

AGENDA ITEM 6

Essex Police and Crime Panel	EPCP/03/13
Date: 31 January 2013	

Confirmatory Hearing for the Chief Constable

Report by Secretary to the Panel

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Purpose of report

To set out the arrangements for the Panel to review the proposed appointment of the Chief Constable before he is confirmed in his post.

Background information on the process to be followed

Part of the Panel's Terms of Reference is:

"to review and produce a report on the proposed appointment of the Chief Constable".

Set out below is the extract from the Panel's Procedure Rules relating to senior appointments.

"14 Senior appointments

14.1 The Panel has powers to review the Police and Crime Commissioner's proposed appointments of Chief Constable, Chief Executive, Chief Finance Officer and Deputy Police and Crime Commissioner. The Panel is required to hold public confirmatory hearings for these posts.

14.2 The Panel will be notified of the need for a confirmatory hearing in respect of proposed senior appointments made by the Police and Crime Commissioner. This will be held at the next available meeting of the Panel unless the appointment timescale requires an earlier hearing, in which case an extraordinary meeting will be arranged.

14.3 With regard to the appointment of the Chief Constable, the Panel is required to hold a hearing within the period of three weeks from the day on which the Panel receives notification from the Police and Crime Commissioner which will include:

- (a) the name of 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.

14.4 Confirmatory hearings will be held in public, where the candidate is requested to appear for the purpose of answering questions relating to the appointment. Following this hearing, the Panel is required to review the proposed appointment and make a report to the Commissioner on the appointment.

14.5 For a confirmatory hearing for the proposed appointment of the Chief Constable, in addition to the requirement to review and report, the Panel has the requirement to make a recommendation on the appointment and the power to veto the appointment.

14.6 Having considered the appointment, the Panel will be asked either:

- a) to support the appointment without qualification or comment;
- b) to support the appointment with associated recommendations, or
- c) to veto the appointment of the Chief Constable (by the required majority of at least two thirds of the persons who are members of the Panel at the time when the decision is made).

14.7 If the Panel vetoes the appointment of the candidate, the report to the Commissioner must include a statement that the Panel has vetoed the appointment with reasons.”

Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 concerns steps to be taken in the event that a panel vetoes a proposed appointment of a chief constable. Regulation 9 provides for the commissioner to propose a reserve candidate. Regulation 10 requires the panel to consider and report on the proposed appointment of this reserve candidate within three weeks, making a recommendation as to whether or not the candidate should be appointed. The panel must hold a confirmation hearing to assess the suitability of the reserve candidate. The panel must publish the report containing its recommendation.

On receiving the panel’s report, regulation 11 requires the commissioner to have regard to its recommendation and notify the panel as to whether the recommendation is accepted. Under regulation 12 the commissioner may then appoint the reserve candidate as chief constable, or may propose another reserve candidate. In the latter eventuality, the procedure under Part 3 of these Regulations is conducted once again in relation to this further candidate. The commissioner can continue to propose reserve candidates in this way if necessary.

The paperwork

The Commissioner has provided to the Panel the attached report by the independent member Mr John Cooke OBE on the selection process for the Chief Constable of Essex. The report and Annexes A – G to the report are intended to provide the Panel with the following information:

- (a) the name of 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.

The Commissioner's preferred candidate is Mr Stephen Kavanagh, currently Deputy Assistant Commissioner in the Metropolitan Police Service. He will provide a CV - to follow.

The Process

Attached for the benefit of the Panel is a copy of Guidance on confirmation hearings produced by the Local Government Association and the Centre for Public Scrutiny. The Panel endorsed the Guidance at its meeting in August last year.

In line with the Guidance the Hearing should focus on issues of professional competence and personal independence to make an informed decision about the candidate. Professional competence relates to a candidate's ability to carry out the role; personal independence relates to the need for a candidate to act in a manner that is operationally independent of the Commissioner.

At the conclusion of the Hearing the meeting will be adjourned in order to allow the Panel to consider its recommendation. The Panel's recommendation will be notified to the Commissioner on the following day when a process will be agreed for making the decision public.

The following provides an outline of how the Hearing will be conducted.

1. The Chairman to welcome the Candidate to the meeting and explain the Panel's intention of focussing on satisfying itself as to the Candidate's professional competence and personal independence. He will then clarify the options available to the Panel in terms of approval, refusal or veto of the appointments and emphasise the seriousness of making a recommendation to refuse or veto.
2. The Chairman to give the Candidate and the Commissioner the opportunity to clarify any matters of process before the hearing gets under way.
3. The Commissioner to demonstrate to the Panel the rigor of the selection process and why the Candidate has been selected.
4. The Panel to ask questions of the Commissioner.
5. The Candidate to introduce himself to the Panel and to outline briefly his suitability for the role in terms of professional competence and personal independence.
6. The Panel to ask questions of the Candidate.
7. The Commissioner and the Candidate to be given the opportunity to clarify any answers and ask any questions of the Panel.
8. The Chairman to confirm the next steps of the decision-making process.
9. The Chairman will adjourn the meeting to allow the Panel to consider its recommendation.