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STATUTORY INSTRUMENTS

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**2008 No. 630**

**The Police Authority Regulations 2008**

**PART 3**

Selection of members

**Selection Panels**

- 31.** There shall be a selection panel for each police authority to which these Regulations apply.
- 32.** Each selection panel shall consist of five members,
- (a) three of whom shall be appointed by the members of the police authority for the area;
  - (b) one of whom shall be appointed by the Secretary of State; and
  - (c) one of whom shall be appointed by the members of the selection panel appointed under sub-paragraphs (a) and (b) from a list of candidates prepared by the Secretary of State.
- 33.—(1)** A person shall be disqualified from being appointed as or being a member of a selection panel under regulation 32 if, by virtue of regulations 14, 15(1)(a) or 16(1)(b), (c) or (d), he is disqualified—
- (a) from being appointed under regulation 9 as a member of the police authority for the panel's area, or
  - (b) from being a member so appointed.
- (2) A person shall be disqualified from being appointed as or being a member of a selection panel under regulation 32 (a) if, by virtue of regulation 15(1)(b) and (2), he is disqualified—
- (a) from being appointed under regulation 9 as a member of the police authority for the panel's area, or
  - (b) from being a member so appointed.
- (3) Subject to paragraph (4) a person referred to in regulation 32(a) shall be appointed to hold office as a member of a selection panel for —
- (a) a term of five years, or
  - (b) where that person is a member of the police authority and where that authority considers it appropriate, for a term that expires on the same day as that on which that person's term as a member of the authority expires under regulation 19.
- (4) A person referred to in regulation 32(a) shall hold office for no more than ten years.
- (5) A person referred to in regulation 32(b) and (c) shall be appointed to hold office as a member of a selection panel for a term of five years and shall hold office for no more than two such terms.
- (6) A person may at any time resign his office as a member of a selection panel by notice in writing to the persons who under regulation 32 would be required to appoint his successor.
- (7) A person shall not cease to be a member of a police authority by reason only that any of the persons appointing him cease to hold the positions by virtue of which they appointed him.

**34.—**(1) A member of a selection panel may be removed from office by notice in writing by the police authority if—

- (a) the member has been absent from two consecutive meetings of the selection panel without the consent of the panel,
- (b) the member has been convicted of a criminal offence (but is not disqualified from being a member under regulation 33),
- (c) the members of the police authority are satisfied that the member is incapacitated by physical or mental illness, or
- (d) the members of the police authority are satisfied that the member is otherwise unable or unfit to discharge his functions as a member.

(2) Where the member of the selection panel to be removed under paragraph (1) is the person referred to in regulation 32(b) that person may only be removed with the consent of the Secretary of State.

**35.** A person who ceases to be a member of a selection panel, otherwise than by virtue of regulation 34, may (if otherwise eligible) be re-appointed.

**36.—**(1) The acts and proceedings of any person appointed to be a member of a selection panel and acting in that office shall, notwithstanding his disqualification or want of a qualification, be as valid and effectual as if he had been qualified.

(2) The proceedings of a selection panel shall not be invalidated by—

- (a) a vacancy in the membership of the panel, or
- (b) a defect in the appointment of a person as a member.

**37.—**(1) A police authority shall make to members of the selection panel for the authority's area such payments by way of reimbursement of expenses and allowances as it may determine.

(2) A police authority shall—

- (a) provide the selection panel for the authority's area with such accommodation, and such secretarial and other assistance, as they may reasonable require, and
- (b) meet any expenses incurred by the panel in the exercise of their functions.

### **Functions of selection panel – short-listing**

**38.—**(1) Where appointments to a police authority are to be made under regulation 9 the selection panel for the authority's area shall nominate persons willing to be candidates for appointment.

(2) Unless there are only a smaller number of persons willing to be candidates who are not disqualified from being members, the number of persons to be nominated by a selection panel under this regulation on any occasion shall be a number twice the number of appointments to be made under regulation 9.

(3) Unless there are only a smaller number of lay justices willing to be candidates who are not disqualified from being members, where by virtue of regulation 11 the appointments to be made under regulation 9 must include the appointment of a person who is a lay justice then the persons to be nominated by a selection panel under this regulation on any occasion shall include two persons who are a lay justice.

(4) A person shall not be nominated under this regulation in relation to a police authority if, by virtue of regulation 14, 15, 16 or 17 he is disqualified from being appointed as a member of the police authority under regulation 9.

(5) The persons nominated under this regulation shall form the short-list of persons for the purposes of regulation 9.

**39.** In exercising their functions a selection panel shall have regard to the desirability of ensuring that, so far as reasonably practicable, the persons nominated by them under regulation 38—

- (a) represent the interests of a wide range of people within the community in the police area of the police authority, and
- (b) include persons with skills, knowledge or experience which are under represented among the existing members of the police authority.

### **Notifications by Chief Executive**

**40.**—(1) Not less than four months before the term of office of a police authority member appointed under regulation 9 is due to expire, the chief executive of the police authority shall notify the members of the selection panel of this fact.

(2) Not less than four months before the term of office of a police authority member is due to expire, the chief executive of the authority shall notify the Secretary of State if the chief executive considers that the member may be reappointed and that reappointment would require the consent of the Secretary of State under regulation 20(2)(a).

(3) Where a person appointed under regulation 9 ceases to be a police authority member otherwise than on the expiry of his term of office, the chief executive of the police authority shall notify the members of the selection panel of this fact.

### **Requirement to advertise**

**41.**—(1) Subject to paragraph (4), where a selection panel are required to nominate persons willing to be candidates to be appointed as police authority members under regulation 9, they shall publish in at least two newspapers circulating in the police area of the police authority for which they are appointed a notice stating the matters referred to in paragraph (2).

(2) The matters to be included in a notice published under paragraph (1) are—

- (a) the name of the police authority and police area;
- (b) that a vacancy exists, or will exist, amongst those members of that police authority to which members of the public are eligible for appointment;
- (c) the matters the panel has to have regard to under regulation 39 and the functions of the police authority to promote equality and diversity<sup>(1)</sup>;
- (d) that the persons the panel must nominate must include persons with skills, knowledge or experience which are under represented among the existing members of the police authority;
- (e) that the duties in connection with the vacancy include—
  - (i) attendance at meetings of the police authority and its committees;
  - (ii) keeping abreast of developments in both local and national policing;
  - (iii) representing the police authority in discussions with interested parties;
  - (iv) attendance at local police consultative groups; and
  - (v) liaising with representatives of the local community on policing issues;
- (f) that persons are only eligible for appointment if they—

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(1) This function of police authorities is prescribed by the Police Authorities (Particular Functions and Transitional Provisions) Order 2008 [S.I. 2008/82](#).

- (i) are aged over eighteen;
  - (ii) live or work in the police area at the time of their appointment;
  - (iii) have lived or worked in that area for at least the whole of the period of twelve months prior to their appointment, and
  - (iv) are not otherwise disqualified;
  - (g) that, if a person wishes to have his name put forward, he must apply to the panel for an application form; and
  - (h) the date, not being less than one month after the date when the notice is published, by which the application form must be completed and returned to the panel if it is to be considered by them in connection with a particular vacancy.
- (3) Where the person the selection panel are required to nominate must be a lay justice in accordance with regulation 38(3) then the notice published under paragraph (1) shall indicate that fact.
- (4) This regulation shall not apply where—
- (a) the condition specified in paragraph (5) is satisfied, and
  - (b) the selection panel have decided to exercise the discretion conferred on them by regulation 45(1), and
  - (c) on completion of the procedure required by regulation 45(2), the selection panel have the names of a sufficient number of persons willing to be nominated as candidates for appointment under regulation 9 as members of the police authority.
- (5) The condition referred to in paragraph (4)(a) is that, at the date when the vacancy occurred or, as the case may be, is expected to occur, less than two years have passed since the date of the publication of the last notice previously published in accordance with paragraph (1).
- (6) In paragraph (4)(c) above “sufficient number” means a number twice the number of appointments that are to be made under regulation 9.

#### **Applications to be considered for appointment to police authority**

- 42.**—(1) A member of the public who wishes to be considered for appointment under regulation 9 as a member of the police authority shall submit an application to the selection panel setting out—
- (a) his name and address;
  - (b) his age;
  - (c) his current occupation, if any, and any positions held by him up to ten years before the date of the application;
  - (d) his relevant skills, experience and his academic, professional and vocational qualifications, if any; and
  - (e) the reasons why he wishes to be so considered.
- (2) The selection panel shall supply free of charge to any person not known to be disqualified from membership a form for the purposes of an application under paragraph (1) above.
- (3) Together with a form supplied under paragraph (2) above there shall be supplied information about the office of police authority member including a statement setting out regulations 14, 15, 16 and 17.

### **Consideration of applications by panel**

**43.**—(1) A selection panel shall consider any application for appointment as a police authority member which has been made under regulation 42 for the purpose of producing a short-list under regulation 38.

(2) Where an application has been received at a time when no appointment under regulation 9 is required to be made, the selection panel may delay considering it until such time as the panel are required to nominate persons willing to be so appointed.

(3) Subject to paragraph (5), a selection panel may only consider applications under paragraph (1) and may only nominate persons under regulation 45 if all of their members are present.

(4) A decision of a selection panel to nominate a person under regulation 45 may be taken by a majority of their members.

(5) A selection panel may act if four of their members are present if—

- (a) not less than one week's notice was given of the meeting in question;
- (b) the member of the panel who is not present has died; or
- (c) the member of the panel who is not present has previously consented in writing to the other members acting in his absence.

### **Record maintained by selection panel**

**44.**—(1) The members of a selection panel shall maintain a record of the persons who have applied to be considered for appointment under regulation 9 as a member of the police authority.

(2) The record maintained under this regulation shall state—

- (a) the name and address of every applicant together with his age;
- (b) such details about the application as the members of the panel consider appropriate; and
- (c) in the case of a person who is disqualified from being appointed as a member of the police under regulation 9, the grounds of the disqualification.

(3) An entry in the register maintained under this regulation may be deleted on the expiry of four years from the date when it was made.

### **Nominations by selection panel from names listed in record**

**45.**—(1) Where—

- (a) a selection panel are required to nominate persons willing to be candidates to be appointed as police authority members, and
- (b) the condition in regulation 41(5) is satisfied,

the selection panel may consider the names of the persons previously listed in the record maintained under regulation 44, with a view to nominating persons included in that record without complying with regulation 41(1).

(2) Where a selection panel propose to nominate the name of any such person they shall give that person a notice—

- (a) stating their proposal, and
- (b) requiring him to reply not later than three weeks after the date of that notice stating whether he continues to be willing to be nominated to be a candidate for appointment as a police authority member.