

<p>Section A For Publication</p>
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THE OFFICE OF POLICE AND CRIME COMMISSIONER
FOR DERBYSHIRE
DECISION RECORD

Request for PCC Decision	Received in OPCC Date: 21 January 2013	OPCC Ref: 04/13
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Title: Misconduct Hearing Candidates Allowances Scheme

Executive Summary:

Police Regulations require the Police and Crime Commissioner to maintain a list of candidates (formerly called members) to sit on Misconduct Hearings. We have 4 such candidates who are available on a rota system and are called upon as required.

A scheme for paying allowances to recompense such candidates for their time and travel costs is appropriate. The scheme is fundamentally the same as that under the Police Authority

A supporting report and policy is attached.

Decision

Resolved that

The Misconduct Hearing Candidates Scheme November 2012 was approved.

Declaration

I confirm that I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with the Code of Conduct for the Police and Crime Commissioner for Derbyshire. Any such interests are recorded below.

None

The above request has my approval.

Signature <i>Electronically Signed</i>	Date 21 January 2013
PUBLICATION SCHEME CONSIDERATIONS	
Is the related Section B report to be published Yes If no, please indicate relevant exemption	
Is the publication of this approval to be deferred No Date to be deferred to – NB Statutory Instrument 2011/3050 (as amended by SI 2012/2479) states that: <i>all decisions made by a PCC are in the types of information that must “be published as soon as practicable after it becomes available to the elected local policing body”.</i>	

OFFICER APPROVAL
Chief Executive: I have been consulted about the proposal and confirm that financial, legal and equalities advice has been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the Police and Crime Commissioner Signature <i>Electronically Signed</i> Name Helen Boffy Date 21 January 2013

STRATEGIC GOVERNANCE BOARD
21 JANUARY 2013
REPORT OF THE CHIEF EXECUTIVE

NO 7C: MISCONDUCT HEARING CANDIDATES ALLOWANCE SCHEME

1. PURPOSE OF THE REPORT

- 1.1 To approve a suitable allowances scheme for Police Misconduct Panel candidates.

2. INFORMATION AND ANALYSIS

- 2.1 The Police and Crime Commissioner is required under the Police (Conduct) Regulations 2012 to maintain a list of candidates for the purposes of misconduct hearings - Regulation 25 (4) (c) and 26 (2) (c) refer. There are currently 4 candidates.
- 2.2 Using powers under the Police Reform & Social Responsibility Act 2011, Schedule 1 para 14 (1) (Incidental Powers), the Commissioner will pay allowances as detailed in the Independent Misconduct Hearing Allowances Scheme. A copy is attached at **APPENDIX A** to this report. The allowances are paid to each candidate for attending a misconduct hearing, and are payable to cover the time commitment involved and incidental travel expenses.
- 2.3 The Misconduct Hearing rates have been set at the same level as the rate that is approved by the Home Office for ordinary candidates on Police Appeal Tribunals. Therefore, this rate will be reviewed in line with the Home Office rate, after 1st April 2014.

3. RECOMMENDATIONS

- i. That the Derbyshire Misconduct Hearing Allowances Scheme, November 2012

4. IMPLICATIONS

All implications are assessed and scored to the table below.

HIGH – supporting explanation and narrative required and to be contained within the report

MEDIUM – narrative to be contained within the report at the discretion of the author

LOW – no narrative required

	LOW	MEDIUM	HIGH
Crime & Disorder		√	
Environmental	√		
Equality & Diversity	√		
Financial		√	
Health & Safety	√		
Human Rights	√		
Legal		√	
Personnel		√	

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BACKGROUND PAPERS

1. Police (Conduct) Regulations 2012 SI 2012/2632

ATTACHMENTS

Appendix A. Independent Misconduct Hearing Candidates: Allowances Scheme

POLICE AND CRIME COMMISSIONER FOR DERBYSHIRE



Independent Misconduct Hearing Candidates

Allowances Scheme

This guidance is suitable for Public Disclosure

November 2012

Police Misconduct Hearings

1. The Police and Crime Commissioner is required under the Police (Conduct) Regulations 2012 to maintain a list of candidates for the purposes of misconduct hearings - Regulation 25 (4) (c) and 26 (2) (c) refer. There are currently 4 candidates.
2. Using powers under the Police Reform & Social Responsibility Act 2011, Schedule 1 para 14 (1) (Incidental Powers), the Commissioner will pay allowances as detailed in Table 1 below to each candidate for attending a misconduct hearing. The allowances are payable to cover the time commitment involved and incidental travel expenses.
3. The Misconduct Hearing rates have been set at the same level as the rate that is approved by the Home Office for ordinary candidates on Police Appeal Tribunals. Therefore, this rate will be reviewed in line with the Home Office rate, after 1st April 2014.

TABLE 1

Amounts payable from 22 November 2012 to 31 March 2014	
	Police Misconduct Hearing £
Up to and including four hours per day, including travel but excluding meal breaks (half day rate)	£104.50
Over four hours per day including travel but excluding meal breaks (full day rate)	£211.15
Notional preparation and reading time, per hour	£15.00

4. Travel by car to be reimbursed at the HMIC rate, (currently 45p per mile). Parking costs and other expenses reasonably incurred in the exercise of the candidate's duties will be reimbursed where a receipt is submitted with the claim.

5. Reimbursement of expenses and payment of allowances will be by bank credit made after receipt of a valid official claim submitted for the attention of The Treasurer, Office of the Police and Crime Commissioner for Derbyshire, Butterley Park, Ripley, Derbyshire, DE5 3RS.

Alan Charles
Police and Crime Commissioner for Derbyshire

Owner of Doc: Chief Executive
Date Approved: January 2013 wef 22 November 2012
Decision Number
Review Date: 31 March 2014