

**POLICE AND CRIME  
COMMISSIONER FOR  
THE WEST MIDLANDS**

NON-CONFIDENTIAL

**NOTICE OF DECISION**

[027/2019]

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**Police Appeal Tribunal Panel Membership - Delegation**

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**EXECUTIVE SUMMARY**

A Police Appeal Tribunal is scheduled to take place on 16/17 September 2019 to hear an appeal from ex-Pc Mr Paul Adey. The Police and Crime Commissioner is one of the four Tribunal Panel members and has used his legal powers of competence to delegate his seat to an appropriate representative.

**DECISION**

This is a decision to delegate my membership of the Police Appeal Tribunal being convened to hear an appeal from ex PC Mr Paul Adey to an appropriate representative.

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**Police and Crime Commissioner for the West Midlands**

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the Police and Crime Commissioner of the West Midlands. Any interests are indicated below.

Signature.....

*David Janic*

Date.....

15.08.19

## **NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER**

### **INTRODUCTION AND BACKGROUND**

1. A police officer of a rank up to and including chief superintendent has a right of appeal to a Police Appeals Tribunal against the finding or outcome imposed following a third stage meeting under the Police (Performance) Regulations 2008A.
2. A Police Appeal Tribunal is scheduled to take place on 16 and 17 September 2019 to determine an appeal by ex-PC Mr Paul Adey. The appeal is being held under the Misconduct Rules 2008, and these rules specify that the Panel shall consist of the following members:
  - a) a legally qualified chair drawn from a list maintained by the Home Office;
  - b) a member of the police authority nominated by the authority;
  - c) a serving senior officer (ACPO rank); and
  - d) a retired member of a police force who was a member of an "appropriate staff association.
3. Police authorities no longer exist, and have been replaced by police and crime commissioners. The Panel membership referred to at 'b' above is therefore the Police and Crime Commissioner.
4. The Commissioner may choose to delegate any of his functions to any person. In accordance with this, the Commissioner has decided to delegate his membership of this Police Appeal Tribunal panel to an appropriate representative.

### **LEGAL IMPLICATIONS**

5. S18 Police Reform and Social Responsibility Act 2011 allows police and crime commissioners to delegate any of their functions to any person.
6. The appeal is being held under the Police Appeal Tribunal Rules 2008.

### **Public Access to Information**

Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.