

STAFFORDSHIRE POLICE AND CRIME PANEL – 12 October 2021

Appointment of Chief Fire Officer and Chief Constable for Staffordshire – Procedure for Confirmatory Hearings

Report of the Secretary

Recommendation(s)

That the Staffordshire Police Fire and Crime Panel:

- a. Undertake a Confirmatory Hearing for the appointment of a Chief Fire Officer for Staffordshire in accordance with the requirements of the Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017.
- b. Undertake a Confirmatory Hearing for the appointment of a Chief Constable for Staffordshire in accordance with the requirements of the Police Reform and Social Responsibility Act 2011.
- c. Makes separate reports and recommendations to the Police Fire and Crime Commissioner for Staffordshire on the outcome of the Confirmatory Hearings; such reports to be drafted and submitted on behalf of the Panel by its support officer following consultation with the Chairman.

Report

Background

The Policing & Crime Act 2017 makes provision for a Police & Crime Commissioner for an area to be the fire and rescue authority for that area. This position has applied in Staffordshire with effect from 1st August 2018.

The responsibilities of a Police, Fire & Crime Commissioner (PFCC) created under the 2017 Act includes the function of appointing, suspending or dismissing the chief fire officer (SI 2017 No 863 Part 2 Chapter 1 Article 3).

Section 38 of the Police Reform and Social Responsibility Act 2011 ('The Act') requires PFCCs to appoint Chief Constables. Schedule 8 of the Act

sets out the procedure to be followed in making an appointment and places a duty on the Police Fire and Crime Panel to hold a Confirmatory Hearing to consider the suitability of the proposed appointee for the post.

The Panel is required to hold the Confirmatory Hearing within 3 weeks of receipt of notification by the PFCC of his preferred candidate.

On 24 September 2021 the Commissioner served notice that his preferred candidates were:

- Chief Fire Officer – Robert Barber
- Chief Constable – Chris Noble

In accordance with the legislative requirements, your chairman subsequently formally asked Mr Barber and Mr Noble to attend this Hearing. The Hearing must be held in public however the Panel are permitted to adjourn to discuss their views and recommendations in private. The full process is that the Panel:

- Review the proposed appointment
- Determine whether it agrees, vetoes or makes certain recommendations regarding the proposed appointment
- Notify the PFCC of its decision and any recommendations
- Publish its report and recommendations

The purpose of the hearing is to assess the suitability of the candidates and to put questions to them. Both hearing will be conducted in the same way.

To assist, the Commissioner is required to provide the following information:

- The name of the preferred candidate
- The criteria used to assess the suitability of the candidate for the appointment
- Details of how the preferred candidate satisfies the criteria
- The terms and conditions on which the preferred candidate is to be appointed.

Conduct of the Confirmatory Hearing

The recommended procedure for these Hearings mirrors that adopted by the Panel at Confirmatory Hearings held to date:

- Welcome and Introductions by the Chairman/explanation of procedure to be followed.
- PFCC to explain the recruitment/selection procedure followed, why/how the preferred candidate meets the criteria for the post and detail the terms and conditions for the post.

- The Candidate introduces themselves and gives a brief outline of their experience.
- Questions by the Panel to the candidate – to determine professional competence/personal independence
- Panel to adjourn or go into 'closed session' to make its decision and determine the contents of its report to the PFCC
- At the conclusion of the meeting, if appropriate - the PFCC and candidate to be verbally notified of the decision.

Factors on which the candidate can be evaluated:

Guidance issued by the Local Government Association (LGA) recommends that the preferred candidate be questioned and evaluated on:

- Professional competence – i.e. ability to carry out the role; professional judgement and insight
- Personal Independence – i.e. ability to act in a manner that is operationally independent of the PCC where appropriate to the post

NB Questions eliciting background information (eg. past career) are acceptable however members are respectfully reminded that the Hearing is in public and independent and is not part of the interview process.

The decision

The Panel needs to form a view on the professional competence and personal independence of the candidate and whether or not they meet the minimum standards for the role.

Taking those 3 elements into account the Panel essentially has the following options:

- Where it considers that the candidate meets the required standards and is suitable for the post – report its endorsement of the appointment to the PFCC
- Where it considers that the candidate meets the required standards but there are queries regarding their suitability – report to the PFCC that an appointment be made and, if felt appropriate refer to concerns in any recommendations, OR recommend that an appointment is not made. (NB for the above 2 bullet points the PFCC can accept or reject the Panels recommendations).
- Where it considers that the candidate does not meet the required standards – veto the proposed appointment (NB in these circumstances the PFCC is prohibited from making the appointment)

The veto or recommendation not to appoint should be used very rarely. A decision to veto an appointment has to be agreed by a minimum of two-thirds of the total membership of the Panel (ie 8 of the 12 members).

As mentioned above, where the veto is exercised the PFCC cannot make an appointment. In these circumstances he is required to bring forward a reserve candidate for consideration through the Confirmatory Hearing system. The process is then repeated.

The Panel's Report and Recommendations

It is intended that the Panel's report and recommendations will be submitted to the PFCC and to the candidate on the next working day following the Hearing. The final version will be signed off by your chairman.

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