

Lincolnshire Police and Crime Panel

Date: 21 February 2024

Subject: Chief Constable Confirmation Hearing

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Executive Summary:

This report provides information for Panel members to conduct a Confirmation Hearing for the Police and Crime Commissioner's (the Commissioner) proposed candidate for the post of Chief Constable of Lincolnshire Police.

This report was prepared after consultation with:

John Medler, Assistant Director Governance and Monitoring Officer, East Lindsey District Council

List of background papers as required by law:

Police Reform and Social Responsibility Act 2011

The Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012

Other helpful papers:

Home Office Guidance – Police and Crime Panels – Scrutiny of Chief Constable Appointments

Guidance on Confirmation Hearings for Police and Crime Panels, Local Government Association and Centre for Public Scrutiny, August 2012

Is the report Exempt: No

1. Background information

- 1.1 The Police and Crime Commissioner (The Commissioner) has undertaken a recruitment process to identify a new Chief Constable for Lincolnshire. Through this process the Commissioner has identified a preferred candidate and has notified the Police and Crime Panel of the proposed appointment.
- 1.2 Schedule 8 of The Police Reform and Social Responsibility Act 2011 requires a Police and Crime Panel to undertake a Chief Constable Confirmation Hearing when notified of a proposed appointment. The rules concerning Confirmation Hearings detail that:

- i. Confirmation Hearings are meetings 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. The Panel shall review the proposed appointment and make a report to the Commissioner, including a recommendation on whether or not the candidate should be appointed.
- iii. The Panel has a power of veto over the appointment of the Chief Constable. A two thirds majority of the Panel's membership is needed to exercise the veto. If the Panel exercises the veto the candidate cannot be appointed.
- iv. The Confirmation Hearing process must take place within a period of three weeks of the receipt of notification from the Commissioner. If the Panel fails to conduct a Confirmation Hearing and report to the Commissioner within the three-week period then the appointment of the candidate can be made by the Commissioner.
- v. The Commissioner must respond to the Panel's report to confirm whether he accepts or rejects the recommendation (if the veto is not used). There is no duty upon the Commissioner to give reasons for his decision.

2. Receiving notification from the Commissioner

2.1 The Commissioner has formally notified the Panel of his proposed Chief Constable appointment and provided the Panel with a report (**Appendix 1**) and supporting documentation (**Appendices 2-4**) regarding the appointment process. The documentation provided by the Commissioner contains the following information as required under Schedule 8 of the Police Reform and Social Responsibility Act 2011:

- The name of the person whom the Commissioner is proposing to appoint;
- The criteria used to assess the suitability of the candidate for the appointment;
- Why the candidate satisfies those criteria;
- The terms and conditions on which the candidate is to be appointed.

2.2 The Panel has also received the report of the Independent Member (**See Appendix 4**). The College of Policing Guidance for appointing Chief Officers sets out that the purpose of the Independent Member report is to *"expressly and explicitly address the appointment principles of merit, fairness and openness and the extent to which the Appointments Panel was able to fulfil its purpose (e.g. to challenge and test that the candidate meets the necessary requirements to perform the role)"*.

3. The Confirmation Hearing

3.1 The Confirmation Hearing is a focussed two stage process:

- Stage 1 - The Panel will question the candidate to determine if he meets the criteria set out in the role profile and whether he possesses the professional competence and personal independence to carry out the role. The Panel may also ask questions of the Commissioner regarding his report and the appointment process;
- Stage 2 - The Panel will determine whether to recommend that the candidate be appointed; or to recommend that the candidate should not be appointed; or to use its power of veto as detailed in **Appendix 5** of this report. This second stage of the process will be held in closed session (see section 4 below).

3.2 Immediately following the Confirmation Hearing the Panel will go into closed session to decide on its recommendation and prepare its report. The Panel's Legal Adviser and Human Resources Adviser will be present to provide advice to the Panel in its deliberations.

3.2 The Panel will assess if the candidate has the professional competence and personal independence to exercise the role as set out in the role profile taking into account the minimum standards associated with the role profile.

4. The decision-making process

4.1 Immediately following the Confirmation Hearing the Panel will go into closed session to decide on its recommendations and prepare its report. The Panel's Legal and Human Resources Advisors will be present to provide advice to the Panel in its deliberations.

4.2 The Panel will assess if the candidate has the professional competence and personal independence to exercise the role as set out in the role profile taking into account the minimum standards associated with the role profile.

4.3 The Panel will write to the Commissioner within one working day following the Confirmation Hearing to outline the decision and recommendations of the Panel.

4.4 The Panel will publish its report and recommendations five working days after its decision unless it is agreed with the Commissioner that this information can be released at an earlier stage. The Panel will ensure that the Commissioner has received and acknowledged receipt of the Panel's report before making its recommendations public.

Recommendations

- I. That the Panel undertakes the Confirmation Hearing in accordance with the details set out in this report in order to comply with Schedule 8 of the Police Reform and Social Responsibility Act 2011.
- II. That the Panel agrees its recommendation to the Police and Crime Commissioner for Lincolnshire on whether or not to appoint his proposed candidate as Chief Constable for Lincolnshire.
- III. That the Panel delegates to the Democratic Services Manager, in consultation with the Chairman of the Panel, to report the Panel's recommendation to the Commissioner.

Reason: To enable the Panel to undertake a Confirmation Hearing for the Commissioner's proposed appointment for the position of Chief Constable.

Appendix 1 – Report to the Police and Crime Panel on the recruitment, selection and appointment of the Chief Constable for Lincolnshire Police, Marc Jones, Police and Crime Commissioner for Lincolnshire.

Appendix 2 – Lincolnshire Police Chief Constable Candidate Information Pack.

Appendix 3 – Chief Constable of Lincolnshire Police Professional Role Profile.

Appendix 4 – Lincolnshire Police Chief Constable Appointment Process, Independent Member Report, 29 January 2024.

Appendix 5 – Police and Crime Panels Scrutiny of Chief Constable Appointments.