papers and reports and proposed decisions of the PCC and apply skill, knowledge and expertise in discussions by providing constructive criticism, analysis, comments and views to the PCC.
 5. To undertake responsibility for liaison with the Force in relation to such matters as may be agreed with the PCC.
 6. To make timely reports in writing to the PCC as required from time to time on such matters as fall within the area of responsibility of the DPCC.
 7. To support the PCC generally in the exercise of the PCC's statutory functions.
 8. To have a commitment to delivery of the PCC's manifesto and the political ambitions of the PCC.
 9. To help the PCC to uphold the very high standards of public life detailed in the Nolan Principles.
 11. To exercise such decision-making powers as may be delegated.
 12. To undertake on behalf of the PCC community engagement and consultation activities.
 13. To represent the PCC as required.
 14. To act as a critical friend and to provide advice and challenge as appropriate.
 15. To help promote equality and diversity within the Force and across the West Midlands.

Person Specification:

FACTORS	ESSENTIAL
Experience	<ul style="list-style-type: none"> • Good understanding and experience of organisational challenges and ensuring the right balance between cost and value in an environment of reducing resources • Substantial experience of working across different agencies at strategic and operational levels • Experience in translating strategic objectives into operational change • A profound understanding of the diverse nature of the communities of the West Midlands • Knowledge of current issues facing the public sector and policing in particular
Knowledge and Skills	<ul style="list-style-type: none"> • Understanding of the operation of the police service and the criminal justice system • Knowledge of the process of government in terms of local authorities and UK Government • Experience of contributing to strategic financial planning and management • Good leadership skills including an ability to inspire, motivate and create the right working climate • The ability to work to enhance collaborative working • Oral communication skills with the ability to speak on behalf of the PCC on broadcast and other types of media • Oral communication skills including speech-making and presentations • Ability to construct coherent arguments and articulate ideas clearly to a range of audiences, formally and informally using a variety of techniques • Ability to articulate key issues and priorities through the construction of reports, briefings and other written material • Ability to use information and intelligence to ensure effective decision making and continuous improvement of services • Horizon scanning to keep abreast of emerging agendas and issues
Personal qualities	<ul style="list-style-type: none"> • ability to work with a wide range of people at all levels • ability to build and maintain relationships, broker partnerships and establish and maintain networks
Special Conditions	<ul style="list-style-type: none"> • The post holder must be available to attend meetings and other events outside of normal business hours and away from the Commissioner's principal place of business. • The post holder will therefore be required to exercise considerable discretion and will be required to maintain confidentiality during and beyond their employment/ placement with the PCC. • This role is not politically restricted under the Police Reform and Social Responsibility Act 2011