



Appointment of Independent Members to Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships

Code of Practice

Made under Paragraph 6(2) of Schedule 1 and Paragraph 6(2) of Schedule 2
to the Justice Act (Northern Ireland) 2011.

Department of Justice

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Appointment of Independent Members to Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships

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Chapter 1: Introduction

Purpose of Code

1.1 This Code of Practice gives guidance to District Councils and the Northern Ireland Policing Board (“the Policing Board”) on their respective roles in the nomination and appointment of independent members to Policing and Community Safety Partnerships (PCSPs) and, for Belfast, to District Policing and Community Safety Partnerships (DPCSPs). It has been drawn up by the Department of Justice in line with the Code of Practice for Ministerial Public Appointments in Northern Ireland issued by the Commissioner for Public Appointments Northern Ireland.

1.2 The Department of Justice reviewed the application of this Code of Practice in 2014, following conclusion of the 2012 round of appointments and, in light of reports by the Impartial Assessor and feedback received during the course of the previous competition, issued this revised Code of Practice. The Department will keep the code under review and assess if any changes are required following completion of the process in 2019.

Provision in Legislation

1.3. This code is issued under the provisions of paragraph 6(2) of Schedule 1 and paragraph 6(2) of Schedule 2 to the Justice Act (Northern Ireland) 2011 (“the Justice Act”) which enable the Department of Justice to issue and, from time to time, revise a Code of Practice containing guidance on the exercise, by Councils and the Policing Board, of their functions in the nomination and appointment of independent PCSP and DPCSP members.

1.4 The provisions governing the operation and functions of PCSPs and DPCSPs are set out in Part 3 of, and Schedules 1 and 2 to, the Justice Act. These specify how PCSPs and DPCSPs are to be established; how appointments of political and independent members and designated organisations are to be made; the constitution of the PCSPs; arrangements for oversight by the Joint Committee; and how the positions of chairperson

and vice-chair are to be filled. They also provide a statutory basis for the production of this code.

1.5 Under paragraph 6(1) of Schedule 1 and paragraph 6(1) of Schedule 2 to the Justice Act, District Councils and the Policing Board must have regard, in carrying out their functions, to this code and to the relevant parts of the Justice Act. For ease of reference, the relevant legislative provisions are set out in Annex 2.

Consultation

1.6 In line with paragraph 6 of Schedule 1 and paragraph 6 of Schedule 2 to the Justice Act, the Department of Justice has consulted Councils, the Policing Board and the Equality Commission on this revised code.

1.7 Although the appointment of independent members to PCSPs and DPCSPs does not come within the remit of the Commissioner for Public Appointments, appointments are made using a process which follows the Commissioner's Code of Practice for Ministerial Appointments in Northern Ireland as best practice.

Availability of Code and Queries

1.8 This Code of Practice will be made available to District Councils, councillors, Council staff, the Policing Board and those involved in the nomination and appointment of independent members, including independent panel members and the impartial assessor who is appointed to oversee the appointment process. It will also be made available on request to anyone wishing to apply for appointment as an independent member of a Policing and Community Safety Partnership and/or a District Policing and Community Safety Partnership.

1.9 If you have queries about any of the issues covered in this code or if you would like further copies, please contact:

Partnership Development Branch
Community Safety Division
Department of Justice
Block B Castle Buildings
Stormont Estate
Belfast
BT4 3SG

Tel: 028 9052 3779
Email:DOJCSU_PDB.Mailbox@justice-ni.x.gsi.gov.uk

1.10 Further copies of the code are also available on the Department of Justice Website at www.justice-ni.gov.uk/

Chapter 2: Policing and Community Safety Partnerships and District Policing and Community Safety Partnerships

Establishment of PCSPs and DPCSPs

2.1 Section 20 of the Justice Act provides that each District Council shall establish for its district a Policing and Community Safety Partnership. It also provides that the District Council for Belfast shall establish, for each police district established under section 20 (2) of the Police (Northern Ireland) Act 2000, a body to be known as a District Policing and Community Safety Partnership. These have been established to reflect the four policing areas of North, South, East and West within Belfast City Policing District. The Act does not permit the establishment of DPCSPs outside Belfast.

2.2 There is no statutory timetable within which the process of establishing PCSPs/DPCSPs must be completed, although it is clearly good practice that all elements in the process are completed in as short a timescale as is compatible with good administration. The process should provide for high levels of fairness, equity and inclusivity, and should be open and transparent and once the appointment timetable has been agreed, it must not be varied other than in exceptional circumstances as agreed with the panel members. If the timetable must be varied all applicants must receive notice and an explanation of any variation which may affect them.

2.3 Paragraph 21 of Schedule 1 to the Justice Act states that the Department of Justice may, by order, provide that two or more Councils may by agreement establish a single PCSP for their districts. In light of the reduction to 11 Councils in 2015, following the reorganisation of Local Government, it is unlikely that the Department would make such an order and would need to be certain, before taking such a step, that such an arrangement was not to the detriment of local accountability arrangements. The Department must consult the Policing Board and any Council affected by the order before exercising this power.

Size and Composition

Political members

2.4 By virtue of paragraph 3 of Schedule 1 to the Justice Act, a PCSP shall consist of 8, 9 or 10 political members, as the Council may determine. In making this determination the Council is required to have regard to the number of councillors it has and the need to reflect, so far as practicable, the balance of parties on the District Council immediately after the local election.

2.5 By virtue of paragraph 2 of Schedule 2 to the Justice Act, a DPCSP shall consist of 6 political members. In appointing political members the Council shall ensure, so far as practicable, that the political members of all the DPCSPs, taken together, reflect the balance of parties on the Council immediately after the local election.

Independent members

2.6 By virtue of paragraph 4 of Schedule 1 to the Justice Act, the number of independent members on the PCSP shall be one less than the number of political members. Appointments shall be made by the Policing Board from among persons nominated by the Council and shall, so far as practicable, secure that political and independent members of the PCSP (taken together) are representative of the community in the district.

2.7 By virtue of paragraph 2 of Schedule 2 to the Justice Act, a DPCSP shall consist of 5 independent members. Appointments shall be made by the Policing Board from among persons nominated by the Council and shall, so far as practicable, secure that political and independent members of the DPCSP (taken together) are representative of the community in the area covered by the District Partnership.

Designated members

2.8 By virtue of paragraph 7 of Schedule 1 and paragraph 7 of Schedule 2 to the Justice Act, each PCSP and DPCSP must designate at least 4 organisations that will be required to provide representation on that PCSP and

DPCSP, and include any organisations compulsorily designated by the Department of Justice through order. Designated members will have the same status as political and independent members.

2.9 Members of DPCSPs need not be members of the principal Belfast PCSP but it would be beneficial for political and independent members to sit on both to ensure continuity. However, it is beyond the scope of this guidance to recommend this.

Appointment of Members

2.10 Independent members of PCSPs and DPCSPs are appointed by the Policing Board, who have overall responsibility for the process, from nominations made by the Council (paragraphs 4 and 5 of Schedule 1 and paragraphs 4 and 5 of Schedule 2 to the Justice Act refer to independent members' appointments to PCSPs and DPCSPs respectively). Criteria for final selection and subsequent appointment by the Policing Board will take account of the need to include a balance of skills, qualities, experience and backgrounds, and will meet the statutory requirement to ensure that the overall membership is as representative as possible of the local community. Within Belfast, the Policing Board must seek, as far as practicable, to ensure that the membership of the PCSP is representative of the community of Belfast as a whole and that membership of each DPCSP is representative of the community within the area of that District Partnership.

2.11 Appointments to a PCSP or a DPCSP should not be viewed as employment. Members are holders of public office rather than employees.

Functions and Role of PCSPs and DPCSPs

2.12 The statutory functions of PCSPs, listed in section 21 of the Justice Act, are to:

- provide views to a relevant district commander and to the Policing Board on any matter concerning the policing of the district;

- monitor the performance of the police in carrying out –
 - the policing plan in relation to the district; and
 - the local policing plan applying to the district or any part of the district;
- make arrangements for obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the district;
- make arrangements for obtaining the views of the public on the policing of the district and enhancing community safety, and consider any views so obtained;
- act as a general forum for discussion and consultation on matters affecting the policing of the district and enhancing community safety in the district;
- prepare plans for reducing crime and enhancing community safety in the district;
- identify targets or other indicators by reference to which it can assess the extent to which those issues are addressed by action taken in accordance with any such plans;
- provide any such financial or other support as it considers appropriate to persons involved in ventures designed to reduce crime or enhance community safety in the district; and
- carry out such other functions as are conferred on it by any other statutory provision.

2.13 In summary, PCSPs must:

- **consult and engage** with the local community, the statutory and voluntary sectors and other relevant organisations in order to identify local issues of concern in relation to policing and community safety, and to improve co-operation with the police. The Policing Committee has a distinct responsibility to provide views on policing matters to the relevant district commander and the Policing Board;
- **identify and prioritise** the local issues of concern and prepare plans for how these can be tackled;
- **monitor** performance to ensure delivery against the PCSP Action Plan. The Policing Committee will monitor the performance of the police to ensure that local policing provision is delivering for local communities; and
- **deliver** a positive difference to communities, contributing to a reduction in crime and enhancing community safety in the district, directly through their own interventions, through the work of their delivery groups or through support for the work of others.

2.14 The functions of DPCSPs in Belfast, which are set out in section 22 of the Justice Act, are similar to those listed above.

2.15 The full range of PCSP and DPCSP functions are set out in more detail in sections 21 and 22 of the Justice Act.

Chapter 3: Selection, Nomination and Appointment of Independent Members

Confidentiality

3.1 The Policing Board, Councils, councillors, independent panel members, the impartial assessor, independent complaints monitor and anyone else involved in the process to nominate and appoint independent members to a PCSP or DPCSP should respect the confidentiality of personal information, unless a candidate has given permission for its release, and must sign a confidentiality document. This does not apply to the publication of appropriate particulars of successful appointees by the Policing Board and applicants should be made aware on the application form that, if they are appointed, some of the information they have provided will be placed in the public domain. However the Policing Board should not publish these details without the specific permission of the individual. All information provided on the application form will be treated in confidence, with adherence to General Data Protection Regulations (GDPR) and will only be disclosed to those who have a legal right to access this information or who can provide a legal right to do so.

Ensuring Best Practice

Merit

3.2 The process to nominate and appoint independent members to a PCSP or DPCSP consists of three stages. A flow chart of the process is included at Annex 3. The first stage is an eligibility sift by the Policing Board **to identify those who are disqualified** by virtue of paragraph 9(1) of Schedule 1 and paragraph 9(1) of Schedule 2 to the Justice Act.

3.3 The second stage, undertaken by the Council with support from their Human Resources Department or an outside source appointed by the Policing Board, is based solely on merit and is designed to **identify those candidates who are deemed suitable to be considered for appointment**. Applicants

will be assessed to ensure that their skills, qualities and experience match the needs of the PCSPs and DPCSPs.

3.4 The third stage, governed by legislation and by this Code of Practice, requires the Policing Board, in appointing from among the persons nominated by the Council to, so far as practicable, secure that the membership of each PCSP and DPCSP (both political and independent members taken together) is **representative** of the community in the Council district or, in the case of DPCSPs, the area covered by that District Partnership.

Independent scrutiny

3.5 The process must involve **independent scrutiny** at every stage, and no appointment should be made to a PCSP or DPCSP unless the process has been scrutinised by an Impartial Assessor who should be appointed by the Policing Board at the start of the planning process. The role of the Impartial Assessor is to assess the process for openness, transparency, probity and effectiveness, to ensure compliance with this code, and to provide a report for the Policing Board at the conclusion of the process.

3.6 Where an Impartial Assessor has concerns about any aspect of the process, he/she should raise these with the Policing Board.

3.7 The Impartial Assessor should be paid reasonable expenses (travel, etc) and such other allowances as the Policing Board may determine.

3.8 The Policing Board should appoint a complaints monitor to provide fuller assurance on the appointments process and to investigate complaints.

Equality of opportunity and representativeness

3.9 The Policing Board and Councils are governed by statutory duties relating to equality of opportunity and representativeness. They are required by section 75 of the Northern Ireland Act 1998 to ensure that all candidates have equality of opportunity to apply and to be considered for appointment, irrespective of age, disability, gender, marital status, sexual orientation, racial

group, community background, political opinion or because a person has, or has not, dependants.

3.10 The Policing Board is also required, under paragraph 4(3) of Schedule 1 and paragraph 4(2) of Schedule 2 to the Justice Act, to secure, so far as practicable, that the members of the PCSP or DPCSP, taken together, are representative of the community in that area.

3.11 Both of these duties make it important to ensure that the widest possible range of candidates is encouraged to apply, and that equality of opportunity is promoted between section 75 groups.

3.12 In light of this, the Department of Justice expects Councils and the Policing Board to ensure widespread communication regarding the appointments; focusing in particular on organisations representing groups within the section 75 categories. In other words, every reasonable step should be taken to widen the field of candidates.

3.13 The Policing Board should, therefore, in consultation with the Department of Justice, District Councils and the Equality Commission, compile a list of those organisations to be targeted in each PCSP and DPCSP area. Such organisations should include youth groups, trades unions, women's groups, religious organisations, the business community, leaders of voluntary groups and minority interest groups. In addition, the Policing Board should host information events, subject to resources being available, to raise awareness of the campaign to appoint independent members to the PCSPs and DPCSPs.

3.14 Those involved in the appointments process have a duty under Section 49A of the Disability Discrimination Act 1995 to promote positive attitudes towards disabled people and encourage their participation in public life. The Policing Board should ensure that application packs are, therefore, available, on request, in Braille, audio tape or in large print and that applicants may submit on-line or by post. Those making arrangements for interviews should

also make every reasonable effort to consider the needs of disabled candidates. In doing this, the Equality Commission's *Guide to Public Authorities* may prove helpful.

3.15 The selection, on merit, of candidates to be nominated as suitable for appointment will remain the responsibility of individual Councils with support from their Human Resources Department or an outside source appointed by the Policing Board. Nominations will be made in accordance with the requirements outlined in the role description and person specification that will be included in the information pack. Councils are required to forward to the Policing Board, an alphabetical list of those candidates considered suitable for appointment, together with their scores.

3.16 Criteria for final selection and subsequent appointment by the Policing Board will take account of the need to include a balance of skills, qualities, experience and backgrounds and will meet the statutory requirement to ensure that the overall membership is as representative as possible of the local community.

Probity

3.17 Adherence to high standards of probity and propriety in the appointments process will ensure public confidence in it. Those involved in making the appointments should endeavour to ensure that appointees are committed to, and capable of, carrying out their duties in line with the principles and values of public service, as defined by the first report of the House of Commons Committee on Standards in Public Life. These are: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

3.18 In line with guidance on appointments to public bodies, candidates should be asked, in their application form and at the interview, to declare conflicts of interest or information on connections they have which may give rise to a potential conflict. For example, applicants should list direct or indirect

pecuniary interests which members of the public might reasonably think could influence their judgement as a PCSP or DPCSP member.

3.19 It will be the responsibility of the Policing Board, and not the District Council, to consider whether a conflict of interest exists. In doing so, the Policing Board panel(s) will assess whether or not the applicant would be restricted, if appointed, from carrying out the requirements of the post impartially. Councils should not be given information provided by candidates in relation to conflicts of interest.

Openness and Transparency

3.20 The appointments process must be open and transparent in order to encourage public confidence in the procedures that support the final selection. Information about the procedures followed should be easily accessible and should be available on the Policing Board's and Councils' websites.

3.21 The names of interview panel members should be given to candidates before interview and should be made available more generally, if requested.

3.22 Candidates who have been unsuccessful should be informed as soon as possible and provided with feedback should they request it. This should be by the Policing Board for those who were sifted out of the process because they were ineligible in line with paragraph 9(1) of Schedule 1 or paragraph 9(1) of Schedule 2 to the Justice Act (see paragraph 3.25 below); by the Council, with support from their Human Resources Department or an outside source appointed by the Policing Board, for those who were not shortlisted for interview, or who were interviewed but were not nominated as suitable for appointment; and by the Policing Board for those it did not appoint.

3.23 The names of, and appropriate details about, appointees should be publicised by the Policing Board. However, the Policing Board should obtain the specific permission of the individuals before publishing such details. The names of councillors appointed and the contact details for the PCSP/DPCSP should also be published by the Policing Board.

3.24 All stages of the process should be fully documented.

Disqualification

3.25 By virtue of paragraph 9(1) of Schedule 1 and paragraph 9(1) of Schedule 2 to the Justice Act, a person is disqualified from being an independent member of a PCSP or a DPCSP if he/she is:

- a police officer;
- a member of the police support staff;
- a member of the Policing Board;
- a local Government councillor; or
- an employee of the Council to which they are applying.

3.26 In addition, under paragraph 9(3) of those Schedules, individuals are disqualified if they have, within the past five years, served or been discharged from a sentence of imprisonment or detention (discharge for the purposes of this disqualification means either release on licence or release in pursuance of a grant of remission - suspended sentences do not count for the disqualification, unless they have been ordered to take effect). The effect of this is that former prisoners need to have been out of prison for five years before they can be considered for membership of a PCSP or a DPCSP.

The Selection, Nomination and Appointment Process

3.27 The Policing Board retain overall responsibility for the process and have an important role in ensuring consistency of approach across Councils. The process should be designed to attract as wide a pool of candidates and to be more community friendly. The Policing Board may therefore wish to ensure that the design of application forms does not discourage applicants who are not familiar with completing application forms from applying. The Policing Board and Councils, with support from their Human Resources Department or an outside source appointed by the Policing Board, should have regard to the process set out below.

Information Packs

3.28 The Policing Board will be responsible for compiling and finalising a recruitment/information pack for candidates. District Councils, the Local Government Staff Commission, the Equality Commission, the Impartial Assessor and the Department of Justice should be consulted before the pack is published.

3.29 The pack should include:

- an information sheet detailing the appointment process and timetable;
- an application form including political activity monitoring form and declaration against terrorism (Annex 1);
- details of how to access an on-line application form;
- information about the requirements of the position and a role description;
- a person specification;
- a leaflet summarising this Code of Practice, including reference to the Code and to the Justice Act, the full text of which are available on the Department of Justice, Policing Board and PCSP websites. Hard copies can be provided on request (using the contact details given at Chapter 1 of this document);
- confirmation that interpreters will be made available during interviews, where required, and
- an equality monitoring form.

3.30 The pack should make clear that the onus is on the applicant to provide sufficient information on his or her application form to facilitate the decision as to whether he or she satisfies the eligibility criteria, and that failure to provide sufficient information will result in a decision that the applicant does not satisfy the criteria. The criteria, and questions at interviews, should be geared to encouraging the candidate to give of his/her best at interview, particularly for young people, whose participation is very important.

3.31 The application form should include a question asking candidates to declare any interests which may give the impression of, or be viewed as, a

conflict of interest if they were appointed. Candidates should also be asked in the application form to disclose any criminal convictions, and should be informed that these will be checked. This information will not be made available to the Council's interview panel.

3.32 The application form should also contain a section for political activity monitoring. This information will not be made available to shortlisting and interviewing panels, but will be made available to the Policing Board's appointments panel(s).

3.33 Candidates should be clearly informed that they will be appointed to only one PCSP, or to a DPCSP and/or the principal PCSP for Belfast. Multiple applications should not, therefore, be submitted. Should an application for more than one PCSP be received from a candidate, the Policing Board should contact the individual(s) concerned and ask them to state a preference. The application should thereafter be treated as an application for the preferred PCSP. In the case of Belfast, it will be possible for candidates to be appointed to both the Belfast PCSP and a DPCSP or, indeed, more than one DPCSP. The application form for Belfast should provide an opportunity for candidates to indicate which of these they are interested in, and may ask them to express a preference.

3.34 The information pack should state clearly the closing date for applications, and should make clear that it is the responsibility of applicants to ensure that their applications are posted in time, and with sufficient postage paid, to allow delivery by the specified closing date and time. Late applications, i.e. those received after the closing date/time, should not be accepted (they should be clearly recorded as being late and the applicant notified accordingly).

Publicity

3.35 The Policing Board should develop a communications strategy to ensure widespread awareness-raising and advertising of the upcoming appointment of independent membership of PCSPs and DPCSPs and should

consider using all appropriate opportunities, including social media, to attract as wide an audience as possible, including from young people and those from community groups and associations. Advertising the upcoming appointment of independent members should also reflect a more community friendly approach and the Policing Board may wish to engage with these constituents to explore how this may be done to best effect. Notices should also be placed on the websites of the Policing Board and the Councils in question, and there should be a facility for applicants to access further information on how to obtain application forms. It is important that these websites should be fully accessible to people with disabilities, as should the application form.

3.36 Care should be taken to ensure that the field of potential independent members is as wide and inclusive as possible, bearing in mind that the overall membership of the PCSP or DPCSP should, as far as practicable, be representative of the district. The needs of particular groups within each of the section 75 categories should be specifically considered when devising and developing the publicity strategy, and the Policing Board should seek to learn lessons from the outcome of previous publicity campaigns in order to ensure the information is targeted so as to reach the widest possible audience.

Selection - Eligibility Sift

3.37 The Policing Board is responsible for the sift of applicants to check their eligibility in line with the provisions of paragraph 9(1) of Schedule 1 and paragraph 9(1) of Schedule 2 to the Justice Act (Northern Ireland) 2011. That is, if the applicant is:

- a police officer;
- a member of the police support staff;
- a member of the Policing Board;
- a local Government councillor; or
- an employee of the Council to which they are applying.

3.38 The application forms of those candidates who satisfy the eligibility criteria should be forwarded by the Policing Board to the relevant Council to be shortlisted for interview with support from their Human Resources

Department or an outside source appointed by the Policing Board. An Impartial Assessor should actively scrutinise the sift procedure to confirm that the correct procedure was followed by the Policing Board in reaching its decisions.

3.39 Since the Policing Board will not necessarily know whether someone is disqualified under paragraph 9(3) – (9) of Schedule 1 or paragraph 9(3) – (9) of Schedule 2 to the Justice Act, no attempt should be made to sift out any applicant on those grounds at this stage of the process. That can only happen when the Policing Board refers applicants' details to the Chief Constable (see paragraphs 3.66 and 3.67).

Selection - Shortlisting and Interview

3.40 Councils, with support from their Human Resources Department or an outside source appointed by the Policing Board, are responsible for the second stage of the process which is to shortlist applications against the published criteria. The Impartial Assessor will oversee a sample of the shortlisting and interview process, and documentation, to confirm that the correct procedure was followed by Councils in reaching their decisions. An independent panel member will be present at every stage of the shortlisting and interviewing stages. Application forms should not be anonymised and candidates' names should be available to interview panels so that panel members can declare any conflict of interest at as early a stage as possible. A comprehensive record of the decisions and the reasons for them should be kept and should be made available to the Impartial Assessor. Providing feedback for candidates who are rejected at this stage of the process is the responsibility of the Council, with support from their Human Resources Department or an outside source appointed by the Policing Board in line with paragraph 3.22 above.

3.41 The shortlisting/interview stage of the appointment process should not be undertaken by the outgoing Council.

3.42 A shortlisting/interview panel comprising at least two, and up to four, councillors and an independent panel member (the latter will be provided by the Policing Board) should consider those applicants who meet the criteria and shortlist them for interview.

3.43 Councils should, where possible, appoint those councillors who will be members of the PCSP as members of the shortlisting/interview panel and the panel should remain the same throughout the process, unless extraordinary circumstances require that a substitution is made.

3.44 In the case of Belfast, to ensure consistency, and because of the possibility of overlap in membership, it is recommended that the same panel should be involved in selecting independent members for the PCSP and all four DPCSPs.

3.45 An attending Council staff member, or an outside source appointed by the Policing Board, should seek to ensure that the shortlisting/interview panel is broadly representative in terms of gender and community background. Panellists should also be asked to declare any reason why they should not be involved, in order to avoid a conflict of interest or other situation that may call the probity of the process into doubt. This could arise, for example, if a member of the panel were to interview any family member or a close associate or business partner.

3.46 To ensure consistency across all Council areas, and adherence to equality codes of practice, the Policing Board should ensure that training is provided, by experienced trainers, to all those involved in shortlisting/interviewing. Councils should ensure that their panel members attend, and only members who have been trained should sit on panels. The training should cover the process of shortlisting, as well as interview techniques, note-taking and scoring. It should enable all those involved in the shortlisting and interviewing process to reach an agreed understanding of the criteria to be met. Specific training should be provided for Chairs of the shortlisting and interview panels.

3.47 District Councils, with support from their Human Resources Department or an outside source appointed by the Policing Board, are responsible for the shortlisting and interviewing process. In shortlisting applicants for interview, the Council's panel should aim to select at least three times the number of candidates that will be required. This will give a sufficiently broad range of candidates from which to make nominations (for example, if nine individuals are needed, at least 27 should be interviewed). The Council, with support from their Human Resources Department or an outside source appointed by the Policing Board, should arrange the interviews for the panel and appoint a secretary for each panel. The Council, with support from their Human Resources Department or an outside source appointed by the Policing Board should also provide feedback on this stage of the process to candidates if requested.

3.48 The interview panel should interview candidates against the published criteria and should, on the basis of merit, place the candidates into one of two categories: "suitable" or "not suitable" for nomination. The suitability pass mark will be determined by the Policing Board in advance. An alphabetical list of those candidates considered suitable for nomination, together with their scores, should be submitted by the panel to the Council.

3.49 The Council should then provide the Policing Board with details of those deemed suitable for appointment

3.50 A record of the interview process and copies of any supplementary evaluation documentation completed by panel members should be given to, and held for at least two years by, the Policing Board. This retention period is in line with guidance contained in the Code of Practice for Ministerial Public Appointments in Northern Ireland, issued by the Commissioner for Public Appointments Northern Ireland.

Selection – Council Nominations, the Council’s Role

3.51 The Council will, in considering the names submitted to it by the interview panel, act in accordance with the relevant sections of the Code of Procedures on Recruitment and Selection issued by the Local Government Staff Commission for Northern Ireland. **In considering the names of suitable candidates submitted to it, the Council should note that these are “applications in confidence” and should not seek to place the names in the public domain.**

3.52 It is for the Council to formally nominate those found suitable by the interview panel. The Council, with support from their Human Resources Department or an outside source appointed by the Policing Board, should submit to the Policing Board an alphabetical list of those candidates considered suitable for nomination, together with their scores,

3.53 As required by paragraph 5(2) of Schedule 1 and paragraph 5(2) of Schedule 2 to the Justice Act, unless otherwise agreed with the Policing Board, the number of persons to be nominated shall be twice the number of appointments of independent members to be made. If the number of candidates considered by the interview panel to be suitable for nomination exceeds the required number, the Council with support from their Human Resources Department or an outside source appointed by the Policing Board will submit all the names, in alphabetical order, to the Policing Board.

3.54 It is not expected that the Policing Board would agree to receive a smaller number of candidates save in the most exceptional circumstances. However if less than twice the number are nominated the Board, in partnership with the relevant Council, may consider reviewing the local networks of community representatives and volunteers who may be interested in becoming involved in this area of work. Candidates generated in this way will be required to complete an application form and attend for interview, the same as other candidates.

3.55 No names should be submitted to the Policing Board of candidates who have failed to complete the application form or declaration against terrorism.

3.56 All applicants whose applications have been rejected by the Council's panel, whether through shortlisting or at interview, should be notified in writing. Reasons should be given. Feedback for candidates rejected at these stages of the process is the responsibility of the Council. Feedback will be provided by the Council with support from their Human Resources Department or an outside source appointed by the Policing Board.

3.57 When required by the Policing Board, the Council must supply the Board with a list of the names of its members who will be serving as political members on the PCSP or DPCSPs. Councillors should also be asked to supply their characteristics, in terms of the categories listed in section 75(1) of the Northern Ireland Act 1998, to the Council Chief Executive. A summary of the overall breakdown of characteristics should be provided to the Policing Board upon request. This will enable the Board better to fulfil its duty under paragraph 4(3) of Schedule 1 and paragraph 4(2) of Schedule 2 to the Justice Act to secure, as far as practicable, that the membership of the PCSP/DPCSP, taken together, is representative of the community in the district. The Impartial Assessor will also oversee this element of the process and its documentation.

3.58 Records of this stage of the process should be given to, and held for at least two years by, the Policing Board in line with the retention period set out at paragraph 3.50.

Appointments – the Policing Board's Role

3.59 The Policing Board's Chief Executive has responsibility for establishing an appointment panel(s) to consider the lists supplied to the Policing Board by the Council, under Paragraph 5 of Schedule 1 and Paragraph 5 of Schedule 2

to the Justice Act. The appointment panel(s) should remain the same throughout the appointment stage of the process, unless extraordinary circumstances require that a substitution is made.

3.60 The responsibility for making appointments rests with the Policing Board by virtue of paragraph 4 of Schedule 1 and paragraph 4 of Schedule 2 to the Justice Act.

3.61 The Policing Board's panel(s) should comprise at least two Policing Board members and an independent panel member appointed by the Policing Board. The Impartial Assessor appointed to oversee the appointment process should ensure that the Board's panel(s) is representative, so far as practicable, in terms of gender and community background.

3.62 It is not expected that the Board's panel(s) will conduct interviews. However, should the Board decide to do so, it will need to ensure that all candidates are treated in a consistent way. Interviews should be carried out in line with the guidance on public appointments issued by the Commissioner for Public Appointments. The Impartial Assessor should oversee the process.

3.63 Paragraph 4(3) of Schedule 1 and paragraph 4 (2) of Schedule 2 to the Justice Act require the Policing Board to secure, so far as practicable, that each PCSP/DPCSP as a whole is representative of the community in the district. The Board's panel(s), therefore, has a particular statutory duty to ensure that the candidates are appointable and that the full membership of the PCSP/DPCSP is, so far as practicable, representative of the community in the Council area or, in the case of a DPCSP, the area covered by the District Partnership. In doing so, the Board's panel(s) will wish to reflect on the composition of the Council members appointed to the PCSP or DPCSP. The Board's panel(s) will also wish to consider the balance of skills, qualities and experience of independent members in the context of securing community confidence in the Partnership. Where there are two or more candidates who are considered to be equally suitable for appointment on the basis of representativeness (for example, where candidates are from the same

community background, gender and age band), the Policing Board may make those candidates' scores available to the panel(s), so that they can use this additional information in coming to a view.

3.64 The Policing Board's panel(s) will also need to consider any potential conflicts of interest declared on an application form, and come to a view as to the extent to which these could cast doubt on the public's confidence in the applicant's ability to fulfil his/her duties as a member of the PCSP or DPCSP.

3.65 Councillors are excluded by law, from 1 April 2015, from being independent membership of PCSPs or DPCSPs.

Disqualification because of prior criminal convictions

3.66 The Policing Board's panel(s) will also need to consider if a candidate is disqualified, or otherwise unsuitable, because of prior criminal convictions. The Policing Board should treat conviction related information confidentially.

3.67 The Policing Board will, therefore, write to AccessNI asking for confirmation of the criminal records declared by applicants who have reached the appointment pool. If a candidate has a prison record and five years have not yet elapsed since he/she was released, either on remission or on license, he/she is automatically disqualified from membership of a PCSP or a DPCSP and the application should be immediately rejected. The applicant should be told that this is the reason for his/her disqualification.

3.68 Where a candidate has disclosed a record which does not automatically disqualify him/her, then the Policing Board will want to consider whether the record would cast doubt on the public's confidence in the candidate's ability to fulfil his/her duties. This will depend, for example, on the nature of the offence, its seriousness, when it was committed, and the applicant's age at the time of the offence. If an application is rejected on the grounds of a criminal record and the applicant requests feedback, the Policing Board will tell him or her the reason(s) for the rejection.

3.69 If an applicant has failed to disclose an offence which is not spent (see below) but which does not automatically disqualify them, the Policing Board's panel(s) should consider very carefully whether or not this failure to disclose rules them out of being appointed. Failure to disclose may cast doubt on an applicant's honesty and integrity but the Board should consider, for example, the nature and seriousness of the offence(s), when it was committed, and the applicant's age at the time. The Policing Board may want to ask a candidate to explain their failure to disclose before deciding on the issue.

3.70 The Rehabilitation of Offenders (Northern Ireland) Order 1978 [SI 1978/1908 (NI 27)] provides that, in certain circumstances, convictions may become "spent" and a convicted person may be considered rehabilitated (Article 3(1)). The Order applies to anyone convicted of a criminal offence in Northern Ireland or abroad. However, not every conviction may become spent and result in rehabilitation. Article 6(1) makes all sentences subject to rehabilitation except, inter alia, sentences of life imprisonment and imprisonment or corrective training for more than 30 months. Where a person becomes rehabilitated under the Order, he/she is treated, with certain exceptions, for all purposes in law as if he/she had never committed, been charged with, prosecuted for, convicted of, or sentenced for, the relevant offence or offences (Article 5(1)). By virtue of Article 5(2) of the Order a person shall not be subjected to any liability or prejudiced in law by the failure to acknowledge or disclose a spent conviction. Article 5(3) states that a spent conviction (as defined in the 1978 Order), or the failure to disclose it, shall not be a proper ground for dismissing or excluding a person from office.

The Policing Board's decision

3.71 The consideration of each candidate must be documented by a member of staff appointed by the Policing Board, so that information is available in the event of a complaint, and to enable candidates to be given feedback if they request it.

3.72 The Policing Board will notify all applicants of the outcome, asking those successful candidates if they are willing to serve on the PCSP/DPCSP. The Policing Board will subsequently notify the Councils and write to the successful applicants with their terms of appointment. Those being offered appointment should be asked to confirm, in writing, acceptance of the terms of appointment.

3.73 Candidates not being offered appointment should be notified without delay. Feedback at this stage is the responsibility of the Policing Board.

3.74 An Impartial Assessor, appointed by the Policing Board, will oversee the process and documentation at this stage. Should a difficulty arise, it should, in the first instance, be brought to the attention of the Chief Executive of the Policing Board.

Feedback

3.75 If candidates request feedback they should be given it. The stage at which the applicant left the process will determine who is best placed to provide the feedback (see paragraph 3.22 above).

Publicising the Appointments

3.76 The Policing Board must publicise the composition of each PCSP and DPCSP through a press release.

3.77 The following information may be considered for inclusion in the press release:

- a short description of the functions of PCSPs/DPCSPs;
- details of how to contact the PCSP/DPCSP;
- the names of the councillors and independent members appointed, identifying the Chairperson, providing the Policing Board has received the specific permission of each independent member to do so in line with paragraph 3.1 of this Code;
- a brief summary of each appointee's career/experience;

- details of each appointee's response to the political activity question;
- length of appointment and details of any available expenses; and
- a list of other appointments held.

Length of Appointment

3.78 By virtue of paragraph 4(7) of Schedule 1 and paragraph 4(6) of Schedule 2 to the Justice Act, independent members are appointed and will hold office until the day before the reconstitution date of the new PCSP after the Local Government election following their appointment. The terms of appointment for independent members should state that any change in a member's circumstances which might give rise to a conflict of interest must be declared to the Policing Board.

Complaints

3.79 Complaints made in relation to the appointment of independent members to PCSPs/DPCSPs should be dealt with promptly and with courtesy. The Policing Board should appoint a complaints monitor. Details of the complaints monitor should be provided in the information pack and the complainant should, in all cases, be asked to make the complaint in writing and to send it to the complaints monitor.

Chapter 4: Other related issues

Vacancies

4.1 It may be that an independent member resigns or is removed from office before the end of their term of appointment. Resignations must be made in writing to the Council (paragraph 4(9)(a) of Schedule 1 and paragraph 4(8)(a) of Schedule 2 to the Justice Act). In this event, the Council must notify the Policing Board. Removal is a matter for the Board, or the Council with the approval of the Board, and is provided for by paragraph 8 of Schedule 1 and paragraph 8 of Schedule 2 to the Justice Act.

4.2 Where a vacancy arises, the Policing Board may select a further person from the list of nominees submitted by the Council for the last appointments process. In this case, individuals should be given an opportunity to update their application form and equality monitoring form.

4.3 If this approach is not feasible the Policing Board may, with the approval of the Department of Justice, abbreviate the appointment process. For example, the following process could be followed:

- advertisements could be placed in the appropriate provincial (local) papers; or

- interest groups/organisations in the area could be asked to encourage candidates to apply.

4.4 Regardless of the process to be followed, all applicants must complete an application form. Application forms should be returned directly to the Policing Board.

Audit of the Process

4.5 The Department of Justice is responsible for issuing and revising this code and will seek feedback on it after the appointment process. It will

examine any comments made to the Policing Board by the Impartial Assessor and any complaints that have been received.

DECLARATION AGAINST TERRORISM

All applicants will be required to make this declaration as part of their application for membership of a PCSP/DPCSP. Failure to make this declaration will result in their application not being put forward by the Council to the Policing Board.

I declare that, if appointed, I will not by word or deed express support for or approval of –

(a) any organisation that is for the time being a proscribed organisation specified in Schedule 2 to the Terrorism Act 2000; or

(b) acts of terrorism (that is to say, violence for political ends) connected with the affairs of Northern Ireland.

RELEVANT EXTRACTS FROM THE JUSTICE ACT (NORTHERN IRELAND) 2011 C24

POLICING AND COMMUNITY SAFETY PARTNERSHIPS
Establishment of PCSPs and DPCSPs

Establishment of PCSPs and DPCSPs

20.- (1) Each district council shall establish for its district a body to be known as a policing and community safety partnership (a “PCSP”).

(2) The district council for Belfast shall establish for each police district established under section 20(2) of the Police (Northern Ireland) Act 2000 (c. 32) a body to be known as a district policing and community safety partnership (a “DPCSP”).

(3) Schedule 1 has effect in relation to a PCSP.

(4) Schedule 2 has effect in relation to a DPCSP.

(5) In this Part, in relation to a PCSP-

“the council” means the council by which it is established;

“the district” means the district of the council by which it is established;

“relevant district commander” means the district commander of any police district which is, or is included in, the district.

(6) In this Part, in relation to a DPCSP-

“the council” means the district council for Belfast;

“the police district” means the police district for which it is established;

“the principal PCSP” means the PCSP for the district of Belfast;

“relevant district commander” means the district commander of the police district.

(7) In this Part

“DPCSP” has the meaning given by subsection (2);

“PCSP” has the meaning given by subsection (1);

“the joint committee” means a joint committee formed for the purposes of this Part by the Department and the Policing Board and consisting of representatives of the Department and of the Policing Board;

“local policing plan” has the meaning given by section 22(1) of the Police (Northern Ireland) Act 2000 (c. 32);

“police district” has the meaning given by section 20 of the Police (Northern Ireland) Act 2000;

“the Policing Board” means the Northern Ireland Policing Board;

“policing committee” -

(a) in relation to a PCSP, means the committee established under paragraph 12 of Schedule 1;

(b) in relation to a DPCSP, means the committee established under paragraph 12 of Schedule 2;

“the policing plan” has the meaning given by section 26(1) of the Police (Northern Ireland) Act 2000;

“restricted functions” -

(a) in relation to a PCSP, has the meaning given by section 21(2)(a);

(b) in relation to a DPCSP, has the meaning given by section 22(2)(a).

Functions of PCSPs and DPCSPs

Functions of PCSP

21.(1) The functions of a PCSP shall be-

(a) to provide views to a relevant district commander and to the Policing Board on any matter concerning the policing of the district;

(b) to monitor the performance of the police in carrying out-

(i) the policing plan in relation to the district; and

(ii) the local policing plan applying to the district or any part of the district;

(c) to make arrangements for obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the district;

(d) to make arrangements for obtaining the views of the public about matters concerning the policing of the district and enhancing community safety in the district and to consider fully any views so obtained;

(e) to act as a general forum for discussion and consultation on matters affecting the policing of the district and enhancing community safety in the district;

(f) to prepare plans for reducing crime and enhancing community safety in the district;

(g) to identify targets or other indicators by reference to which it can assess the extent to which those issues are addressed by action taken in accordance with any such plans;

(h) to provide any such financial or other support as it considers appropriate to persons involved in ventures designed to reduce crime or enhance community safety in the district; and

(i) such other functions as are conferred on it by any other statutory provision.

(2) The functions of a PCSP mentioned in subsection (1)(a), (b) and (c)-

(a) are referred to in this Part as its “restricted functions”; and

(b) must be exercised, on behalf of the PCSP, by the policing committee of the PCSP.

(3) References in this section to enhancing community safety in any district are to making the district one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour.

(4) In exercising its functions, a PCSP shall have regard to the code of practice under section 23.

Functions of DPCSP

22.-(1) The functions of a DPCSP shall be-

(a) to provide views to the relevant district commander and to the principal PCSP on any matter concerning the policing of the police district;

(b) to monitor the performance of the police in carrying out-

(i) the policing plan in relation to the police district; and

(ii) the local policing plan applying to the police district;

(c) to make arrangements for obtaining the co-operation of the public with the police in preventing crime and enhancing community safety in the police district;

(d) to make arrangements for obtaining the views of the public about matters concerning the policing of the police district and enhancing community safety in the police district and to consider fully any views so obtained;

(e) to act as a general forum for discussion and consultation on matters affecting the policing of the police district and enhancing community safety in the police district;

(f) to prepare plans for reducing crime and enhancing community safety in the police district;

(g) to identify targets or other indicators by reference to which it can assess the extent to which those issues are addressed by action taken in accordance with any such plans;

(h) to provide any such financial or other support as it considers appropriate to persons involved in ventures designed to reduce crime or enhance community safety in the police district;

(i) such other functions as are conferred on it by any other statutory provision.

(2) The functions of a DPCSP mentioned in subsection (1)(a), (b) and (c)-(a) are referred to in this Part as its “restricted functions”; and

(b) must be exercised, on behalf of the DPCSP, by the policing committee of the DPCSP.

(3) References in this section to enhancing community safety in a police district are to making the police district one in which it is, and is perceived to be, safer to live and work, in particular by the reduction of actual and perceived levels of crime and other anti-social behaviour.

(4) In exercising its functions, a DPCSP shall have regard to the code of practice under section 23.

(5) If the principal PCSP is satisfied that a DPCSP is carrying out any of the DPCSP’s functions in relation to a police district, the PCSP is not required to carry out any corresponding function it has in relation to the part of its district comprising the police district.

(6) But subsection (5) does not prevent the principal PCSP exercising its functions in relation to the whole of the district where it appears to the principal PCSP to be necessary or appropriate to do so.

SCHEDULE 1 POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

1.-(1) In this Schedule, in relation to a PCSP-

“independent member” means a member appointed under paragraph 4;

“political member” means a member appointed under paragraph 3.

(2) In this Schedule “local general election” has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule a “declaration against terrorism” means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3), with the substitution of the words “if appointed” for the words “if elected”.

(4) In this Schedule, in relation to a PCSP and the holding of a local general Election-

“the transitional period” means the period-

(a) beginning with the election day; and

(b) ending with the day before the reconstitution date;

“reconstitution date” means the date published by notice of the Policing Board under paragraph 4(4).

(5) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Composition

2. A PCSP shall consist of-

(a) political members appointed under paragraph 3;

(b) independent members appointed under paragraph 4; and

(c) representatives nominated by organisations designated under paragraph 7.

Political members

3.-(1) There shall be 8, 9 or 10 political members, as the council may determine.

(2) In making a determination under sub-paragraph (1), the council shall have regard to-

(a) the number of members constituting the council; and

(b) the duty imposed by sub-paragraph (3).

(3) A council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(4) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of that person’s appointment.

(5) A political member shall hold office until the day before the reconstitution date next following that member’s appointment.

(6) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place that person is appointed.

(7) A political member (“P”) shall cease to hold office if-

(a) P resigns by notice in writing to the council;

(b) P becomes disqualified for membership of the PCSP; or

(c) P ceases to be a member of the council.

(8) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

(9) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

Independent members

4.-(1) The number of independent members shall be one less than the number of political members.

(2) Appointments of independent members shall be made by the Policing Board from among persons nominated by the council in accordance with paragraph 5.

(3) In appointing independent members the Policing Board shall so far as practicable secure that the members of the PCSP (taken together) are representative of the community in the district.

(4) Where following a local general election the Policing Board has completed the arrangements for the appointment of the independent members of the PCSP for a district, it shall publish notice of the date which is to be the reconstitution date in relation to the PCSP for that district.

(5) Notice under sub-paragraph (4) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(6) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of that person's appointment.

(7) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(8) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.

(9) An independent member shall cease to hold office if that member-

(a) resigns by notice in writing to the council; or

(b) becomes disqualified for membership of the PCSP.

(10) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

(11) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and sub-paragraphs (1) and (3) shall have effect subject to this sub-paragraph.

5.-(1) Where appointments are to be made of independent members, the council shall nominate persons willing to be candidates for appointment.

(2) Unless otherwise agreed with the Policing Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.

(3) The council shall notify the Policing Board of-

(a) the name of each person nominated by it under sub-paragraph (1); and

(b) such other information regarding those persons as it considers appropriate.

(4) A person shall not be nominated under sub-paragraph (1) if that person-

(a) is disqualified for membership of the PCSP; or

(b) has not made a declaration against terrorism.

(5) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing Board may itself nominate such number of candidates as, when added to the number nominated by the council, equals twice the number of appointments to be made.

(6) If the Policing Board does so, paragraph 4(2) shall have effect as if those persons had been nominated by the council.

6.-(1) In exercising functions under paragraphs 4 and 5, a council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by councils and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing, or revising, a code of practice under this paragraph, the Department shall consult-

(a) the Policing Board;

(b) district councils; and

(c) the Equality Commission for Northern Ireland.

(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Disqualification

9.(1) A person is disqualified for being a political or independent member if that person is-

(a) a police officer;

(b) a member of the police support staff;

(c) a member of the Policing Board; or

(d) an employee of the council.

(2) A person removed from office under paragraph 8(1) is disqualified for membership of a PCSP until the date of the next local general election following that person's removal.

(2A) A person is disqualified for being an independent member of a PCSP of that person is a councillor. (inserted by the Local Government Act 2014 and takes effect from 1 April 2015)

(3) A person is disqualified for being an independent member of a PCSP if-

(a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and

(b) the relevant period has not ended.

(4) The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.

(5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not the release of that person is subject to conditions)-

(a) release on licence;

(b) release in pursuance of a grant of remission.

(6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if that person is required to return to prison or detention for a further period in respect of the offence.

(7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.

(8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.

(9) In this paragraph "suspended sentence" means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

SCHEDULE 2 DISTRICT POLICING AND COMMUNITY SAFETY PARTNERSHIPS

Interpretation

1.-(1) In this Schedule, in relation to a DPCSP-
"independent member" means a member appointed under paragraph 4;

"political member" means a member appointed under paragraph 3.

(2) In this Schedule "local general election" has the same meaning as in the Electoral Law Act (Northern Ireland) 1962 (c. 14).

(3) In this Schedule a "declaration against terrorism" means a declaration in the form set out in Part 1 of Schedule 2 to the Elected Authorities (Northern Ireland) Act 1989 (c. 3), with the substitution of the words "if appointed" for the words "if elected".

(4) In this Schedule, in relation to a DPCSP and the holding of a local general Election-
"the transitional period" means the period-

- (a) beginning with the election day; and
- (b) ending with the day before the reconstitution date;

“reconstitution date” means the date published by notice of the Policing Board under paragraph 4(3).

(5) For the purposes of this Schedule an independent member of a council shall be treated as a party.

Composition

2.-(1) A DPCSP shall consist of-

- (a) 6 political members appointed under paragraph 3;
 - (b) 5 independent members appointed under paragraph 4; and
 - (c) representatives nominated by organisations designated under paragraph 7.
- (2) The members of a DPCSP need not be members of the principal PCSP.

Political members

3.-(1) The council shall exercise its power to appoint political members so as to ensure that, so far as practicable, the political members of all the DPCSPs, taken together, reflect the balance of parties prevailing among the members of the council immediately after the last local general election.

(2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as a political member in accordance with the terms of that person’s appointment.

(3) A political member shall hold office until the day before the reconstitution date next following that member’s appointment.

(4) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the political member in whose place that person is appointed.

(5) A political member (“P”) shall cease to hold office if—

- (a) P resigns by notice in writing to the council;
- (b) P becomes disqualified for membership of the DPCSP; or
- (c) P ceases to be a member of the council.

(6) A person whose term of office as a political member expires or who has resigned shall be eligible for re-appointment.

(7) Where a political member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraph (1) of this paragraph shall have effect subject to this sub-paragraph.

Independent members

4.-(1) Appointments of independent members shall be made by the Policing Board from among persons nominated by the council in accordance with paragraph 5.

(2) In appointing independent members the Policing Board shall so far as practicable secure that the members of the DPCSP (taken together) are representative of the community in the DPCSP's police district.

(3) Where, following a local general election, the Policing Board has completed the arrangements for the appointment of the independent members of the DPCSP for a police district, it shall publish notice of the date which is to be the reconstitution date in relation to the DPCSP for that police district.

(4) Notice under sub-paragraph (3) shall be published in such manner as appears to the Policing Board appropriate for bringing it to the attention of interested persons.

(5) Subject to the following provisions of this paragraph, a person shall hold and vacate office as an independent member in accordance with the terms of that person's appointment.

(6) An independent member shall hold office until the day before the reconstitution date next following the member's appointment.

(7) A person appointed to fill a casual vacancy shall hold office for the remainder of the term of the independent member in whose place that person is appointed.

(8) An independent member shall cease to hold office if that member—
(a) resigns by notice in writing to the council; or

(b) becomes disqualified for membership of the DPCSP.

(9) A person whose term of office as an independent member expires or who has resigned shall be eligible for re-appointment.

(10) Where an independent member ceases to hold office at any time during the transitional period, no appointment shall be made to fill the casual vacancy; and paragraph 2(1) and sub-paragraphs (1) and (2) of this paragraph shall have effect subject to this sub-paragraph.

5.-(1) Where appointments are to be made of independent members of a DPCSP, the council shall nominate persons willing to be candidates for appointment.

(2) Unless otherwise agreed with the Policing Board, the number of persons to be nominated under sub-paragraph (1) on any occasion shall be twice the number of appointments to be made of independent members.

(3) The council shall notify the Policing Board of—

(a) the name of each person nominated by it under sub-paragraph (1); and

(b) such other information regarding those persons as it considers appropriate.

(4) In relation to each person nominated by it under sub-paragraph (1) the council shall also notify the Policing Board of—

(a) whether the person is also willing to be a candidate for appointment as an independent member of any other DPCSP;

(b) if the person is so willing, the DPCSP or DPCSPs concerned;

(c) whether the person is also willing to be a candidate for appointment as an independent member of the principal PCSP.

(5) A person shall not be nominated under sub-paragraph (1) if that person-

(a) is disqualified for membership of the DPCSP, or

(b) has not made a declaration against terrorism.

(6) Where the number of persons nominated by the council is less than twice the number of appointments to be made, the Policing Board may itself nominate such number of candidates as when added to the number nominated by the council equals twice the number of appointments to be made.

(7) If the Policing Board does so, paragraph 4(1) shall have effect as if those persons had been nominated by the council.

6.-(1) In exercising functions under paragraphs 4 and 5, the council and the Policing Board shall have regard to any code of practice under this paragraph.

(2) The Department may issue, and from time to time revise, a code of practice containing guidance as to the exercise by the council and the Policing Board of their functions under paragraphs 4 and 5.

(3) Before issuing or revising a code of practice under this paragraph, the Department shall consult-

(a) the Policing Board;

(b) the council; and

(c) the Equality Commission for Northern Ireland.

(4) The Department shall arrange for any code of practice issued or revised under this paragraph to be published in such manner as appears to the Department to be appropriate.

Disqualification

9.-(1) A person is disqualified for being a political or independent member of a DPCSP if that person is-

(a) a police officer;

(b) a member of the police support staff;

(c) a member of the Policing Board; or

(d) an employee of the council.

(2) A person removed from office under paragraph 8(1) is disqualified for membership of a DPCSP until the date of the next local general election following that person's removal.

(2A) A person is disqualified for being an independent member of a DPCSP if that person is a councillor. (inserted by the Local Government Act 2014 and takes effect from 1 April 2015)

(3) A person is disqualified for being an independent member of a DPCSP if-

(a) that person has been convicted in Northern Ireland or elsewhere of any offence and a sentence of imprisonment or detention has been passed on that person, and

(b) the relevant period has not ended.

(4) The relevant period is the period of 5 years beginning with the person's discharge in respect of the offence.

(5) For the purposes of sub-paragraph (4) the following are to be treated as the discharge of a person (whether or not the release of that person is subject to conditions)-

(a) release on licence;

(b) release in pursuance of a grant of remission.

(6) Sub-paragraph (5) does not apply in relation to the release of a person in respect of an offence if that person is required to return to prison or detention for a further period in respect of the offence.

(7) Subject to sub-paragraph (8), the reference in sub-paragraph (3) to a sentence of imprisonment or detention does not include a suspended sentence.

(8) Sub-paragraph (7) does not apply in relation to a suspended sentence that has been ordered to take effect.

(9) In this paragraph "suspended sentence" means a sentence of imprisonment or detention that is ordered not to take effect unless the conditions specified in the order are met.

Flowchart of the process to appoint independent members to PCSPs