

# POLICE AND CRIME PANEL MEETING

<b>REPORT TITLE</b>	<b>APPOINTMENT OF THE DEPUTY POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE</b>
<b>REPORT OF</b>	<b>POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE</b>
<b>DATE</b>	<b>11<sup>th</sup> MAY 2023</b>

## 1. PUPOSE OF REPORT

- 1.1. The purpose of this report is for the Police and Crime Commissioner for Derbyshire ('the Commissioner') to notify the Derbyshire Police and Crime Panel ('the Panel') under the Police Reform and Social Responsibility Act 2011 ('the Act') of the Commissioner's appointment of Robert Flatley as the Deputy Police and Crime Commissioner ('the Deputy Commissioner') for Derbyshire (also referred to in this report as 'the candidate').
- 1.2. Due to the recent announcement from government surrounding the anti-social behaviour action plan, and the work involved to implement the Commissioner's young people strategy, there has been an additional requirement with regards to the support needed to deliver against these areas of business.

- 1.3. In accordance with the Act this report provides the Panel with:
- a) The name of the person whom the Commissioner has appointed.
  - b) The criteria used to assess the suitability of the candidate for appointment.
  - c) Why the candidate satisfies those criteria, and
  - d) The terms and conditions on which the candidate is to be appointed.

## **2. LEGISLATIVE REQUIREMENTS**

- 2.1 The appointment process for Deputy Commissioner is set down in the Act. The Deputy Commissioner is a member of the Commissioner's staff but the post is not politically restricted and as a result the Deputy Commissioner can carry out political activity on behalf of the Commissioner. Section 7 of the Local Government and Housing Act 1989 (Appointment of Staff on Merit) does not apply and therefore the post is not subject to the normal competitive employment processes. (All other posts within the Commissioner's office are politically restricted and subject to normal recruitment processes).
- 2.2 The Commissioner may arrange for the Deputy Commissioner to exercise any function of the Commissioner in accordance with the Act.
- 2.3 The Deputy Commissioner is required as a condition of their appointment to make a declaration of eligibility. A copy of the declaration form signed by Robert Flatley is attached at Appendix 1.
- 2.4 Under the Act the Panel must:
- Review the proposed appointment.
  - Hold a Confirmation Hearing in public
  - Make a report to the Commissioner on the appointment, which must include a recommendation to the Commissioner as to whether or not the candidate should be appointed and must publish their report.
- 2.5 Under the Act the Commissioner may accept or reject the Panel's recommendation as to whether or not the candidate should be appointed. The Commissioner then has to notify the Panel of the decision whether to accept or reject the recommendation.

### **3. HOW THE CANDIDATE SATISFIES THE CRITERIA**

- (a) The name of the person whom the Commissioner is proposing to appoint
- 3.1 The Commissioner has appointed Robert Flatley as the Deputy Commissioner.
- 3.2 None of the disqualifications for appointment, as set out in Section 18(6) of the Act or Paragraphs 8(2) and 8(6) of Schedule 1 of the Act, apply to Robert Flatley, in that he is not:
- A member of the House of Commons, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament.
  - A police officer, a Special, a member of police staff, or Police and Crime Commissioner staff, or a member of staff of certain national policing bodies, or the City of London Police Authority.
  - A British citizen, having been declared bankrupt, having been convicted of any imprisonable offence in the United Kingdom, Channel Islands or Isle of Man, or committed corrupt or illegal elections practice.
- (b) The criteria used to assess the suitability of the candidate for appointment
- 3.3 The appointment of a Deputy Commissioner will provide enhanced capacity for the Commissioner to deliver her Police and Crime for Derbyshire 2021-2025 ('the Plan'). The role incorporates statutory functions, which the Commissioner may decide that Robert Flatley can undertake in supporting her. In addition, the role has been shaped to capitalise on the knowledge, skills and experience that he can bring to assist the Commissioner and her team in the delivery of the Plan.
- 3.4 The job description for the post of Deputy Commissioner is provided at Appendix 2.

(c) Why the candidate satisfies those criteria

3.5 The Commissioner has provided the following statement in relation to the appointment of Robert Flatley as Deputy Commissioner:

The role of Deputy Commissioner is one of significant responsibility and covers a wide range of duties deputising for me in interactions with the Force, with partners and others in order to support the delivery of the Police and Crime plan and the discharge of my statutory functions.

In deciding upon Mr Flatley to undertake the role, I considered a number of points.

I will require my Deputy Commissioner to deputise for me in a range of formal and informal meetings and due to the nature of some of these, his experience as an elected representative as a County Councillor and his local knowledge of local government will be of significant value. In addition, I have known Mr Flatley for a number of years. His commitment to representing one of the most deprived areas in the County and getting the best for his residents is commendable. It shows a real understanding of the important role that elected representatives have in serving the public.

I will require my Deputy Commissioner to take the lead in a number of areas to aid delivery of my Police and Crime Plan as well as support and challenge the Force to improve performance. The work that Mr Flatley has formally undertaken in his cabinet position for Derbyshire County Council, which involved challenging the senior leadership of the local authority in an appropriate way, will be of particular importance in achieving these goals.

In addition to these important attributes, in my role as Commissioner, I have built a constructive working relationship with Mr Flatley over a number of years. I am confident that this will undoubtedly provide a strong basis for a productive relationship as Commissioner and Deputy Commissioner.

(d) Terms and Conditions of Appointment

3.6 A summary of the terms and conditions relating to the proposed appointment of the Deputy Commissioner are provided at Appendix 3. The terms and conditions relate to this appointment and for this term only and may not be the same terms and conditions agreed for any future appointment of a Deputy Commissioner.

#### **4. BACKGROUND DOCUMENTS**

Police Reform and Social Responsibility Act 2011  
<http://www.legislation.gov.uk/ukpga/2011/13/contents>

The Policing Protocol Order 2011  
<https://www.legislation.gov.uk/uksi/2011/2744/made>

## **5. ATTACHEMENTS**

Appendix 1 – Robert Flatley’s Declaration of Eligibility

Appendix 2 – Job Description for the Deputy Police and Crime Commissioner

Appendix 3 – Summary of the terms and conditions

## **CONTACT FOR ENQUIRIES**

Name:	<b>Joe Rhodes-Orwin</b>
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# Derbyshire Police and Crime Commissioner

*Protecting Communities,  
Fighting Crime*



## THE DEPUTY POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE

### Declaration

I ROBERT FLATLEY.....

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 for Derbyshire, 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 to the Police Reform and Social Responsibility Act 2011.

Signed .....

Date: 18/04/2023.....



<b>Role title:</b>	Deputy Police & Crime Commissioner
<b>Grade &amp; salary:</b>	Fixed salary - £30,000 (per annum)
<b>Working hours/shift pattern:</b>	37 per week
<b>Department:</b>	Office of the Police and Crime Commissioner
<b>Location:</b>	Force Headquarters, Ripley
<b>Post reports to:</b>	Chief Operating Officer
<b>Suitable for job share or part time:</b>	No

## Overview of Role:

To support the Police and Crime Commissioner for Derbyshire, (the Commissioner), in the delivery of her manifesto commitments and in the delivery of the Police and Crime Plan for Derbyshire.

## Job Description & Objectives:

The Deputy Commissioner will carry out such duties and responsibilities as are allocated by the Commissioner. These may include, but are not limited to, the following areas:

- Attend meetings on behalf of the Commissioner as directed and deputise for the Commissioner where required
- Assist the Commissioner to deliver her Young People Strategy
- Undertake research and provide summaries of key issues for the Commissioner
- Assist the Commissioner in the design and implementation of her new anti-social behaviour restorative justice scheme
- Prepare thematic or topical policy papers to inform long-term policy considerations for the Commissioner
- Contribute to policy planning, including ideas which extend the existing range of options available to the Commissioner
- Review papers going to the Commissioner (including for future meetings), drawing attention to any political implications, and ensure that sensitive political issues are handled appropriately
- Assist with briefing MPs and officials on relevant business areas within the Commissioner's Police and Crime Plan
- Assist the Commissioner with public engagement activities
- Liaise with outside interest groups
- Collate the opinions of interest groups and partner organisations and present these to the Commissioner together with any recommendations
- Represent the views of the Commissioner to the media when authorised by the Commissioner to do so





# Derbyshire Police and Crime Commissioner

*Protecting Communities,  
Fighting Crime*

## THE DEPUTY POLICE AND CRIME COMMISSIONER

### SUMMARY OF TERMS AND CONDITIONS OF APPOINTMENT

1. Under Section 18(10) of the Police Reform and Social Responsibility Act 2011 ('the Act') the Deputy Police and Crime Commissioner ('the Deputy Commissioner') is a member of the Police and Crime Commissioner's staff.
2. The Deputy Commissioner will be employed by the Police and Crime Commissioner ('the Commissioner') and be subject to a contract of employment which will generally reflect the terms and conditions applying to the Commissioner's staff. However, this post is not a politically restricted post within the terms of the Local Government and Housing Act 1989 and Local Government (Political Restrictions) Regulations 1990.
3. The delegated functional responsibilities of the post and associated terms and conditions will be subject to review at the discretion of the Commissioner.
4. Notwithstanding the above, the main terms and conditions of appointment are set out below:

<b>Commencement</b>	18 <sup>th</sup> April 2023
<b>Term of Contract</b>	The appointment will be a fixed term contract and is expected to end upon the Commissioner reaching the end of her current term of office in May 2024.
<b>Place of Work</b>	The post will be based in the Commissioner's Office, Police HQ Ripley, DE5 3RS  The Deputy Commissioner will also work from home and may be required to work in other venues across Derbyshire from time to time.
<b>Hours of Work</b>	37 hours per week. The Deputy Commissioner will be required to work outside normal office hours, including weekends and evenings as the role requires. No overtime will be paid.
<b>Basic Salary</b>	£30,000 per annum
<b>Allowances</b>	Travel and subsistence allowances will be paid at the rates applicable to the Commissioner.

	Allowances paid to the Deputy Commissioner shall be disclosed under the requirements of the Elected Local Policing Bodies (Specified Information) Order 2012 (as amended).
<b>Pension Scheme</b>	The Deputy Commissioner will be entitled to join the Local Government Pension Scheme.
<b>Continuous Service</b>	No employment with a previous employer will count towards the period of employment with the Commissioner.
<b>Redundancy</b>	In accordance with statutory requirements.
<b>Annual leave</b>	24 days annual leave per year, plus public holidays.
<b>Sick Pay</b>	The Deputy Commissioner will be entitled to sick pay as follows: During the first year of service – one month's full pay and (after four months' service) two months' half pay During the second year of service – two months' full pay and two months' half pay
<b>Period of Notice and Termination of Contract</b>	The Deputy Commissioner may bring their employment with the Commissioner to an end at any time by giving a month's notice in writing.  The Commissioner may bring the Deputy Commissioner's employment to an end by giving one month's written notice.  Following an ordinary election for a Commissioner, the Deputy Commissioner's term of office will end no later than six days after the election (that is, the day on which the term of office of the appointing Commissioner would, if there were no vacancy in the office before then, end).  Where a by-election is called due to a vacancy in the office of the Commissioner, the Deputy Commissioner's term of office will terminate on the making and delivering of the declaration of acceptance of office by the newly elected Commissioner.
<b>Conduct</b>	The Deputy Commissioner will be a signatory to, and will abide by, the Commissioner/Deputy Commissioner Code of Conduct and will be subject to the complaint process under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
<b>Confidentiality</b>	The post of Deputy Commissioner and appointed post-holder will be subject to the Official Secrets Act.
<b>Vetting</b>	The post of Deputy Commissioner is excluded from vetting as it is a political position, is deemed a Crown Servant and Parliament has agreed that this role should not be subject to police vetting.