



John Dwyer
Police & Crime
Commissioner
for Cheshire

Mr Evan Morris
Chair, Police and Crime Panel for Cheshire
c/o Cheshire East Council
Westfields
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Sandbach
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John Dwyer
Police & Crime Commissioner
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Date: Tuesday 25 May 2021

Our Ref:
PCC/20210525

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Dear Mr Morris,

PROPOSED APPOINTMENT OF A DEPUTY POLICE & CRIME COMMISSIONER

In accordance with the provisions of Section 18 of the Police Reform & Social Responsibility Act 2011, I am writing to inform you, as Chair of the Police & Crime Panel, that I propose to appoint Mr David McNeilage as Deputy Police & Crime Commissioner for Cheshire.

The process for appointing a Deputy Police & Crime Commissioner is detailed in Schedule 1 of the Police Reform and Social Responsibility Act 2011. As specified in Schedule 1 of the Act, I set out below the required information for the Panel's consideration, namely:

- (a) the name of the person whom the commissioner is proposing to appoint;*
- (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.*

I attach for your reference a person specification for the role of Deputy Police & Crime Commissioner for Cheshire.

David McNeilage satisfies all the criteria set out in the person specification. He worked very closely with me during my election campaign and has a sound knowledge of the diverse communities across Cheshire and also its diverse geographic, social and economic nature.

He has knowledge and an understanding of the operation of the police service and the criminal justice system. His knowledge of the process of Government is highlighted by his time working in Parliament for a local MP.

In addition, I am satisfied that he has all the other skill sets which are needed to carry out this role.

The Deputy Police & Crime Commissioner will be a member of staff within the Office of the Police & Crime Commissioner. The Deputy Police & Crime Commissioner will deputise for me, particularly in respect of community engagement and public meetings, and exercise any function of my role as required with the exception of issuing a Police & Crime Plan and appointing or suspending the Chief Constable.

The terms and conditions for Mr David McNeilage as Deputy Police & Crime Commissioner will provide a fixed term appointment to end not later than the day on which my current term of office ends. Remuneration will be on a salary of £38,250 per annum, which is set at the equivalent of 50% of my salary. In addition, expenses will be paid in accordance with the Home Secretary's determination in relation to expenses for Police & Crime Commissioners.

In accordance with Section 11(1) of Schedule 1 of the Police Reform and Social Responsibility Act, I would be grateful if arrangements may be made to hold a confirmation hearing to review my proposed appointment and make a recommendation as to whether Mr David McNeilage should be appointed as Deputy Police & Crime Commissioner.

I look forward to receiving the Police & Crime Panel's report in relation to my proposed appointment of a Deputy Police & Crime Commissioner for Cheshire.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'John Dwyer', with a large, stylized initial 'J'.

John Dwyer
Police & Crime Commissioner



OFFICE OF THE POLICE AND CRIME COMMISSIONER FOR CHESHIRE

DEPUTY POLICE & CRIME COMMISSIONER

PERSON SPECIFICATION AND JOB PROFILE

Salary	£38,250 per annum (based on full-time hours)
Term	Fixed term appointment to end not later than the day on which the Police & Crime Commissioner's current term of office ends.
Hours	Hours of working will be determined upon appointment
Political Restriction	This is not a politically restricted post

1. INTRODUCTION

The overall responsibility of the Police & Crime Commissioner is to maintain an effective and efficient police service and to play a leading role in crime prevention and community safety in the Constabulary area.

To assist the Police & Crime Commissioner, John Dwyer is seeking to appoint a Deputy Police & Crime Commissioner. The role of Deputy Police & Crime Commissioner was created by statute in 2011. The post-holder will report directly to, work in conjunction with and be answerable to the Police and Crime Commissioner.

As detailed in the Statement from the Home Secretary (dated 16 March 2021) in relation to the findings from the first part of the Review into the role of Police & Crime Commissioners (PCCs), the Government's manifesto committed to strengthening the accountability of PCCs and expanding their role. The Review concluded more should be done to ensure that all PCCs adopt best practice and, given the additional recommendations in relation to the Fire Service, it was acknowledged that there is now a need to improve the resilience of the Office of the PCC:

'To enhance resilience and capacity of PCCs, given our intention to expand the role into fire, the Home Office will bring forward legislation to mandate that each PCC must appoint a Deputy (of the same political party where the PCC represents a political party). In the interim, we will issue guidance to PCCs' offices requesting that a formal succession plan is put into place to deal with vacancy and incapacitation, involving the Police and Crime Panel in those discussions as necessary. This will not apply to mayors with PCC functions, where legislation already mandates that a Deputy Mayor must be in place'.

2. OVERALL PURPOSE

To directly support the Police & Crime Commissioner to discharge the statutory duties and undertake a deputising role with delegated responsibilities.

To contribute to the development of the Police & Crime Commissioner's police and crime initiatives and take a strategic lead on the implementation of specific elements, which are seen by the Police & Crime Commissioner as being critical to the delivery of the Police & Crime Plan 2021-24.

3. KEY ACCOUNTABILITIES

The Deputy Police & Crime Commissioner will be allocated specific lead responsibilities and will deputise for the Police & Crime Commissioner on the basis set out in the Police Reform and Social Responsibility Act 2011.

4. KEY WORKING RELATIONSHIPS

- With the Commissioner and Staff of the Office of the Police & Crime Commissioner
- With Chief Officers, senior officers and managers of Cheshire Constabulary,
- With external bodies such as criminal justice partners, local authorities and the voluntary sector.

5. NATURE AND SCOPE OF THE ROLE

- The post holder is responsible to the Police & Crime Commissioner for the satisfactory performance of all aspects of the post.
- The post holder is responsible for the development and maintenance of effective working relationships with partners.
- The post holder's freedom to act is prescribed by the appropriate Statutes and Regulations by which the Office of the Police & Crime Commissioner is bound.
- The post holder provides personal support and advice directly to the Commissioner and will be expected to assist in the resolution of complex issues and problems and will be also expected to make a significant contribution to challenging developments in the police and crime environment.

6. DECISION MAKING FUNCTIONS

The post holder will work within a broad framework of duties but will be supervised by the Commissioner. The post holder will be required to demonstrate strategic leadership, initiative and discretion required to ensure the delivery of the responsibilities and main tasks within the job profile.

7. PERSON SPECIFICATION

Experience & qualifications

- broad understanding and experience of the diverse geographic, social and economic nature of Cheshire
- sound experience of working with diverse communities and working to secure improved outcomes for local people
- Must have a full driving licence

Additional knowledge & experience

- Knowledge and understanding of the operation of the police service and the criminal justice system
- Knowledge of the process of government in terms of local authorities and UK Governments
- Good communication and problem solving skills as contributing effectively and chairing of meetings is very likely to be a key part of the job.
- A commitment to continuous professional development for themselves and the staff within the Office of the Police and Crime Commissioner
- A good level of ICT skills
- Excellent personal skills
- Good leadership skills including an ability to inspire, motivate and create the right working climate
- Well-developed influencing and negotiating skills
- The ability to work to enhance collaborative working

Qualities

- Able to secure credibility, respect and recognition from peers and stakeholders
- Shares the Commissioner's aspirations, values and commitment
- Able and confident in taking personal responsibility for the success or failure of leading major projects
- Is committed to the seven principles of public life (Nolan Principles) and the Code of Ethics
- A flexible approach to hours of working and a commitment to be available for frequent weekend and evening duties

Disqualifications and Restrictions

In accordance with the provisions the [Police Reform & Social Responsibility Act 2011](#), there are a number of restrictions and disqualifications that would prevent an individual from becoming the Deputy Police & Crime Commissioner.

18 Delegation of functions by police and crime commissioners

Relevant extract from [Section 18](#) of the Police Reform and Social Responsibility Act 2011:

- (3) *But a police and crime commissioner may not—*
- (a) *appoint a person listed in subsection (6) as the deputy police and crime commissioner;*
- (6) *The persons referred to in subsections (3)(a) are—*
- (a) *constable (whether or not in England and Wales);*
 - (b) *a police and crime commissioner;*
 - (c) *the Mayor's Office for Policing and Crime;*
 - (d) *the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;*
 - (e) *the Mayor of London;*
 - (f) *the Common Council of the City of London;*
 - (g) *any other person or body which maintains a police force;*
 - (h) *a member of the staff of a person falling within any of paragraphs (a) to (g).*

8 The Deputy Police & Crime Commissioner

Relevant extracts from paragraph 8, [Schedule 1](#), of the Police Reform and Social Responsibility Act 2011

- (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.*

S65 Disqualification from election or holding office as police and crime commissioner: police grounds

Relevant extracts from [Section 65\(1\)](#) of the Police Reform and Social Responsibility Act 2011

- (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).*

S66 Disqualification from election or holding office as police and crime commissioner: other grounds

Relevant extracts from [Section 66](#) of the Police Reform and Social Responsibility Act 2011

- (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—*
 - (i) *a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986;*
 - (ii) *an interim debt relief restrictions order under paragraph 5 of that Schedule;*
 - (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;*
 - (b) *a debt relief restrictions undertaking has effect in respect of the person under paragraph 7 of Schedule 4ZB to that Act;*
 - (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).*

S68 Citizenship condition

Relevant extracts from [Section 68](#) of the Police Reform and Social Responsibility Act 2011

- (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.*