

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

COMMITTEE *FOR* HOME AFFAIRS

**POLICE COMPLAINTS COMMISSION:
RE-APPOINTMENT OF CHAIR AND NOTIFICATION OF RESIGNATION**

The States are asked to decide: -

Whether, after consideration of the Policy Letter dated 10th June 2019, of the Committee *for* Home Affairs, they are of the opinion:

- 1 to reappoint Mr Stewart Chisholm as Chairman, of the Police Complaints Commission, for a period of four years with effect from 1st July 2019.
- 2 to note the resignation of Mr Nigel Ward from the Police Complaints Commission with effect from 30th June 2019.

The above Propositions have been submitted to Her Majesty's Procureur for advice on any legal or constitutional implications in accordance with Rule 4(1) of the Rules of Procedure of the States of Deliberation and their Committees.

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The Presiding Officer
States of Guernsey
Royal Court House
St Peter Port

10th June 2019

Dear Sir

1. Executive Summary

1.1 The purpose of this report is to propose the reappointment of Mr Stewart Chisholm as Chairman of the Police Complaints Commission ('the Commission'), and to note that Mr Nigel Ward will resign as an ordinary member at the expiry of his term.

2. Background

2.1 In 2005, the States of Deliberation approved the then Home Department's recommendation that legislation be introduced to establish a Police Complaints Commission (Billet d'Etat I, 2005). The Police Complaints (Guernsey) Law, 2008 ("the Law") came into effect on 1st July 2011, and the Commission was established.

2.2 The Committee for Home Affairs ("the Committee") would like to take this opportunity to put on record its thanks and appreciation to all the Commissioners for their patience, dedication and commitment to their roles.

3. Constitution

3.1 The Schedule to the Law sets out the composition of, and appointment process to, the Commission. The following parts are relevant.

3.2 Paragraph 1(1) of the Schedule states that "*The Commission shall consist of a Chairman and five ordinary members.*"

3.3 Paragraph 1(2) states that "*The Chairman and ordinary members shall be appointed by the States on the recommendation of the Committee.*"

- 3.4 Paragraph 1(4) states that *“Subject to subparagraph (5), the Chairman and ordinary members shall be appointed for a term of four years”*. (Subparagraph (5) is a transitional provision that is no longer relevant.)
- 3.5 Paragraph 1(6) states *“Members of the Commission may be reappointed.”*
- 3.6 Paragraph 3(1) states *“A member may resign from office at any time.”*
- 3.7 Paragraph 3(2) states that when a resignation is made to the Committee, *“the Committee will notify the States of it at the first available opportunity thereafter”*.

4. Reappointment of Chairman

- 4.1 Mr Stewart Chisholm has served as the Chair of the Commission since the commencement of the Law on 1st July 2011. He was reappointed in 2015 and his current term of office comes to an end on 1st July 2019.
- 4.2 The Committee is satisfied that Mr Chisholm continues to meet all the prescribed criteria, set out in the Law, of suitability for appointment and has, over the last eight years, discharged his duties with professionalism and integrity. The Committee is therefore pleased to confirm that Mr Chisholm has indicated a wish to be reappointed and to continue in his role as Chair of the Commission.

5. Retirement of Member

- 5.1 Mr Nigel Ward has served as an ordinary member of the Commission since the commencement of the Law on 1st July 2011. He was reappointed in 2015 and his current term of office comes to an end on 1st July 2019.
- 5.2 Mr Ward has indicated that he does not wish to continue in the role past his current term’s expiry. The Committee would like to take this opportunity to thank Mr Ward for his eight years of service.

6. Compliance with Rule 4

- 6.1 Rule 4 of the Rules of Procedure of the States of Deliberation and their Committees sets out the information which must be included in, or appended to, motions laid before the States.
- 6.2 In accordance with Rule 4(1), the Propositions have been submitted to Her Majesty’s Procureur for advice on any legal or constitutional implications.
- 6.3 In accordance with Rule 4(4) of the Rules of Procedure of the States of Deliberation and their Committees, it is confirmed that the propositions above have the unanimous support of the Committee.
- 6.4 In accordance with Rule 4(5), the Propositions relate to the duties of the Committee to advise the States and to develop and implement policies on matters relating to its

purpose including law enforcement and policing.

Yours faithfully

M M Lowe
President

R G Prow
Vice-President

R H Graham
M P Leadbeater
V Oliver