



FOR PUBLICATION

DERBYSHIRE POLICE AND CRIME PANEL

22 June 2023

Report of the Director of Legal and Democratic Services

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

1. Purpose

- 1.1 To outline the process to be followed in respect of the proposed appointment to the position of Deputy Police and Crime Commissioner for Derbyshire.

2. Information and Analysis

- 2.1 For confirmation hearings, the Schedule 1 Part 10 of the Police Reform and Social Responsibility Act 2011 enables the Panel to:
- (i) Review the proposed appointment, by holding a Confirmation Hearing within three weeks of notification being given. A 'confirmation hearing' is a meeting of the Panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment;
 - (ii) Make a report to the Commissioner on the proposed senior appointment;
 - (iii) Include a recommendation to the Commissioner as to whether or not the candidate should be appointed,
 - (iv) Publish the report to the Commissioner made under (ii).
- 2.2 On 15 May 2023 the Panel received formal notification from the Police and Crime Commissioner's Office of the proposed appointment to the role of Deputy Police and Crime Commissioner. This appointment is a

permanent appointment, and therefore it is subject to the public scrutiny that is required as part of a proposed senior appointment within the meaning of Schedule 1 of the Police Reform and Social Responsibility Act 2011. In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner has provided the following documentation, which has been attached as an Appendix attached to this report:

- Name of the preferred candidate;
- Statement/report from the Commissioner stating why the preferred candidate meets the criteria of role;
- Terms and conditions of appointment.

2.3 Unfortunately due to the availability of required attendees, the hearing is not taking place within three weeks of the notification from the Police and Crime Commissioner.

Procedure for the Hearing

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

- 1) The candidate will be welcomed to the meeting.
- 2) The Commissioner will have the opportunity to make any comments on the candidate and the proposed appointment.
- 3) The candidate will have an opportunity to present to the Panel their understanding of the role.
- 4) The Panel will have the opportunity to ask questions of the Commissioner and the candidate.
- 5) The candidate will be given opportunity to clarify any answers given during the hearing and ask questions of the Panel about the next stage of the process.

2.5 The Panel will ask questions of the candidate which relate to their professional competence and personal independence, the answers to which will enable Panel Members to evaluate their suitability for the role.

2.6 On the Close of the Hearing the Panel will hold a closed session in order to decide on its recommendations to the Commissioner regarding the appointment of the preferred candidate to the role of Deputy Police and Crime Commissioner.

2.7 At the end of the Confirmation Hearing session the Panel will discuss the following:

- Whether the candidate has the professional competence to exercise the role.
 - Whether the Panel feels that the candidate has the personal independence to exercise the role.
- 2.8 Where a candidate meets the standards expected by the Commissioner for the political appointment of Deputy Police and Crime Commissioner, but there is still cause for concern about their suitability, it may be appropriate to outline those concerns in the Panel's response to the Commissioner.
- 2.9 Where a candidate does not meet the minimum standards, this would suggest a significant failure in the appointments process undertaken by the Commissioner. If the Panel believes that there has been significant failure in the appointments process, the Panel may choose to not recommend the candidate to the role of Deputy Police and Crime Commissioner.
- 2.10 The recommendations relating to the outcomes of the Confirmation Hearing will be communicated to the Commissioner in writing by the next working day. The Panel's Support Officer will, in consultation with the Chair of the Panel, send a report on the proposed appointment to the Commissioner confirming the Panel's recommendation as to whether or not the candidate should be appointed. Where the Panel is recommending refusal, a summary of the principal reasons will be included. The Panel will normally publish its decision and report five working days after the Confirmation Hearing has taken place. However, the Commissioner may request to the Chair that the Panel bring forward or delay publication of the decision.
- 2.11 In response to the Panel's report, the Commissioner must notify the Panel whether they will accept or reject the Panel's recommendation.
- 2.12 Where Panel has recommended approval, they will write to the Commissioner accordingly who will respond in accordance with the statutory process.
- 2.13 Where the Panel has recommended refusal and the PCC decides not to appoint, the Panel's report will normally be published alongside a statement by the PCC setting out a timetable and process to make a new appointment. Where the PCC continues with the appointment, they will normally make a response at the same time as the publication of the Panel's report, focusing on why they felt that the candidate did in fact meet the minimum standards for the post.

2.14 Further detailed information on the process for confirmation hearing is available from the Local Government Association Publication, which as been attached as Appendix 3 to this report.

3. Alternative Options Considered

3.1 There are no alternative options other than to hold a confirmation hearing as required by legislation.

4. Implications

4.1 Appendix 1 sets out the relevant implications considered in the preparation of this report.

5. Consultation

5.1 Not applicable.

6. Background Papers

6.1 None identified.

7. Appendices

7.1 Appendix 1 – Implications.

7.2 Appendix 2 - Report from the Policer and Crime Commissioner

7.3 Local Government Association Guidance - Police and Crime Panels, Guidance on Confirmation Hearings

8. Recommendations

That the Panel:

Conducts a Confirmation Hearing for the post of Deputy Police and Crime Commissioner for Derbyshire in accordance with the procedure detailed in the report.

9. Reasons for Recommendation(s)

9.1 To ensure that the Police and Crime Panel conducts the required Confirmation Hearing correctly and in accordance with legislation.

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Appendix 1

Implications

Financial

1.1 None directly arising out of this report.

Legal

2.1 Legal implications are discussed in the body of the report

Human Resources

3.1 None directly arising out of this report.

Information Technology

4.1 None directly arising out of this report.

Equalities Impact

5.1 None directly arising out of this report.

Corporate objectives and priorities for change

6.1 None directly arising out of this report.

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

7.1 None directly arising out of this report.