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west midlands
police and crime
commissioner

Cllr Darren Cooper
Chair
West Midlands Police and Crime Panel
WMPCP Office
Scrutiny Office
Birmingham Council House
Victoria Square
Birmingham
B1 1BB

29 August 2014

A handwritten signature in blue ink that reads "Darren Cooper". The signature is written in a cursive style with a large initial 'D' and 'C'.

Deputy Police and crime Commissioner Confirmation hearing

May I begin by thanking you and your colleagues on West Midlands Police and Crime Panel for arranging for the confirmatory hearing for my proposed Deputy Police and Crime Commissioner, Councillor Yvonne Mosquito to be included in your Panel meeting on 8 September 2014. We look forward to joining you and hope that the information provided in this letter is helpful to you in meeting your statutory duties.

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

As stated above I have decided to propose Councillor Yvonne Mosquito as my Deputy. I have attached a copy of my decision (WMPCC 32/2014) to this letter.

The need for this confirmatory hearing follows the sad passing of Bob Jones who was supported in his role by Councillor Mosquito as his Deputy. The criteria used by Bob to determine his nomination still apply and I have made use of these in making my choice of Deputy. These are:

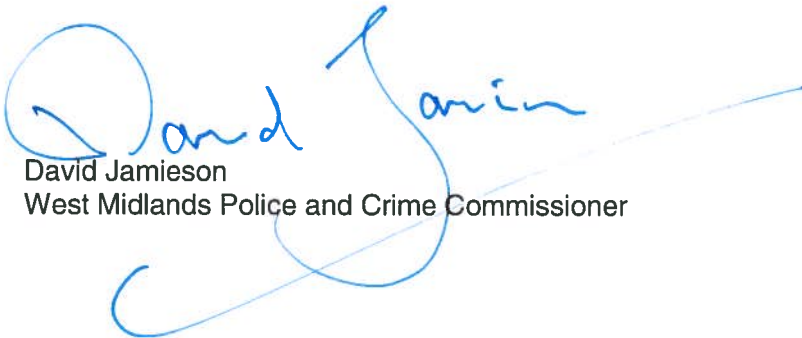
- experience and understanding of police accountability

- understanding and engagement of national, regional, and local community groups, both statutory and voluntary
- experience of community campaigning and advocacy
- shared values in respect of the role of the police service and its accountability to the public
- a commitment to equalities 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 have attached a short CV for Councillor Mosquito which demonstrates how she meets these criteria. At your meeting I will also be presenting the Annual Report prepared by Bob Jones which evidences the considerable achievements made by the former Commissioner and his Deputy Commissioner during their shared term of office. The Annual Report reinforces her continuing suitability for the role of Deputy Commissioner.

The terms and conditions of appointment are also attached to this letter. These remain unchanged from those agreed by the former Commissioner other than some changes to the termination provisions. These changes are needed to give greater certainty to both the Panel and Councillor Mosquito in the event of the need to make an Acting Police and Crime Commissioner in the future.

I hope this provides the information you require. I look forward to our first meeting on 8 September 2014 and working with you for our shared endeavor of ensuring the provision of excellent policing services.



David Jamieson
West Midlands Police and Crime Commissioner

Attachments:

Decision to propose the appointment of Councillor Yvonne Mosquito

Short CV Councillor Yvonne Mosquito

Terms and Conditions of appointment for the Deputy Police and Crime Commissioner

**WEST MIDLANDS POLICE
AND CRIME
COMMISSIONER**

NON-CONFIDENTIAL

NOTICE OF DECISION

032/2014

Contact Officer: Jacky Courtney

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Email: j.courtney@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, Councillor Yvonne Mosquito.

DECISION

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

West Midlands Acting 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 West Midlands Office for Policing and Crime. Any interests are indicated below.

Signature.....David Jamieson.....

Date..... 22 August 2014.....

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 Councillor Yvonne Mosquito who until the death of the previous Commissioner, Bob Jones, held the post of Deputy Police and Crime Commissioner until being made Acting Police and Crime Commissioner on 14 July 2014. Her Acting Police and Crime Commissioner appointment, by virtue of the provisions of the Police Reform and Social Responsibility Act 201, ended with the declaration following the election held on 21 August 2014.
3. Councillor Mosquito has declared that she is aware of the provisions of the Police Reform and Social Responsibility Act 2011 as regards eligibility to be appointed. She has declared to the Commissioner that to the best of her knowledge and belief she 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 Cllr Mosquito.
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. Cllr Mosquito will then be subject to the confirmatory hearing process required by schedule 1 of the Act. It is understood that the confirmatory hearing will take place on Monday 8 September 2014.
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 Cllr Mosquito'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

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.

The Police and Crime Commissioner for the West Midlands

Declaration by proposed appointee to office of Deputy Police and Crime Commissioner

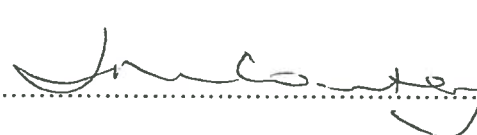
I YVONNE MOSQUITO

of

declare that I am aware of the provisions of the Police Reform and Social Responsibility Act 2011 and to the best of my knowledge and belief I am eligible for appointment as Deputy Police and Crime Commissioner and I am not subject to a relevant disqualification.

I acknowledge that I hold office subject to the requirements of paragraph 8 of Schedule 1 of the Police Reform and Social Responsibility Act 2011.

Signed 

Witnessed 

(JMCOURNED)

Dated: 22 August 2014

CV

YVONNE MOSQUITO

Extensive Policing Experience which includes;

- Acting Police and Crime Commissioner
- Deputy Police and Crime Commissioner
- Former Vice Chair of West Midlands Police Authority
- Chair of the Personnel Committee
- Association of Police Authorities – Neighbourhood Policing/ Diversity/HR

Civic experience:

Birmingham City Councillor in Ladywood constituency (Nechells ward); Chair of the West Midlands Immigration Strategic Board; Ladywood District Chair; Vice Chair West Midlands Police Authority; Chair of the Labour Group; Shadow Cabinet Member; Local Services; Community Safety; Vice Chair Overview & Scrutiny; Co-ordinating Committee; Chair of the West Midlands Police Personnel Committee (11k staff); Chair of the People & Organisation Committee (53k Employees); Health Authority Representative on the Perry Barr Primary Care Group; Chair of the Sparkbrook Ward Committee (£300k NRF); and Nechells Ward Committee; Chair of the Social Cultural & Health Board (£1.8 million); Chair of the Birmingham Housing Benefit Review Board; Chair of the Council Tax Benefits Review Board; Vice Chair of the Equalities Committee; Was Member of, Policy and Resources, Education, Social Services, Personnel Committees; Group Executive; Executive Board; Member of the Single Regeneration Budget Sparkbrook/Sparkhill Board £37.5m; Deputy Chief Whip; Member of Labour Group Executive; Campaign Co-ordinator; recruiter of key community leaders to the party from 1996 to date; Unite Member. I have campaigned in every single national and local election while a councillor.

Police and Crime Commissioner for the West Midlands

Deputy Police and Crime Commissioner - summary of terms and conditions of appointment

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 DPCC is employed by the PCC and is subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC’s staff.

The main terms and conditions of appointment are:-

1. The DPCC will be required as a condition of appointment 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 disqualification¹.
2. Allowances – travelling and subsistence allowance will be paid at the rates applicable to the PCC’s staff. Allowances paid will be disclosed quarterly under the Elected Local Policing Bodies (Specified Information) Order 2012 (as amended) and in accordance with the Home Secretary’s determination, attached as an appendix to this summary.
3. Hours of work and salary – 32 hours per week for which she will be paid £65,000 per annum with provision for attendance on days and at times reasonably required by the PCC which will involve work outside normal office hours. No overtime will be paid. Salary reviews will be in line with those made to the Commissioner’s salary which is set by the Home Secretary.
4. Holiday entitlement – 28 days annual leave pro rata plus public and bank holidays.
5. Sickness absence – SSP is payable from the fourth qualifying day in any period of incapacity for work.
6. Pension – entitlement to join the LGPS.
7. Termination – the appointment as DPCC may be terminated at any time by the PCC and, under the provisions of the Act, must end not later than the day when the current term of office of the appointing police and crime commissioner ends. Three months’ notice is required by either party to terminate the contract of employment. The appointment will end if the appointee becomes disqualified under the Act.
8. Conduct – Any PCC code of conduct will apply and in addition the DPCC will be subject to the complaints process under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
9. Performance review and appraisal – the PCC will conduct regular performance review and appraisal.
10. The DPCC will be subject to the Official Secrets Act 1989.

¹ Defined in para. 8(6) of Schedule 1 to the Act

Appendix

Expenses

Secretary of State for Home Department's determination on police and crime commissioner expenses.

Paragraph 3 of Schedule 1 to the Police Reform and Social Responsibility Act 2011 ('the 2011 Act') provides that a police and crime commissioner (PCC) is to be paid authorised allowances. 'Authorised allowances' means allowances, in respect of expenses incurred by the commissioner in the exercise of the commissioner's functions, which are of the kinds and amounts determined by the Secretary of State. A determination under paragraph 3 may make different provision for different cases.

Authorised allowances

The purpose of authorised allowances is to reimburse expenses incurred by PCCs in carrying out their duties, not to provide a general gratuity for undertaking the role. Commissioners are paid a salary determined by the Secretary of State on the advice of the senior salaries review board.

The kinds of allowances determined by the Secretary of State for the purposes of paragraph 3 of Schedule 1 to the 2011 Act are allowances in respect of:

- travel expenses
- subsistence expenses
- exceptional expenses

reasonably incurred by a PCC in the exercise of the commissioner's functions.

The amounts of such allowances determined by the Secretary of State are set out in the below table:

Table of PCC authorised allowance amounts		
Type of expense	Key restriction	Rates
Train	In course of business	Reimbursed up to standard class rates
Mileage allowances	Only if necessary	As per HMRC rates
Taxis	Only where public transport not available	Cost of taxi fare
Foreign travel	Prior authority from chief executive and for business purposes	Economy class for flights
Hotel accommodation	Business purposes and agreed in advance Value for money and best use of public funds - lower priced suitable accommodation	No explicit limitation on star standard of hotel accommodation
Subsistence (UK and foreign)	Only paid for evening meals and, where applicable, breakfast (not lunch)	Breakfast £10 Dinner £30

Table of PCC authorised allowance amounts		
Type of expense	Key restriction	Rates
Exceptional expenses not falling within any of the other types	Reasonable incurred in carrying out business of the authority	As approved by the chief executive

Chief executive approval

The commissioner's chief executive should subject all of the commissioner's claims for expenses to rigorous verification and auditing.

Any claims for exceptional expenses incurred by the commissioner in the exercise of the commissioner's functions will require the approval of the commissioner's chief executive. In considering whether to grant this approval the chief executive shall take into account the following factors:

- a. whether there are exceptional circumstances warranting additional support
- b. whether the Commissioner could reasonably have been expected to take any action to avoid the circumstances which gave rise to the expenditure or liability
- c. whether the Commissioner's performance of their Commissioner functions will be significantly impaired by a refusal of the claim

Publishing allowances

Under paragraph 1(d) of the Schedule to the Elected Local Policing Bodies (Specified Information) Order 2011, PCCs are required to publish the allowances paid to them and to their deputies in respect of expenses incurred by the commissioner or deputy in the exercise of the commissioner's functions.

PCCs and their deputies should publish a breakdown of their expenses including:

- their name, force area, financial year, month, date, claim reference numbers, expense type (e.g. travel, accommodation), short description, details, amount claimed, amount reimbursed, amount not reimbursed, and the reason why a claim was not reimbursed
- for travel and subsistence claims: date, place of origin, place of destination, category of journey, class of travel, mileage, length of hotel stay, category of hotel stay.

