

Name of meeting: Annual Council

Date: 22 May 2013

**Title of report: Response to Motion Adopted by the Council –
Appointment of Police and Crime Deputy Commissioner**

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Is it in the Council's Forward Plan?	No
Is it eligible for "call in" by Scrutiny?	No, as it is a decision for Council
Date signed off by <u>Director</u> & name	11 April 2013, David Smith, Director of Resources
Is it signed off by the Director of Resources?	No financial implications
Is it signed off by the Acting Assistant Director - Legal & Governance?	No legal implications
Cabinet member portfolio	Not applicable

Electoral wards affected and ward councillors consulted: Not Applicable

Public or private: Public

1. Purpose of report

For Council to note the response from the West Yorkshire Police and Crime Commissioner to the Council's Motion on the appointment of Police and Crime Deputy Commissioner.

2. Key points

Council, at its meeting on 20 March 2013, approved and adopted the following Motion:-

"This Council notes with deep concern the Police and Crime Commissioner's intention to appoint a Deputy Commissioner from among members of the Labour Party.

Council opposes this decision on the following grounds:

- 1) that in the current climate of reduced public spending, a salary of £53K for a Deputy is unnecessary, excessive and gratuitous;
- 2) that the appointment of a Labour Party Member on such a salary reeks of cronyism that will further damage the fledgling reputation of Commissioners already badly tarnished by the poor turn out last year;
- 3) the appointment of a Labour Party Member on such a salary will damage the reputation of all political figures, reinforcing the public's perception that people are "just in it for the money";
- 4) the decision to appoint a Labour Party Member to the post of Deputy effectively politicises the running of the police force in a way that was not intended;
- 5) that restricting the pool of applicants to just members of the Labour Party may mean that the best candidate for the job and for the people of Kirklees and West Yorkshire may never get a chance to even apply;
- 6) that the Commissioner's decision to restrict applicants to just members of the Labour Party is in fact discriminatory and contradicts the Commissioner's own responsibilities for ensuring equality and diversity within the running of the police force.
- 7) That there was no mention of appointing a political appointee Deputy Police and Crime Commissioner on the Labour Candidates Election literature.

This Council therefore resolves to instruct the Chief Executive to write to the Police and Crime Commissioner immediately informing him of this Chamber's views and its strong opposition to the appointment of a Deputy and that Council would prefer that the exorbitant salary be spent on frontline policing."

A response to the Motion, dated 9 April 2013, has been received from the West Yorkshire Police and Crime Commissioner, as set out below:-

"Thank you for your letter dated 21 March 2013 regarding the motion passed by Kirklees Council in respect of the appointment of a Deputy Police and Crime Commissioner (DPCC).

This is not a role made in West Yorkshire. Parliament clearly recognised the need for a single elected representative (Police and Crime Commissioner (DPCC)) in these substantial positions to have a deputy, in much the same way as other senior elected officials. Without a cabinet or any other democratically elected support, PCCs were both envisaged and empowered by Parliament to appoint a politically unrestricted person to provide special advice and to deputise for them at times when the PCC would be unavailable (amongst other things). This concept was not only understood by Parliament; it was also understood by members of the Police Authority (PA) who spend a year making the necessary transition arrangements.

It was with some surprise therefore to receive your letter. I have always made clear my intention to appoint a DPCC, in fact I advocated a 'joint ticket' to directly elect a PCC and DPCC. However, I have received no proper representation from Kirklees Council or from the proposer of this motion, Councillor Andrew Marchington. Furthermore Andrew Marchington was on the Authority's Transition Board that made preparations for a DPCC and other any PCC appointment during the election campaign, other than to say he intended to remain as a Councillor in Kirklees if he had been elected as a PCC!

As the first PCC for West Yorkshire I inherit the dedicated, hard working former staff of the PA. Required by law to appoint a Chief Executive and a Chief Finance Officer, I appointed the existing Chief Executive Fraser Sampson and Chief Finance Officer Judith Heeley to these respective roles.

The Police Reform and Social Responsibility Act 2011 as afore mentioned allows for the appointment of a DPCC in recognition that PCCs need one politically unrestricted member of staff in the Office of the Police and Crime Commissioner (OPCC) to provide political support and advice. The role of the DPCC in West Yorkshire is to provide support and advice but also, importantly, to manage the external affairs of the OPCC as set out in the executive functions that can be found <http://www.skillsforjustice-opcc.com/> for your information.

I did not make an immediate DPCC appointment as my priority was to appoint a Chief Constable of West Yorkshire. I made that appointment and Mark Gilmore has now taken office. There are no guidelines or recommendations for the appointment of a DPCC and PCCs across England and Wales have appointed DPCCs and other positions with minimal or no process. I have ensured robust processes for all appointments and with regards the DPCC appointment asked Kirklees Council Leader Mehboob Khan, Senior GMB Officer Steve Jennings and Chief Executive Fraser Sampson to help shortlist candidates and to sit on the interview panel for appointing to this role.

Given the politically unrestricted nature of the role and the fact that I was elected on 15 November 2012 with a clear Labour majority, I believe it would be inappropriate to appoint a DPCC that does not share my beliefs and values and those of the people that selected and elected me. I followed my own selection criteria by advertising the post to West Yorkshire Labour Party members. The applicants for this post certainly demonstrated the significant capabilities and diversity of the people in the Labour Party across West Yorkshire.

The deep and damaging 20% Tory and Lib Dem coalition government cuts to policing are hitting West Yorkshire particularly hard. I have been campaigning against these unfair cuts and all those to our vital public services and hope that others will join me in continuing to do so. I have also pledged to reduce the costs of the OPCC in line with the severe cuts and the costs of a PCC and a DPCC combined are significantly less (approx £100K) than the costs of the PA member's allowances.

Recently I published my Police and Crime Plan that sets out a five year strategic vision for policing and crime prevention across West Yorkshire. The plan can be found at <http://www.westyorkshire-pcc.gov.uk/get-involved/deciding-with-you.aspx>. Over the coming weeks and months I will continue to work with partners and people delivering on the ground in your communities to produce district level priorities. I look forward to continuing to work with all Kirklees Councillors to make sure that we focus on what really matters to people and their families in their neighbourhoods and that together we can make sure our communities are safer and feel safer across Kirklees and West Yorkshire.”

3. Implications for the Council

Not applicable to this report.

4. Consultees and their opinions

Not applicable.

5. Officer recommendations and reasons

That Council notes the response, which is for information only.

6. Cabinet portfolio holder recommendation

Not applicable.

7. Next steps

Not applicable to this report.

8. Contact officer and relevant papers

Adrian Johnson: 01484 221712
Email: adrian.johnson@kirklees.gov.uk

Background Papers: Letter dated 9 April 2013 from West Yorkshire Police and Crime Commissioner

9. Assistant director responsible

Vanessa Redfern, Acting Assistant Director of Legal, Governance and Monitoring.

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11 April 2013