

Wednesday 20 May 2020

at 3pm

This will be an on-line meeting livestreamed to the public via Birmingham City Council's Internet site

<http://civico.net/birmingham>

Contact Officer: Sarah Fradgley, Birmingham City Council

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More information about the Panel including meeting papers and reports can be found at
www.westmidlandspcp.co.uk

AGENDA (times are approximate)

- | | | |
|-----------|--|----------------|
| 1 | INTRODUCTION | 1500hrs |
| | Panel Chair to outline the format of the on-line meeting. | |
| 2 | NOTICE OF RECORDING | |
| | Chairman to advise that this meeting will be webcast for live or subsequent broadcast via Birmingham City Council's Internet site (http://civico.net/birmingham) and members of the press/public may record the meeting. The whole of the meeting will be filmed except where there are confidential or exempt items. | |
| 3. | POLICE AND CRIME PANEL MEMBERSHIP | |
| | The Police and Crime Panel is asked to consider the following recommendations: | |
| | a) To note appointments to the Panel for the 2019-2020 Municipal Year by the West Midlands Local Authorities and the Met Leaders Committee will continue until these bodies hold their AGMs. | |
| | b) To agree to extend the appointment term of the current Independent Panel Members until end October 2020 in light of the temporary postponement of the recruitment process due to the coronavirus pandemic. | |
| 4 | APOLOGIES | |
| 5 | DECLARATIONS OF INTEREST (IF ANY) | |
| | Members are reminded that they must declare all relevant pecuniary interests and /or non-pecuniary interests relating to any items of business to be discussed at the meeting. If a pecuniary interest is declared a Member must take no part in the consideration or voting thereon, unless a dispensation has been obtained from the relevant | |

Standards Committee. Any declarations will be recorded in the Minutes of the meeting.

Attached 6 MINUTES 15:10hrs

To confirm the Minutes of the meeting held on 3 February 2020.

Attached 7 CONFIRMATION HEARING – PROPOSED APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER 15:15hrs

To review the proposed appointment of the Deputy Police and Crime Commissioner in accordance with Schedule 1, Section 8 of the Police Reform and Social Responsibility Act 2011.

a) The Panel will consider the report of the Panel Lead Officer setting out the Confirmation Hearing process.

b) The Panel will consider the report of the Police and Crime Commissioner proposing the appointment of Mr Waheed Saleem as Deputy Police and Crime Commissioner.

c) Panel Members will put questions to the candidate.

The Panel will hold a closed session following this public meeting to agree its recommendation to the West Midlands Police and Crime Commissioner as to whether the candidate should be appointed as Deputy PCC.

Attached 8 POLICE AND CRIME COMMISSIONER’S UPDATE 16.15hrs

The PCC will update the Panel on key issues.

Recent decisions published by the PCC are attached for consideration.

9 URGENT BUSINESS

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

10 EXCLUSION OF THE PUBLIC

CHAIR TO MOVE: -

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public now be excluded from the meeting.

PRIVATE AGENDA

Under Section 100A(4) of the Local Government Act 1972, the public may be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information

as defined by paragraph 1 of Part 1 of Schedule 12 A to the Act -
Information relating to an individual.

**11 RECOMMENDATION OF THE PROPOSED APPOINTMENT OF DEPUTY
POLICE AND CRIME COMMISSIONER**

To hold a closed session to enable the Panel to agree its
recommendation to the West Midlands Police and Crime Commissioner
as to whether or not the candidate should be appointed as Deputy PCC.

**MINUTES OF THE MEETING OF THE WEST MIDLANDS POLICE AND CRIME PANEL HELD ON
3 FEBRUARY 2020 14:00 HOURS, BIRMINGHAM**

PRESENT:-

Cllr James Butler – Solihull
Cllr Paul Bradley – Dudley
Cllr Ken Hawkins – Solihull
Cllr Jasbir Jaspal – Wolverhampton
Cllr Richard Jones – Sandwell
Cllr Narinder Kaur Kooner – Birmingham
Kristina Murphy Independent Member
Cllr Abdul Salam Khan – Coventry
Cllr Suky Samra – Walsall
Cllr Farut Shaeen – Sandwell
Cllr Shafique Shah – Birmingham

ALSO PRESENT:-

David Jamieson – West Midlands Police and Crime Commissioner
Ashley Bertie – Deputy Police and Crime Commissioner
Waheed Saleem – Assistant Police and Crime Commissioner
Alethea Fuller – Acting Chief Executive, OPCC
Mark Kenyon – Chief Finance Officer, OPCC
Carl Binns - Programme Manager, Violence Reduction Unit
Superintendent Ed Foster – West Midlands Police
Emma Williamson – Head of Scrutiny
Sarah Fradgley– Panel Support Officer

NOTICE OF RECORDING

- 501 The Chair advised the meeting would be webcast for live and subsequent broadcast via Birmingham City Council's Internet site (www.civico.net/birmingham) and members of the press/public could record and take photographs.

APOLOGIES

- 502 Apologies for non-attendance were received from Councillors Mike Bird, Yvonne Davies and Dave Tyler, and from Kevin O'Keefe, Lead Officer for the Panel.

DECLARATIONS OF INTEREST

- 503 The Chair declared that he was in receipt of a police pension. Cllr Kooner declared she was a co-founder of the Sikh Women's Network that was in receipt of Victims Funding from the PCC.

MINUTES

- 504 The minutes of the meeting held on 13 January 2020 were confirmed as a correct record and signed by the Chair.

PUBLIC QUESTION TIME

505 No public questions had been submitted

REVIEW OF THE POLICING PRECEPT AND BUDGET FOR 2020/2021

506 The following report of the Panel Lead Officer setting out the legal basis and process for the Panel's review of the precept was received and noted: -

(See document No. 1)

The following report of the Police and Crime Commissioner setting out the proposals for the 2020/21 Revenue Budget and Precept and Capital Programme 2020/21 to 2023/24 was submitted: -

(See document No. 2)

Introducing the report, the Police and Crime Commissioner referred to the 'core budget' and the additional 'uplift' funding allocated as part of the national programme for additional officers.

The PCC explained that the core budget grant funding remained at a standstill, despite pay and cost inflation pressures of £18m. The settlement included the expectation to raise precepts by up to £10 per year for a Band D property, with no differential for low precepting areas. This was lower than expected, leaving a budget shortfall of £9.9m.

The PCC assured the meeting that the required budget savings could be met this year through budget underspend and savings realised from efficiencies. The Panel asked that more details on how the savings would be made be presented to its next meeting.

The PCC responded to a number of questions from Panel members, during the course of the debate the PCC referred to the demands placed on the police force as a result of budget cuts in other services. He spoke about the need to improve collaborative work with the West Midlands Mayor and local authorities to address deprivation, unemployment, poor housing, rough sleeping and youth services. He spoke of the WMP2020 efficiencies made by the force and the work underway to equate the non-cashable efficiencies as a result of greater productivity following technological improvements.

The PCC responded to questions about the Estate Strategy, he explained the rationale behind the programme, the social and best value considerations and engagement taking place regarding disposals. He highlighted that revenue costs would also be saved on outdated properties.

It was clarified that the increase in OPCC staff and office costs of £200,000 was due to inflation and because of the office taking on more responsibilities, such as police complaints appeals.

It was explained uplift funds were heavily front-loaded to initially fund the support and equipment supplies in preparation of the anticipated total 1200 uplift officers, and this was a requirement of the Home Office.

Members voted unanimously to support the precept proposal for 2020/21 and asked the Police and Crime Commissioner report back on 16 March 2020 where the £9.9m budget savings were to be made. The vote was 11 to 0 in support.

RESOLVED:

- i. That the Police and Crime Panel support the proposed Band D precept for 2020/21 of £162.55;
- ii. The Police and Crime Commissioner be requested to prepare a report for the next Panel meeting on how the required saving of £9.9m in the 2020/21 budget would be made;
- iii. The Panel formally report its precept decision to the Police and Crime Commissioner; and
- iv. The Panel report be published on its website.

TACKLING KNIFE CRIME AND VIOLENCE – NEXT STEPS

- 507 The Panel's work outline for an in-depth examination of the knife crime and violence was noted: -

(See document No. 3)

The Chair welcomed Superintendent Ed Foster, West Midlands Police to the meeting. Superintendent Foster gave a presentation setting out the mission, strategies and key areas of spending for Project Guardian established to deliver the Home Office funded operational surge to tackle serious violence.

(A copy of the slides are at document No. 4)

Members noted that in March 2019 WMP received £7.62m surge funding at a time where there had been elevated levels of knife crime linked to robbery and arguments, including 3 fatal stabbings of young people in Birmingham, representing a change from the traditional gang warfare.

Superintendent Foster explained that the Project Guardian mission was to reduce serious violence in public spaces with a focus on reducing knife crimes committed against young people under 25. He then gave an overview of the key delivery strategies and the Home Office performance measures.

Members noted that the key focus was to support frontline policing by creating additional capacity in hot sport areas and the night-time economy. Certain administrative and investigative tasks would be deployed to new police support officers to free up frontline officers. A Guardian Task Force was deployed across the force to support Neighbourhood Teams in their work on youth violence prevention and enforcement activities.

The funding had also been used to enhance investigations and intelligence around violence. Members noted work to examine responses to knife possession cases at schools and on-street to inform a future consistent approach across the force area with opportunities for alternative criminal justice outcomes such as out of court disposals.

Analysis found youth violence peaked in the night-time economy, with lower level youth violence peaking between 3pm and 5pm. Further work was underway to understand the causes of this and how the force could respond appropriately and work with local partners. One practical measure was to start recording the school attended by an offender, to enable liaison with the school.

Members were provided with data to illustrate the performance against the Home Office measures, noting performance projections which showed the trend of violence across the West Midlands was levelling and falling, and hospital admissions were falling. Superintendent Foster acknowledged the difficulties to evidence the impact of the Project Guardian programme as data collected was influenced by other factors, such as festive season, dark nights, German market. However, academic research had been commissioned track suspects and identify the impact of intervention.

Members were shown a snapshot of operational activity for the previous 4 weeks that highlighted hot spots of violent offences recorded in Birmingham City Centre, Walsall St Mathews and Coventry City Centre. It was noted Task Force support had been deployed to Walsall and Coventry. Superintendent Foster assured the meeting of the ongoing liaison with all NPUs and Chief Inspectors as tackling violent crime was a force strategy.

He explained that whilst the funding was welcomed, the 12-month funding stream required all money to be spent, and commissioned services completed by March. This arrangement and the uncertainty of future funding made it difficult to plan and project effectively or employ staff for longer than 12-month contracts. The chair noted that difficulties posed by short term funding streams was a recurring theme.

The PCC highlighted the availability of young people to become victims of violence and county lines gangs following their exclusion or off rolling by schools. Panel members reported that the problems obtaining school exclusion data from local authorities had been raised with Dudley Council and Sandwell Council

Drawing the debate to a close the Chair thanked Superintendent Foster for the information presented. He then explained that work would continue to further develop the enquiry schedule, members suggested this should include site visits which they found informative.

RESOLVED: -

That the information presented to the Panel be noted.

POLICE AND CRIME COMMISSIONER'S UPDATE

508 The Panel received the following verbal update on recent activity: -

- i. The PCC reflected on the recent attack in Streatham and the response by the police.
- ii. On 13 March 2020 the PCC would host a Drugs Summit review the progress of his Drugs strategy and develop a forward plan.
- iii. A range of half term youth activities were planned. A list of the activities would be circulated to Panel members.
- iv. 1500 responses to the PCC's Safety on Trains consultation had been received to date.
- v. On 27 February 2020 the PCC would host the annual Victims Commission event.

PANEL WORK PROGRAMME FOR 2018/19

509 The following outline work programme received and noted: -

(See document No.5)

DATE OF NEXT MEETING

510 Monday 16 March 2020 at 2pm, Birmingham Council House.

The meeting ended at 16:25 hours

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CHAIR

Report of: Panel Lead Officer

Date: 20 May 2020

**Confirmation Hearing for the Proposed Appointment of
Deputy Police and Crime Commissioner**

1. Purpose of report

- 1.1 To outline the process for conducting a confirmation hearing and provide details of the notification of the Police and Crime Commissioner's proposed appointment of Waheed Saleem as Deputy Police and Crime Commissioner.
- 1.2 This will allow the Panel to fulfil its statutory obligation to review the proposed appointment of the Deputy Police and Crime Commissioner and make a recommendation to the Police and Crime Commissioner.

2. Recommendation

The Panel is recommended to

- i. Note its responsibilities in the confirmation hearing process;
- ii. Consider the information provided by the Police and Crime Commissioner regarding the proposed appointment;
- iii. Question the proposed candidate as a means of confirming their suitability for the appointment; and
- iv. Agree that a report incorporating the Panel's recommendation on the appointment be submitted to the Police and Crime Commissioner no later than 28 May 2020.

3. Background

- 3.1 The Police Reform and Social Responsibility Act 2011 (the Act) requires the Police and Crime Panel to conduct confirmation hearings for specific appointments under Schedules 1 and 8.
- 3.2 Today's confirmation hearing for the Deputy Police and Crime Commissioner has been arranged in accordance with Schedule 1 of the Act.
- 3.3 Formal notification of the proposed appointment of the Deputy Police and Crime Commissioner was received on 6 May 2020.

4. Notification

- 4.1 Under the Act the Police and Crime Commissioner must provide the Panel with the following information:

- The name of the person whom the Commissioner is proposing to appoint;
- 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.

4.2 Appendix 1 sets out the information provided in relation to the requirements set out above. The documents are:

- a. Notification letter from Police and Crime Commissioner
- b. Notice of Decision to appoint a Deputy Police and Crime Commissioner
- c. Job description for Deputy Police and Crime Commissioner
- d. The written particulars of employment

5. The Police and Crime Panel's Role

5.1 Under the 2011 Act, the Panel must:

- Review the proposed appointment
- Hold a public confirmation hearing at which the candidate is requested to appear for the purpose of answering questions relating to the appointment
- Make a report to the Police and Crime Commissioner on the proposed appointment, including a recommendation as to whether or not the candidate should be appointed
- Publish its report in accordance with its agreed practice

5.2 This process must be completed within 3 weeks of formal notification having been received.

6. The Confirmation Hearing

6.1 The hearing will be a four- stage process

Stage 1 The Chair will outline the process to be followed and the powers of the Panel.

Stage 2 The PCC will be invited to give brief introduction explaining how the candidate meets the requirements of the post and the terms and conditions of the post.

Stage 3 The Panel will question the candidate to determine if they meet the criteria of the post and whether they possess the necessary professional competence and personal independence to carry out the role.

Stage 4 The Panel goes into closed session and the Panel will make its decision as to whether or not the candidate should be appointed.

7. Reporting the Panel's Recommendation

- 7.1 The Chair of the Panel will write to the Deputy Police and Crime Commissioner to report whether it recommends appointment or not. The candidate will also be sent a copy of the letter.
- 7.2 The Panel will wait five working days before it publishes any information about its recommendations unless it is agreed with the Police and Crime Commissioner that this information can be released at an earlier stage.
- 7.3 The Panel report will be published in the Panel's website.
- 7.4 The Police and Crime Commissioner may accept or reject the Panel's recommendation and must notify the Panel of this decision.

Background Information

Police and Social Responsibility Act 2011

Contact Officers:

Emma Williamson – Head of Scrutiny Services, Birmingham City Council

Sarah Fradgley – Scrutiny Officer, Birmingham City Council

wmpcp@birmingham.gov.uk Tel: 0121 303 1727

Please ask for : Polly Reed
Telephone Number: 0121 626 6060
wmpcc@west-midlands.pnn.police.uk



west midlands
police and crime
commissioner

Sent by email to:
West Midlands Police and Crime Panel
c/o Sarah Fradgely
wmpcp@birmingham.gov.uk

6 May 2020

Dear Councillor Hawkins

I am writing to advise you that in line with section 18 (1) of the Police and Social Responsibility Act, I have decided to appoint a Deputy Police and Crime Commissioner. Ashley Bertie, current Deputy Police and Crime Commissioner has tendered his resignation and will finish in role on 1 May 2020.

I propose to appoint Waheed Saleem into the role of Deputy Police and Crime Commissioner from 4 May 2020 until the conclusion of my term of office, namely 12 May 2021. I am providing information to support the process of the confirmation hearing, covered in the same Act. I also attach a copy of my decision 025-2020 to this letter.

The Police Reform and Social Responsibility Act 2011 requires me to notify you of:

- the name of the person I propose to appoint as Deputy Police and Crime Commissioner
- the criteria used to assess the suitability of the candidate for the appointment
- why the candidate satisfies those criteria
- the terms and conditions on which the candidate is to be appointed

The criteria I used to make this decision was:

- experience and understanding of police accountability
- understanding and engagement of national, regional, and local community groups, both statutory and voluntary
- shared values in respect of the role of the police service and its accountability to the public

- a commitment to equality and diversity both in terms of opportunities within the police force but also in the service it provides to all those that live and work in the West Midlands

I believe that Waheed is well qualified for this role and meets the criteria outlined above. Waheed has been a member of my Board since December 2016, and has a strong understanding of police accountability and policing governance. He has proved himself to be robust in carrying out the holding to account function and displays a level of energy and attention to detail which strongly supports my approach. He has an excellent knowledge of West Midlands Police, and also of the region. Waheed has played a pivotal role in making West Midlands Police look more like the communities it serves.

Waheed has also played a key role in improving the voice that business has within the force, by setting up a new board to make sure that West Midlands Police understands and responds properly to the needs of business.

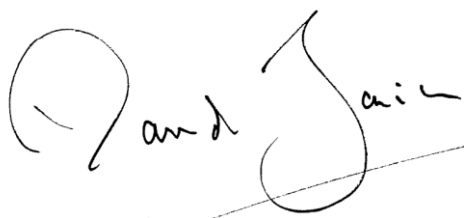
Waheed is also playing a key role in bringing together partners to respond to some of the challenges of Covid-19, including early prison releases. He is helping to co-ordinating a package of measures to reduce re-offending by supporting prisoner's return to society.

As well as Waheed Saleem's experience in leading change within policing, he is a non-executive director of a mental health trust and a former trustee of NACRO, meaning that he has a unique understanding of the causes of crime and how to reduce it.

I have attached the role description and the terms and conditions of Waheed's appointment to this letter.

I hope this provides the information you require and I look forward to the meeting where we will discuss this matter,

Yours sincerely

A handwritten signature in black ink that reads "David Jamieson". The signature is written in a cursive style with a horizontal line underneath the name.

David Jamieson
Police and Crime Commissioner

**WEST MIDLANDS POLICE
AND CRIME
COMMISSIONER**

NON-CONFIDENTIAL

**NOTICE OF DECISION
[025/2020]**

Contact Officer: Jonathan Jardine

Telephone Number:0121 626 6060

Email: j.jardine@west-midlands.pnn.police.uk

Proposed appointment of Deputy Police and Crime Commissioner

EXECUTIVE SUMMARY

The background information contained in this report outline 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. It also includes details of the confirmatory hearing process required to be undertaken by a police and crime panel following the decision by a police and crime commissioner to appoint a deputy police and crime commissioner.

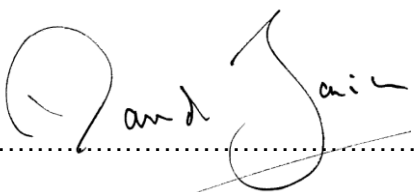
The accompanying background information also includes an overview of the Commissioner's proposed candidate for Deputy Police and Crime Commissioner, Waheed Saleem

DECISION

Making use of the power in section 18 (1) I have decided to propose the appointment of Waheed Saleem to the post of Deputy Police and Crime Commissioner for the West Midlands.

West Midlands Police and Crime Commissioner

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. Any interests are indicated below.

Signature.....

Date: 28.04.2020

**NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME
COMMISSIONER
INTRODUCTION AND BACKGROUND**

1. The Police Reform and Social Responsibility Act 2011 (the Act) provides, under section 18(1), that the police and crime commissioner for a police area may 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 wishes to appoint a deputy police and crime commissioner; and his proposed candidate for the post is Waheed Saleem held the post of Assistant Police and Crime Commissioner from 1 June 2019 until present, and has been a Board Member since December 2016.
3. Mr Saleem 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 Waheed Saleem.
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. Waheed Saleem 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 Waheed Saleem’s proposed appointment.

FINANCIAL IMPLICATIONS

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 Police Reform and Social Responsibility Act 2014.

LEGAL IMPLICATIONS

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

The provisions of the Police Reform and Social Responsibility Act 2014 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

Annex A – qualification criteria

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

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

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

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

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

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

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

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

(a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii);
or

(b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

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).

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: N/A

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. As a member of the Board, 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. To contribute to meetings of the Board to apply and promote the principal terms of reference for the Board to:
 - 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
 - assist the Commissioner to monitor the implementation and achievement of the Police and Crime Plan and support the Commissioner in any work required to vary the Plan during his term of office
 - 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:-

- (a) The Board.
- (b) Joint Audit Committee (if required to do so by the PCC).
- (c) Such other meetings and events at which attendance may be required for the effective fulfilment of the APCC's obligations under this Agreement either to support or represent the PCC.

- 4. To consider papers and reports and proposed decisions of the PCC to be considered at meetings of the Board and apply skill, knowledge and expertise in Board 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 PCC as required from time to time on such matters as fall within the area of responsibility of the APCC.
- 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
- 10. To proactively contribute to the working of the Strategic Policing and Crime Board
- 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	HOW IDENTIFIED
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 	Application form and Interview
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 Governments • 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 	Application form and Interview

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 	Interview
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 	Interview

Police and Crime Commissioner West Midlands

Employment Rights Act 1996

Written Particulars of Employment

FIXED TERM CONTRACT – ends 12 May 2021

Name: Waheed Saleem

Salary: £67,994

Job Title: Deputy Police and Crime Commissioner

Police and Crime Commissioner West Midlands, Lloyd House, Colmore Circus, Birmingham, B4 6NQ

Date employment commenced: 2 May 2020

End of Fixed Term Contract: 13 May 2021

Date continuous service commenced: 2 May 2020

Politically restricted post under Local Government and Housing Act: NO

GENERAL TERMS & CONDITIONS OF EMPLOYMENT

General Terms & Conditions of Employment

1. You are employed by The Police and Crime Commissioner for the West Midlands. Your general terms and conditions of employment are those contained in the national terms and conditions agreed through the Police Staff Council, insofar as adopted by the Commissioner.
2. All policies mentioned within this contract can be found on our website. Appendix A contains a list of policies that apply to the role of the Deputy Police and Crime Commissioner Post.

Continuous Employment

3. Your continuous service for statutory employment rights commences on 1 May 2020 when you began your service with the PCC. When calculating your entitlement to a redundancy payment, your continuous service is defined by the Redundancy Payments (Local Government) (Modification) Orders.
4. If you have unbroken continuous service with a former Police Authority or PCC this will be included in calculating your entitlement to annual leave and occupational sickness.

Pay Progression

5. Pay progression is determined within the national pay spine agreed by the Police Staff Council which represents Chief Constables and the Home Secretary of England and Wales and the employees of Chief Constables and Police and Crime Commissioners. The current pay scales are published by the Police Staff Council and are available to view on the West Midlands Police intranet site.

Salary and Allowances

6. Your salary is £67,994 per annum, which is spinal column point 60 on the Police Staff pay scale.
7. We will pay your salary each month in 12 equal payments (normally on the 25th day of each month) into your bank account. If we over pay your salary or other payments, we have the right to recover the over payment by taking phased salary deductions from other salary payments we make to you.

Hours of work

8. Your working hours are 36.5 hours per week. The terms and conditions of this post include an expectation that on occasion you will have to work out of normal hours in order to meet the Commissioner's requirements.
9. We must protect the health and safety of all our staff. We have a policy on hours of work under the Working Time Regulations 1998 with which you must comply and which may be amended from time to time by the Commissioner in his absolute discretion. A copy of this policy can be viewed on the website.

Holiday

10. You are entitled to 204.4 hours annual leave.

Annual Leave Entitlements:

Spinal Column Point	Basic Entitlement	After 5 years
Up to 17	175.2 hrs	211.7 hrs
18-24	189.8 hrs	226.3 hrs
25 and above	204.4 hrs	240.9 hrs

11. The holiday year is from 1 April to 31 March. If you start or leave employment during the year, you are entitled to days off in proportion to the number of completed months' service during the year. If you do not take your days off within the holiday year, you will lose those days. In exceptional cases, with approval from your line manager beforehand, you may carry over up to five days from one holiday year to the next. You must take these days before the end of May of the subsequent leave year. You will also be entitled to public and bank holidays.
12. Your line manager must approve any time you want to take off. However, you may have to work on public and bank holidays and will be entitled to take appropriate time off in the remainder of the leave year.
13. If, when your employment ends, you have taken less than your holiday entitlement for the holiday year so far, the working time regulations automatically entitle you to receive pay for the holiday leave not taken. Also, if you have taken more days than your entitlement a pay adjustment will be made.

Sickness absence

14. Payments during any absence due to sickness or injury depend on your length of continuous service and details can be found in the staff handbook alongside arrangements for reporting and monitoring sickness absence. We have the right at any time to require that you are examined by a medical practitioner /clinician and to cease your pay if you do not comply with our attendance policy.

Pension and Retirement

15. Unless you choose to opt out, you will automatically become a member of the Local Government Pension Scheme. When you retire, the pension scheme provides benefits based on your length of service and the salary you received in during your employment.
16. More information on the Local Government Pension Scheme and your entitlement can be obtained from West Midlands Local Government Pension website. You will be sent details of the pension scheme, its effect on S2P and how to opt out of membership, if you wish to do so.

Maternity, Adoption, Parental and Paternity rights

17. As well as statutory maternity, adoption, parental and paternity rights, we also have an occupational Maternity and Paternity Policy, found in the Staff Handbook

Notice Period

18. Your employment will end of the date of the end of the fixed term contract at the start of this contract in accordance with the Police and Social Responsibility Act. The contract will also terminate in the event of your being subject to a relevant disqualification as defined by paragraph 8 of Schedule 1 of the same act. If the PCC ceases to hold office for any reason before the end of the term of office, and a by-election to fill the vacancy occurs, your contract will end at the point at which the person subsequently elected makes and delivers a declaration of acceptance of office.
19. In other cases the notice period for you or us to terminate your employment is 2 months.

Complaints

20. If you have a complaint about your employment you should first contact your line manager. If your line manager cannot solve your complaint, you should use our grievance procedure, which can be found in the Staff Handbook.

General Behaviour and Conduct

21. We expect you to follow the highest standards of behaviour in the workplace and when you are not at work. You must contribute fully to delivering services and must support activities to the highest standards and behave at all times with integrity and honesty. All colleagues have the right to be treated with dignity and respect. Behaviour which is in any way offensive or demeaning is not acceptable. You are subject to the PCC code of conduct which applies to the PCC and DPCC, APCCs and Board Members.
22. If your behaviour falls below the necessary standard, we may take action against you under the disciplinary procedure in our Staff Handbook. You are also subject to the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

Dress Code

23. We expect you to dress appropriately and in a way that gives confidence to our communities and public.

Membership of the British National Party (BNP)

24. You may not be a member of the BNP or member of an organisation whose constitution, aims or announcements contradict our general duty to promote racial equality. If you do not follow the policy your actions may be considered under the Disciplinary Policy.

Diversity and Equal Opportunities

25. We aim to employ a workforce at all levels that reflects the culture and the diverse mix of the communities we serve. We are committed to providing fairness and equal opportunities to you as a member of staff in a workplace that is free from bullying, intimidation, harassment and discrimination. This means that we will recognise and develop the talents of all and treat everyone with dignity and respect. We will treat you fairly and you must behave in this way towards others, in accordance with our Equality Policy

Performance and Training

26. Performance will be reviewed in line with the Commissioner's performance review procedures.

Confidentiality

27. We expect you to keep official information and documents strictly confidential. Any

unauthorised disclosure of information which is confidential to the Commissioner or the Force will be regarded as a breach of discipline. If you are subject the Official Secrets Act 1989 it is an offence to reveal without authorisation any information, document or other item, which is or has been in your possession.

28. Unauthorised access to or use of computer systems, or information stored on computer or otherwise, may be an offence under the Data Protection Act 1998, the Copyright, Designs and Patents Act 1988 or the Computer Misuse Act 1990. You must keep information confidential (especially under the legislation above).

Data Protection Act 2018

29. The Data Protection Act 2018 covers how personal information may be used and sets out principles for handling information and lists the offences that may be committed by not following the act. You must follow the requirements of the Data Protection Act 2018, comply with organisational requirements and must not breach regulations. In order to assist you to comply with the Act you will be required to satisfactorily complete an e-learning course prior to being given access to the Commissioner's information technology systems. You must read and understand the Information Records Management Policy and associated Privacy Notice.

30. We hold data about you in accordance with the Act to enable us to fulfil the terms of this employment contract. The legal basis for holding such information and your associated rights are explained clearly in our Privacy Notice for employees.

Interception of Telecommunications

31. The Police and Crime Commissioner is co-located with West Midlands Police and shares information technology support systems. You should be aware that in order to ensure the confidentiality, integrity and availability of police service networks, systems and information, protective interception and monitoring of communication may take place. Consequently there can be no expectation of privacy when using official systems. More information on this is contained in the IT and Communications Policy.

Freedom of Information Act 2000

32. Under this Act every employee has a duty to provide assistance to any requestor by receiving and progressing a request and/or producing information when requested. If you alter, tamper with or destroy information on paper or computerised after a request has been received you could be liable to a fine of up to £5000 and disciplinary action.

33. In order to assist you to comply with the Act you will be required to satisfactorily complete an e-learning course. If you have learning difficulties a suitable alternative will be provided.

Vetting Procedure

34. The Commissioner applies a vetting procedure to all members of its staff. You are required to notify the Commissioner of any changes in your personal circumstances which could affect the vetting status which you have been granted.

Other employment

35. You should not carry out extra employment where this conflicts with your employment with us, or which harms your performance at work or your employment. As a result, you must follow our policy in declaring your Business Interests which applies to designated posts.

Health & Safety

36. We are committed to protecting the health and safety of all staff, visitors, contractors and the public. You must co-operate with us on all issues of health and safety as per our policy. This is an important part of your health and safety responsibility. You must take reasonable care of your own health and safety and the safety of others who may be affected by your actions.

Smoking at Work

37. Police and Crime Commissioner and Police premises are designated as smoke free. Smoking is not permitted by law in any part of any building or within the perimeter of any grounds; this includes car parks on police premises.

38. In order to maintain the professional image of the Commissioner and Force, smoking is not permitted in front of any premises. Where you use your own car for work purposes, you and your passengers will not be permitted to smoke in the vehicle.

Drugs and Alcohol

39. We are committed to providing a safe and productive working environment. We do not approve the excessive or inappropriate use of alcohol or the misuse of drugs, whether prescribed or illegal. As a result, please read our policy on misuse of drugs (including alcohol), which is part of the Staff Handbook

Policies and Procedures

40. You must adhere to your Terms and Conditions of Employment. You must also adhere to all of the Commissioner's policies relating to your employment. These policies do not form part of your terms and conditions of employment and may be amended by the Commissioner from time to time in its absolute discretion. Copies of the policies can be found on the Commissioner's website. Failure to comply with any of your Terms and Conditions of Employment or with any of the policies may result in disciplinary action being taken against you, including ending your employment immediately without notice.

Probationary Period

41. As a new employee we expect you to show that you are suitable for the job within your probationary period. This will normally be for a period of six months, but we can extend it up to twelve months. Your line manager will monitor your progress throughout your probationary period. If your line manager identifies problems with your performance, attendance or ability to comply with / demonstrate the standards of professional behaviour, they will discuss these with you, and with assistance/support, you will be expected to make appropriate improvements. If your line manager has significant concerns before the end of your probationary period, we will terminate your employment. Similarly, we may confirm your employment at six months or between six to twelve months.

42. During your probationary period the minimum period of notice needed for you or us to terminate your employment is one week.

I accept employment under the Terms & Conditions of Employment as set out in this contract. I have received my employment contract and understand the implications of all the policies contained on the PCC's website.

Signed Employee..... Date.....

Signed on behalf of OPCC..... Date.....

Appendix A: OPCC Policies

The OPCC has a set of HR policies in place for its staff. As a member of staff the DPCC is subject to these policies. However due to the unique nature of the role there are some variations in how the policies are applied. These are set out below:

1. The following policies (found in the Staff Handbook) do not apply to the DPCC:
 - a. From Section 3: Pay, Temporary Promotions and Honoraria, On Call Allowance
 - b. From Section 5: Flexible Working Hours Scheme
 - c. From Section 7: Organisational Change

2. The following policies shall apply to the DPCC, except that where the policy makes reference to the Chief Executive or line manager, the words “the Commissioner” shall be inserted instead:
 - a. From Section 1: Induction and Probation
 - b. From Section 2: Equality and Diversity, Use of IT etc, Standards of Dress, Business Interests, Misuse of Drugs including Alcohol
 - c. From Section 3: Progression, Long Service Award, Other Benefits, Pension.
 - d. From Section 4: Training, Study Fees, Professional Fees
 - e. From Section 5: Attendance, Inclement Weather, Annual Leave, Special Leave, Leave for Parents, Statutory Flexible Working Requests
 - f. From Section 6: Travel Allowances, Excess Travel, Expenses, Overseas Visits Policy

3. The following policies shall apply to the DPCC, except that where the policy makes reference to the Chief Executive or line manager the words “the Commissioner” shall be inserted instead, and the following paragraphs re altered:
 - a. From Section 2:
 - i. Grievances and Resolutions – para 2.18 – an appropriately skilled external independent party may be appointed to hear your grievance, rather than an OPCC manager.
 - ii. Capability, para 2.58 – a Chair appointed by the Commissioner will lead the final interview, rather than an OPCC manager, and para 2.64, another appropriately skilled external independent party will be appointed to Chair to hear the appeal.
 - iii. Disciplinary – para 2.93 – the Hearing Panel will be chaired by the Commissioner and consist of two further members appointed by the Commissioner.

Appendix B – Police and Crime Panel

As your appointment is in accordance with the Police and Social Reform Act 2011 your appointment must be ratified by the Police and Crime Panel.