

To: Cambridgeshire Police Authority

From: Acting Monitoring Officer

Date: 29th June 2010

APPOINTMENT OF INDEPENDENT MEMBERS AND MISCELLANEOUS MATTERS

1. Purpose

- 1.1 On 31st March 2011, the terms of office of two independent members (Ms Ruth Rogers and Mrs Olive Main) will expire, and the Authority needs to consider the arrangements for filling the vacancies.
- 1.2 The selection and appointment procedure for independent members must comply with the statutory provisions of The Police Authority Regulations 2008 as amended¹ (the Regulations). The Regulations are supplemented by joint guidance issued by the Association of Police Authorities (APA) and Home Office (HO), which it is proposed, will be updated to reflect the amended regulations.
- 1.3 In relation to the independent member selection and appointment process, the main change concerns the composition and chairmanship of **Selection Panels** and **Selection Committees**.
- 1.4 This report sets out the key provisions of the procedures under the amended Regulations and the decisions required by the Authority for taking the process forward.
- 1.5 The Regulations also contain new provisions concerning the appointment of councillors to police authorities by relevant councils of which the Authority needs to be aware. For convenience, these are also dealt with in this report (see Section 3).

2. The Selection and Appointment Process

- 2.1 The key provisions of the Regulations are summarised in the following paragraphs.

¹ The Police Authority (Community Engagement and Membership) Regulations 2010 which came into force on 17 March 2010 and The Police Authority and Metropolitan Police Authority (Amendment) Regulations 2010 which came into force on 26 April 2010.

2.2 Appointment of Independent Members

2.2.1 The Regulations provide that independent members are appointed by the existing members of the police authority from among persons on a short-list prepared by a Selection **Panel**.

2.2.2 In the past, the Authority has appointed a Selection **Committee** of its members to conduct interviews of short-listed candidates and make recommendations to the full Authority on appointments. The Selection Committee for the last process in 2009 comprised of three members (Ms Ruth Rogers, Mr Benjamyn Damazer and Mr Ian Bates).

2.2.3 The Authority is asked to consider the composition of, and the appointment of three members to, the Selection Committee.

2.3 Selection Panel

2.3.1 The original 2008 Regulations provided that Selection Panels consist of five members:

- (a) three appointed by the members of the police authority;
- (b) one appointed by the Secretary of State;
- (c) one (the independent assessor) appointed by the members of the selection panel at (a) and (b) above from a list of candidates prepared by the Secretary of State.

2.3.2 Under the amended Regulations, the size of Selection Panels is reduced to three members as follows:

- (a) two appointed by the members of the police authority, and
- (b) one (the independent assessor) appointed by the members of the police authority for the area from a list of candidates prepared by the Secretary of State, and that member shall act as Chair of the panel.

2.3.3 As will be seen, the Secretary of State's appointee has been removed and the number of appointments by the police authority reduced from three to two. Other significant changes are that the independent assessor at (b) is to be appointed by members of the police authority (rather than by the other selection panel members as previously) and that person will act as Chair of the panel.

2.3.4 As a consequence of the changes in the composition of Selection Panels, the member and independent assessor appointments on the former Selection Panel expired when the amended Regulations came into force on 17th March 2010. Therefore, the Authority is required to consider its appointments to the new three-member Selection Panel as set out at 2.3.2 above.

2.3.5 The two Police Authority appointees on the selection panel do not have to be police authority members.

- 2.3.6 All Selection Panel members are appointed for five years, although in the case of Police Authority members, appointments can be for a shorter period to coincide with the expiration of a member's period of office on the Authority.
- 2.3.7 Ms Rachel Talbot was appointed as the Home Office's appointed independent assessor on the Selection Panel. She is no longer eligible. Therefore there is a need to appoint a new person from the Home Office's list. There is no name on the list from Cambridgeshire/Peterborough. However, Mr Paul Thain is a recently retired Senior Executive Director of a Norfolk Health Trust and has just undertaken the role of independent selector for Norfolk. He is willing to act for the CPA to undertake the role of Chair of the Panel – he is an HR Specialist by background. The Authority is therefore recommended to appoint Mr Paul Thain as the independent HO list assessor on the Selection Panel.
- 2.3.8 The Regulations state that a Selection Panel may only consider applications for appointment if all of their members are present. However, a Selection Panel may act if two of their members are present if:
- (i) not less than one week's notice was given of the meeting in question;
 - (ii) the member of the panel who is not present has died; or
 - (iii) the member of the panel who is not present has previously consented in writing to the other members acting in his absence.

2.4 Functions of the Selection Panel

- 2.4.1 The main function of a Selection Panel is to nominate people who are willing to be candidates for appointment. The short-list submitted to the police authority must be twice the number of appointments to be made. In exercising their functions, selection panels must ensure, so far as reasonably practicable, that the persons nominated:
- (i) represent the interests of a wide range of people within the community in the police area of the police authority;
 - (ii) include persons with skills, knowledge or experience which are under represented among the existing members of the police authority;
 - (iii) promote diversity within the force and the police authority in question; and
 - (iv) are likely to commit sufficient time to take a proactive role in the work of the police authority.
- 2.4.2 The current APA/HO guidance emphasises that Selection Panels are independent of police authorities.

2.5 Newspaper Advertisement

2.5.1 There is a requirement for selection panels to advertise vacancies in at least two local newspapers circulating in the area of the Police Authority. The notice must include matters specified in the Regulations.

2.5.2 A period of not less than one month has to be allowed for the submission of applications.

2.6 Tenure of Office/Reappointment of Current Members

2.6.1 The normal term of office for independent members is four years although a shorter period can be considered in any particular case at the discretion of the Authority. The Regulations restrict Police Authority members to a maximum of two consecutive terms unless an exception for a third term is agreed by the Secretary of State.

2.6.2 Mrs Olive Main, who is in her third term, has indicated she will not be seeking reappointment. The other independent member, Ms Ruth Rogers, is eligible to apply for a second 4-year term.

2.6.3 The current APA/HO guidance in respect of members seeking reappointment is set out below:

“Selection panels should consider applications from existing members on their merits. There is no presumption that reappointment of current members is automatic or necessarily to be expected. The panel’s starting point should be to look at the whole field of applicants with a view to providing a list of candidates who can represent the interests of the local communities. It should not be to decide which members to reappoint first and then build the list around them.

Authorities will recognise that this is a sensitive issue but, except as set out below, members applying for reappointment should be treated in exactly the same way as other applicants. For example, they should complete application forms and submit them to the panel within the deadline given in the local advertisement, and be treated at any subsequent interview in a similar manner to other candidates.

Regulation 20(2)(c) requires the panel to be satisfied that members applying for reappointment have demonstrated appropriate performance against the competencies set for that member during their previous term. The panel should ask the chief executive to provide a copy of any existing formal performance assessment or other appropriate information, such as records of attendance, to evidence competencies. This assessment should obviously not contain any material which cannot be substantiated, and should not be used in a way which either favours or disadvantages an existing member unfairly. It is also important that the format of the interview, including key questions, is not materially different from that applied to other candidates.

The panel may also wish to have regard to consistency and continuity that a current member may provide to the authority.”

3. Process Timetable

- 3.1 It is important that the Selection Panel begins its work in planning the recruitment and selection process at the earliest opportunity in order that the new appointments take effect from 1st April 2011.
- 3.2 The indicative timetable is for the Selection Panel to consider and finalise the arrangements for its recruitment campaign and interview/selection process during June/July so that newspaper advertisements can be placed and publicity material distributed in September. The Selection Panel would host a selection event in November to determine its short-list of eight candidates for final interview by the Selection Committee of Police Authority members in December. The committee’s recommended appointments would be considered by the full Authority on either 13th December 2010 or 9th February 2011 as appropriate.
- 3.3 These timescales would allow adequate time for the completion of formalities, including police vetting checks, so that the appointments are effective from 1st April 2011.

4. Miscellaneous

- 4.1 In relation to the appointment of councillor members to a police authority, the Regulations have been amended to include the following regulation:

“8A. In exercising its power to appoint members of a police authority under regulation 6(1)(a) or 6(2)(a) a relevant council or joint committee shall –

- (a) ensure that, as far as reasonably practicable, the persons appointed by them –*
- (iv) represent the interests of a wide range of people within the community in the police area of the police authority;*
 - (v) include persons with skills, knowledge or experience which are perceived by them to be under-represented among the existing members of the police authority;*
 - (vi) promote diversity within the force and the police authority in question; and*
 - (vii) are likely to commit sufficient time to take an effective role in the work of the police authority;*
- (b) explain to the police authority, if so requested, how it met the requirements in sub-paragraph (a); and*

(c) *have regard to any guidance issued or approved by the Secretary of State as to the qualities required by persons who serve as members of a police authority.*”

4.2 The Authority is asked to note the criteria to be considered by the relevant councils (in our case Cambridgeshire County Council and Peterborough Unitary Council) when considering councillor appointments to a Police Authority.

4.3 In relation to sub-paragraph (b) above, the Authority is asked to consider whether it wishes to make a policy decision for future appointments to request the Joint Committee for Police Authority Appointments to explain to the Authority how it has met the requirements specified in sub-paragraph (a) in making its appointments.

5. Service and Financial Implications

5.1 There will be additional costs arising from the recruitment and selection process in respect of newspaper advertisements, printing, panel members' allowances/expenses and candidates' travel expenses. The original base budget does not include provision for these costs, but the Treasurer has confirmed that resources will be found. Alternatively, money will be taken from reserves to cover this mandatory process.

6. Risk

6.1 There are no significant risks arising from this report.

6.2 However, it is possible that the proposals by the Coalition Government regarding legislating for “directly elected individuals” to replace the current Police Authority governance regime, may see this process suspended.

7. Recommendations

7.1 The Authority is asked to consider the following recommendations:

- (i) To note the revised statutory procedures for the appointment of independent members to Police Authorities and the indicative timetable at paragraph 3.2 for filling the four independent member vacancies from 1st April 2011.
- (ii) To consider the nomination of two Police Authority appointees (not necessarily CPA members) to the Selection **Panel**.
- (iii) To approve the appointment of Mr Paul Thain as the HO listed independent assessor on the Selection Panel.

- (iv) To consider the composition of the Selection **Committee** of Authority members for final interviews and to agree nominations.
- (v) To authorise the Chief Executive or, in her absence, the Acting Monitoring Officer (in consultation with the Cambridgeshire CC nominated VC, Victor Lucas), to take the necessary action to implement the selection and appointment process to fill the two impending independent member vacancies with effect from 1st April 2011 in accordance with the Police Authority Regulations 2008, as amended, and APA/HO guidance.
- (vi) To note the new regulation at paragraph 4.1 below in relation to the appointment of County and Unitary councillors to Police Authorities, and to decide whether to make a policy decision for future appointments, to request the Joint Committee for Police Authority Appointments to explain to the Authority how it has met the requirements specified in sub-paragraph (a) of regulation 8A

BIBLIOGRAPHY

Source Document (s)	Contact Officer	Location
<ol style="list-style-type: none"> 1. The Police Authority Regulations 2008. 2. The Police Authority (Community Engagement and Membership) Regulations 2010 3. The Police Authority and Metropolitan Police Authority (Amendment) Regulations 2010. 4. Selection and appointment of independent members of police authorities in England and Wales – joint guidance from the Association of Police Authorities and the Home Office (April 2008). 	<p>Chris Harding MBE LL.B Solicitor – Acting Monitoring Officer & Specialist Adviser</p> <p>T. (01953) 424451</p> <p>E. hardingc@norfolk.pnn.police.uk</p>	<p>Cambridgeshire Police Authority Office, Police HQ Hinchingsbrooke Park, Huntingdon, Cambs, PE29 6NP.</p>
<p>Originating Officer: Acting Monitoring Officer</p> <p>Is it considered that this report contains 'exempt information' and should be considered in private? NO</p> <p>If the answer is "YES", please state the nature of the exempt information and the relevant clause(s) of the Local Government (Access to Information) (Variation) Order 2006, varying Part 1 of Schedule 12 to the Local Government Act 1972</p> <p>.....</p> <p>The attached report has been cleared with the undermentioned officers: (delete as appropriate)</p> <p>Acting Chief Executive & Treasurer</p> <p>Submitted on21st June 2010.</p> <p>A report will not be sent to the Authority unless this box has been satisfactorily completed and all necessary consultation carried out - the responsibility for which rests with the originator (except for consultation with the Chairman and this will be undertaken by the Chief Executive).</p>		