

SCHEDULES

SCHEDULE 1

Section 1

POLICE AND CRIME COMMISSIONERS

Introduction

- 1 This Schedule applies in relation to the police and crime commissioners established under section 1.

Salary etc

- 2 (1) A police and crime commissioner is to be paid a salary.
(2) The Secretary of State is to determine the amount of a commissioner's salary.
(3) The Secretary of State may determine that different salaries are to be payable to the police and crime commissioners for different police areas.
- 3 (1) A police and crime commissioner is to be paid authorised allowances.
(2) In this paragraph "authorised allowances" means allowances, in respect of expenses incurred by a commissioner in the exercise of the commissioner's functions, which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.
(3) A determination under this paragraph may make different provision for different cases.
- 4 (1) A police and crime commissioner must make authorised pension payments.
(2) In this paragraph "authorised pension payments" means—
(a) pensions to, or in respect of, persons who have been commissioner, and
(b) amounts for or towards provision of pensions to, or in respect of, persons who have been commissioner,
which are of the kinds and amounts determined by the Secretary of State as payable in accordance with this paragraph.
- 5 (1) Payments under paragraphs 2 and 3 are to be made by the police and crime commissioner concerned.
(2) The Secretary of State must publish every determination under any of paragraphs 2 to 4.

Staff

- 6 (1) A police and crime commissioner must appoint—
(a) a person to be the head of the commissioner's staff (referred to in this Part as the commissioner's chief executive); and

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- (b) a person to be responsible for the proper administration of the commissioner’s financial affairs (referred to in this Part as the commissioner’s chief finance officer).
- (2) A police and crime commissioner must comply with paragraphs 9 to 12 in appointing the commissioner’s chief executive or the commissioner’s chief finance officer.
- (3) A police and crime commissioner may appoint such other staff as the commissioner thinks appropriate to enable the commissioner to exercise the functions of commissioner.
- (4) Section 113 of the Local Government Finance Act 1988 applies to the chief finance officer of a police and crime commissioner as it applies to the persons having responsibility for the administration of financial affairs mentioned in that section.
- 7 (1) A police and crime commissioner must appoint a person to act as chief executive, or a chief finance officer, if and for as long as—
 - (a) that post is vacant, or
 - (b) the holder of that post is, in the commissioner’s opinion, unable to carry out the duties of that post.
- (2) A person may not be appointed under sub-paragraph (1) to act as chief finance officer unless the person is qualified to be appointed to the post under paragraph 6.
- (3) A reference in any enactment to the chief executive, or chief finance officer, of a police and crime commissioner includes a reference to a person acting as chief executive, or chief finance officer, in accordance with sub-paragraph (1).

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.

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- (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).

Scrutiny of senior appointments

- 9 (1) A police and crime commissioner must notify the relevant police and crime panel of each proposed appointment by the commissioner of—
- (a) the commissioner’s chief executive,
 - (b) the commissioner’s chief finance officer, or
 - (c) a deputy police and crime commissioner.
- (2) In a case where the police and crime commissioner notifies the relevant police and crime panel of such an appointment (“a proposed senior appointment”), the commissioner must also notify the panel of the following information—
- (a) the name of the person whom the commissioner is proposing to appoint (“the candidate”);
 - (b) the criteria used to assess the suitability of the candidate for the appointment;
 - (c) why the candidate satisfies those criteria; and
 - (d) the terms and conditions on which the candidate is to be appointed.
- 10 (1) This paragraph applies if a police and crime panel is notified under paragraph 9 of a proposed senior appointment.
- (2) The panel must review the proposed senior appointment.
 - (3) The panel must make a report to the commissioner on the proposed senior appointment.
 - (4) The report must include a recommendation to the police and crime commissioner as to whether or not the candidate should be appointed.
 - (5) The panel must comply with sub-paragraphs (2) to (4), within the period of three weeks beginning with the day on which the panel receives the notification from the commissioner of the proposed senior appointment.
 - (6) The panel must publish the report to the commissioner made under this paragraph.
 - (7) It is for the panel to determine the manner in which the recommendation is to be published in accordance with sub-paragraph (6).
 - (8) In calculating the period of three weeks for the purpose of sub-paragraph (5), any relevant post-election period is to be ignored.
 - (9) For that purpose, “relevant post-election period” means the period that—
 - (a) begins with the day of the poll at an ordinary election of a police and crime commissioner under section 50, and
 - (b) ends with the day on which the person elected as police and crime commissioner delivers a declaration of acceptance of office under section 70.

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- 11 (1) A police and crime panel must hold a confirmation hearing before making a report and recommendation under paragraph 10 to the police and crime commissioner in relation to a proposed senior appointment.
- (2) For the purposes of this Schedule a “confirmation hearing” is a meeting of the panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment.
- (3) References in this Schedule to a person appearing at a meeting of the panel are references to the person—
- (a) attending the meeting in person, or
 - (b) not attending the meeting in person, but participating in the proceedings at the meeting by any means that enable the person to hear, and be heard in, those proceedings as they happen.
- 12 (1) The police and crime commissioner may accept or reject the panel’s recommendation under paragraph 10 as to whether or not the candidate should be appointed.
- (2) The police and crime commissioner must notify the panel of the decision whether to accept or reject the recommendation.

Remuneration etc of staff

- 13 (1) A police and crime commissioner may pay remuneration, allowances and gratuities to the members of the commissioner’s staff.
- (2) A police and crime commissioner may pay—
- (a) pensions to, or in respect of, persons who have been members of the commissioner’s staff, and
 - (b) amounts for or towards provision of pensions to, or in respect of, persons who have been members of the commissioner’s staff.
- (3) In this paragraph “allowances”, in relation to a member of a commissioner’s staff, means allowances in respect of expenses incurred by the member of staff in the course of employment as such a member of staff.

Incidental powers

- 14 (1) A police and crime commissioner may do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of the functions of commissioner.
- (2) That includes—
- (a) entering into contracts and other agreements (whether legally binding or not);
 - (b) acquiring and disposing of property (including land);
 - (c) borrowing money.
- (3) This paragraph is subject to the other provisions of this Act and to any other enactment about the powers of police and crime commissioners.

Protection from personal liability

- 15 (1) A person who is a police and crime commissioner has no personal liability for an act or omission done by the person in the exercise of the commissioner's functions unless it is shown to have been done otherwise than in good faith.
- (2) A person who is a member of staff of a police and crime commissioner has no personal liability for an act or omission done by the person in the carrying out of duties as a member of staff unless it is shown to have been done otherwise than in good faith.

Financial year

- 16 (1) The first financial year of a police and crime commissioner is the period that—
- (a) begins with the day on which the first election of the commissioner is held,
 - and
 - (b) ends with the following 31 March.
- (2) After that, a commissioner's financial year is the period of 12 months ending with 31 March.