

AVON AND SOMERSET POLICE AND CRIME PANEL

23rd April 2020

Report title: Confirmation Hearing Process for the role of Deputy Police and Crime Commissioner

1. Executive Summary

The purpose of this report is to outline the confirmatory hearing process following notification of the appointment of a Deputy Police and Crime Commissioner by the Avon and Somerset Police and Crime Commissioner. This process will allow the Panel to conduct a remote Confirmation Hearing and thereby fulfil its statutory obligation to review the proposed appointment and make a recommendation to the Commissioner.

2. Recommendation

The Panel is recommended to:-

- Consider the information which has been submitted by the Office of the Police and Crime Commissioner (OPCC) in accordance with its statutory responsibilities and now attached as Appendices A to F to this report.
- Conduct a confirmatory hearing process as a means of confirming the candidate's suitability for the role in accordance with the Panel's statutory duty and with due regard to guidance from the Home Office and Centre for Public Scrutiny.
- Agree a report incorporating the Panel's recommendation on the appointment to be submitted to the Commissioner as soon as possible thereafter.

3. Background

The Police Reform and Social Responsibility Act 2011 ("the 2011 Act") requires the Police and Crime Panel to conduct confirmatory hearings for specific key appointments under Schedules 1 and 8 to the Act.

The confirmation hearing scheduled for 23rd April 2020 has been arranged in accordance with Schedule 1 of the Act and relates to the proposed appointment of a Deputy Police and Crime Commissioner for Avon and Somerset.

Following the Government's decision to defer the PCC elections for twelve months as a result of the Covid-19 crisis, the Commissioner has confirmed that she will remain in post until May 2021. In order to provide additional capacity within the OPCC in response to the current crisis and to deal with a further unexpected year in office, the Commissioner has decided to appoint a Deputy.

4. Fulfilling the Panel's Responsibilities

The Panel's practical challenge was how best to facilitate the statutorily defined "Confirmation Hearing" process. The legislation is clear that this must be a public

meeting where the candidate needs to be present but not necessarily physically present. As it would be a meeting of the Panel, which is a Joint Committee under the terms of the Local Government Act 1972, this ordinarily would require the Panel Members to be physically present to be quorate.

In this respect, the Secretary of State for Housing, Communities and Local Government announced on Monday 16th March 2020 that the Government was considering legislation to allow "Council Committee Meetings" to be held "remotely". Additional provisions were added on 23rd March 2020 to the emergency Coronavirus Bill which allowed regulations to be issued to facilitate this. The Bill received Royal Assent on 26th March and the relevant regulations were subsequently issued.

In the current circumstances it was not possible for Panel Members to physically attend a meeting within the requisite 3 week statutory timeframe, and nor was it possible for the OPCC to provide the Panel with the statutory information required until 15th April 2020. The earliest possible date for the hearing to take place in compliance with access to information requirements was therefore 23rd April 2020. Accordingly the following approach was agreed by the PCP Chair, Monitoring Officer and Lead Officer of the Host Authority:-

- a remote confirmation hearing facilitated by the host authority, involving the publication of an agenda and requisite papers.
- a virtual Microsoft Teams meeting or dial in alternative which enables the Panel to ask a series of questions of the candidate to be recorded by the Panel's Lead Officer
- to satisfy the requirement for it to be a "public" meeting, both press and public will be permitted to participate in the meeting
- the Panel is required to review the proposed appointment and this deliberation takes place in private. The outcome is reported at the end of the confirmation hearing and the Panel is required to publish a report subsequently stating whether the Panel recommends the appointment or not.

5. Notification

Under the 2011 Act, the Commissioner must provide the Panel with the following information:-

1. The name of the person whom the Commissioner is proposing to appoint;
2. The criteria used to assess the suitability of the candidate for the appointment;
3. Why the candidate satisfied those criteria; and
4. The terms and conditions on which the Candidate is to be appointed.

Attached to this report are the following Appendices A to F :-

- Criteria summary - statement of why the candidate satisfies the criteria and Terms and Conditions of appointment
- Role profile
- Terms of appointment
- Advert
- Letter of support from Chief Constable Andy Marsh

- Independent Member report

6. At the Hearing

The first part of the meeting will be conducted in public and structured as follows:-

- a. The candidate will be welcomed to the meeting.
- b. The Commissioner and Interim Chief Executive Officer will be given the opportunity to summarise the rationale/business case for appointing a Deputy Police and Crime Commissioner and comment on the candidate and the proposed appointment.
- c. The candidate will be given an opportunity to present to the Panel his/her understanding of the role.
- d. The Panel will be invited to question the proposed candidate in order to confirm that he or she has the necessary professional competence and personal independence to carry out the role of Deputy Police and Crime Commissioner.
- e. The candidate will be given opportunity to clarify any answers given during the hearing.

7. Closed Session

The Panel will enter closed session to deliberate on the suitability of the candidate for the role of Deputy Police and Crime Commissioner.

8. Panel Report and Recommendations

In accordance with Schedule 1 to the Act, the Panel is obliged to submit a report to the Commissioner containing a recommendation on whether the candidate should or should not be appointed. The content of this report and the nature of the recommendation(s) will be decided during the Panel's deliberations.

In response to the Panel's report, the PCC must then notify the Panel whether they will accept or reject the recommendation.

The report will be published on the Panel's webpages following its submission to the Commissioner and any press releases will be issued in accordance with the agreed Communications Protocol.

Where a candidate meets the standards set out in 6(d), but there remains cause for concern about his or her suitability, it may be appropriate to outline those concerns in the Panel's report to the Police and Crime Commissioner.

Patricia Jones
PCP Lead Officer
07855 284506

PLJones@somerset.gov.uk