

Police and Crime Panel

Meeting to be held on 26th November 2012

Procedure for dealing with Confirmation Hearings.

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Executive Summary

This report sets out the Panel's responsibilities and processes concerning the appointment of a Deputy Police and Crime Commissioner for Lancashire

Recommendation

The Panel is recommended to agree to make arrangements to hold a public confirmation hearing, if required, in relation to the incoming PCC's proposed appointment of Deputy Police and Crime Commissioner.

Background and Advice

Under the Police Reform and Social Responsibility Act 2011 (the Act), one of the key functions of the Police and Crime Panel is to conduct confirmation hearings with candidates whom the Police and Crime Commissioner (PCC) proposes to appoint as Deputy Police and Crime Commissioner (DPCC), Chief Constable, Chief Executive and Chief Finance Officer, before they are confirmed in post. Accordingly, included in the Panel's Terms of Reference is the power to hold a confirmation hearing in public and review, make a report and recommendation (as necessary) to the PCC in respect of proposed appointments to these senior posts.

There is no requirement, at this time, for the Panel to hold confirmation hearings for the PCC's Chief Executive and Chief Finance Officer because, under the Act, the current post holders within the Police Authority will transfer to the PCC's office on 22 November 2012 and the Chief Constable will continue in post. However, the Panel will be required to hold confirmation hearings for subsequent appointments to these three senior posts and if the newly elected PCC wishes to appoint a DPCC, it will be necessary for the Panel to hold a confirmation hearing before the appointment can be confirmed.

At the time of writing, the outcome of the PCC elections for Lancashire is not known, though some candidates have indicated their intention to appoint a DPCC. The incoming PCC will be asked if they wish to give early consideration to the appointment of a DPCC.

When a PCC gives notice of an intention to make an appointment, the Panel must hold a confirmation hearing within three weeks and this report proposes

arrangements for the Panel to hold such a hearing in relation to the appointment of a DPCC following the election of the first Police and Crime Commissioner for Lancashire in November 2012.

Deputy Police and Crime Commissioner

A PCC may appoint a person as the DPCC for their police area who may (but does not necessarily have to be) their principal political adviser. The DPCC is the only member of the PCC's staff appointed at the discretion of the PCC and not on merit. It is a statutory office that is not politically restricted. The office is held by one person only and it is not possible to create multiple DPCCs through job-share or other contractual arrangements. There may be specific terms and conditions, including a notice period and the term of appointment must end not later than the day when the PCC's current term of office ends.

It will be for the incoming PCC to decide if they wish to make a formal appointment of DPCC. If so, they will need to consider and determine the role and day to day responsibilities, reporting arrangements and remuneration for the DPCC. The PCC may delegate some statutory functions to the DPCC, including determining the PCC's policing and crime objectives, preparing an annual report to the Police and Crime Panel and attending meetings when required to do so by the Panel. The Act places some restrictions on delegations to the DPCC.

Confirmation Hearing Process

The Act sets out the key elements of the confirmation hearing process.

If the PCC for Lancashire does wish to appoint a DPCC, he must formally notify the Panel of the name of the proposed appointee, the criteria used to assess his/her suitability, why the candidate satisfies those criteria, and the terms and conditions on which he/she is to be appointed. The PCC may also provide other information about the candidate such as a CV or a personal statement.

Within three weeks of receiving this notice, the Panel must review the proposed appointment by holding a confirmation hearing. The purpose of the confirmation hearing is to enable the candidate to appear before the Panel to answer questions relating to the appointment. The Panel should provide details of the confirmation hearing process to the proposed candidate and give notice to attend.

The hearing should focus on assessing the suitability of the candidate for the role as measured against the principles of professional competence (a candidate's ability to carry out the role) and personal independence (the need for the candidate to act in a manner which is operationally independent of the PCC). In relation to the DPCC, if this is to be a political appointment to assist the PCC to drive their vision and priorities, consideration of their independence will be different to that of the chief officer appointments. However, the DPCC will need to understand the separation of political and operational responsibilities for policing.

The confirmation hearing should be framed to allow the Panel to make an informed decision about the candidate's suitability for the post. Having regard to the

information provided by the PCC, members of the Panel may put questions to assess whether the candidate:-

- has relevant knowledge, skills and experience to enable them to carry out that role;
- has the personal independence to exercise the role as set out in the role profile;
- has the time and capacity to carry out the position.

The presumption is that the hearing will be held in public. However, the Panel has discretion to exclude the press and public from the meeting if it is to consider exempt information, as defined under Schedule 12A of the Local Government Act 1972, and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

After the hearing the Panel must report and make a recommendation to the PCC as to whether or not the candidate should be appointed. The Panel must publish its report in the manner it considers appropriate. The Chair of the Police and Crime Panel will inform the PCC in writing of the Panel's views on the candidate's suitability for the post and the recommendation as to whether or not the candidate should be appointed. The Panel should publish its report as soon as possible.

The PCC may accept or reject the Panel's recommendation as to whether or not the candidate should be appointed and the PCC must notify the Panel of the decision whether to accept or reject the Panel's recommendation. The PCC does not have to give reasons for their decision.

Next Steps

In the first instance it will be for the PCC after taking up office to consider whether he wishes to make an appointment of a DPCC.

The Panel's next scheduled meeting is on 17 December 2012. Dependent upon how the PCC wishes to proceed, this may or may not be a suitable date to hold a confirmation hearing for a DPCC.

An update on the PCC wishes concerning the appointment of a Deputy will be provided at the meeting.

Legal Implications

These are included in the report.

Financial Implications

There are no direct financial implications arising from the recommendations set out.

Consultations

Report prepared by Officers from the Office of the PCC in consultation with the Secretariat for the PCP.

Implications:

This item has the following implications, as indicated:

Risk management

The provision of an independent Police and Crime Panel for Lancashire is in accordance with the provisions of the Police Reform and Social Responsibility Act 2011.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
LGA Police and Crime Panel Guidance on Confirmation hearings	November 2012	Christine Durber, Lancashire Police Authority 01772 533415

Reason for inclusion in Part II, if appropriate
N/A