

Lancashire Police and Crime Panel

28 July 2021

Deputy Police and Crime Commissioner - Confirmation Hearing Procedure

1. Background

- 1.1** This document explains the process to be followed by the Lancashire Police and Crime Panel (hereafter referred to as 'the Panel') in respect of the proposed political appointment of the preferred candidate to the role of Deputy Police and Crime Commissioner.
- 1.2** The Police Reform & Social Responsibility Act 2011, section 18(1) enables the Police and Crime Commissioner (hereafter referred to as 'the Commissioner') for a police area to appoint a Deputy Police and Crime Commissioner for that police area.
- 1.3** The Police Reform & Social Responsibility Act 2011, paragraphs 8 to 12 of Schedule 1 contain further provisions for appointment of a Deputy Police and Crime Commissioner.
- 1.4** Paragraph 9 of Schedule 1 of the 2011 Act requires that a Commissioner must notify the relevant Panel of the proposed appointment of a Deputy Police and Crime Commissioner. The Commissioner must also notify the Panel of the following information:
 - (a) the name of the person whom the Commissioner is proposing to appoint ("the candidate")
 - (b) the criteria used to assess the suitability of the candidate for the appointment;
 - (c) why the candidate satisfies those criteria; and
 - (d) the terms and conditions on which the candidate is to be appointed.

2. Powers of the Police and Crime Panel

- 2.1** The Panel has the functions conferred by Schedule 1, paragraphs 10 -12 of the Police Reform and Social Responsibility Act 2011 (Scrutiny of Senior Appointments). This enables it to:
 - Review the proposed appointment, by holding a Confirmation Hearing following receipt of notification of the proposed appointment. 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. Supporting guidance produced by the Local

Government Association (LGA) and the Centre for Public Scrutiny (CfPS) advises that a confirmation hearing should not be dealt with as an item of business at a standard Panel meeting but conducted as a separate meeting;

- Make a report to the Commissioner on the proposed appointment;
- Include a recommendation to the Commissioner as to whether or not the candidate should be appointed;
- Publish a report to the Commissioner;
- The process of reviewing and reporting on a proposed appointment must be completed within three weeks of a Police & Crime Panel being notified of it by the Commissioner.

3. Confirmation Hearing

3.1 This confirmation hearing of the Panel has been convened to enable the Panel to review and make a report on the proposed appointment to the role of Deputy Police and Crime Commissioner by the Commissioner for following notification of the proposed appointment by the Commissioner on 16 July 2021.

3.2 In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner must provide the Panel with the following documentation:

- Name of the proposed candidate
- Statement/report from the Commissioner stating why the preferred candidate meets the criteria for the role
- Application form or CV or personal statement of preferred candidate (to be sent to the Panel only)
- The terms and conditions on which the candidate is to be appointed

The Procedure for the Hearing

3.3 The meeting will be conducted in public and structured as follows:

1. The Chair of the Panel will welcome the candidate to the hearing and invite Panel members and host authority officers present to introduce themselves.
2. Apologies
3. Declarations of Interests
4. The Chair will ask the Panel's Secretary/Monitoring Officer to outline briefly the format of the hearing.
5. The Chair will ask the candidate if he has any questions on the procedure.

6. The Chair will invite the Commissioner to outline the proposed appointment and introduce the candidate.
7. The Chair will invite Panel members to ask questions of the candidate which relate to his professional competence and personal independence, the answers to which will enable the Members to evaluate the candidate's suitability for the role. The candidate will be allowed 3 minutes to answer each question put to him by the Panel.
8. When all Panel members' questions have been asked and addressed the Chair will invite the candidate to clarify any answers that he has given during the hearing and to ask any questions of the Panel, for example about the next steps in the process.
9. The candidate will then withdraw from the meeting.
10. The Panel will be asked to agree a resolution to exclude the press and public from the meeting, and will go into closed session to take its decision and prepare any recommendations and report to the Commissioner regarding the appointment of the preferred candidate to the role of Deputy Police and Crime Commissioner.
11. The Panel will send its report to the Commissioner by the end of the working day following the date of the confirmation hearing.
12. The Panel will publish its report after 5 working days of the confirmation hearing, after liaising with the Commissioner to reflect that the Commissioner will also publish his own final decision on the proposed appointment following the hearing.

3.4 At the closed session the Panel will discuss the following:

- Whether the candidate has the professional competence to exercise the role as set out in the role profile.
- Whether the Panel feels that the candidate has the personal independence to exercise the role.

3.5 If the Panel is satisfied that the candidate meets the required standards it can recommend to the Commissioner that the appointment be made. The Commissioner may accept or reject such a recommendation, and must notify the Panel of his response.

3.6 If the Panel considers that the candidate meets the required standards but has a query or concern about their suitability it can make a recommendation to this effect to the Commissioner. Ultimately, the Panel has the option of recommending to the Commissioner that the appointment not be made. The Commissioner may accept or reject such a recommendation, and must notify the Panel of his response.

3.7 If the Panel considers that the candidate clearly does not meet the minimum standards necessary for the position this would suggest a significant failure in

the appointments process undertaken by the Commissioner. If the Panel believes that there has been a significant failure in the appointments process, the Panel may choose to not recommend the candidate to the role of Deputy Police and Crime Commissioner. The Commissioner may accept or reject such a recommendation, and must notify the Panel of his response.

4. Recommendations

- 4.1 That the Panel determine whether the proposed candidate, Mr Andrew Robert Pratt MBE should be appointed to the role of Deputy Police and Crime Commissioner.**

Background Papers and Published Documents

Police Reform & Social Responsibility Act 2011

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

Contact Officer:

Asad Laher, Head of Legal & Governance, Blackburn with Darwen Borough Council.
asad.laher@blackburn.gov.uk ; 01254 585495