

Public Document Pack



NOTICE OF MEETING

Date and Time Monday, 27th September, 2021 at 3.15 pm

Place Mitchell Room, Elizabeth II Court, The Castle, Winchester

Enquiries to hampshire.pcp@hants.gov.uk

FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and broadcast by the press and members of the public.

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

To enable Members to declare to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in their appointing authority's register of interests, and any other pecuniary or personal interests in any such matter that Members may wish to consider disclosing.

3. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 18)

To confirm the minutes from the previous meeting.

4. POLICE AND CRIME PANEL - PROPOSED APPOINTMENT OF MEMBERS (Pages 19 - 22)

To consider a report setting out the proposed appointment of a local authority co-opted member of the Hampshire Police and Crime Panel.

5. QUESTIONS AND DEPUTATIONS

To receive any questions or deputations in line with Rule 31 and 31A of the Panel's Rules of Procedure.

6. CHAIRMAN'S ANNOUNCEMENTS

To hear any announcements the Chairman may have for this meeting.

7. POLICE AND CRIME COMMISSIONER'S ANNOUNCEMENTS

To hear any announcements the Commissioner may have for the Panel.

8. CONFIRMATION HEARING FOR THE ROLE OF CHIEF EXECUTIVE (OPCC) (Pages 23 - 30)

For the Hampshire Police and Crime Panel to hold a Confirmation Hearing in accordance with Schedule 1 of the Police Reform and Social Responsibility Act 2011, following notification from the Hampshire Police and Crime Commissioner of her intention to appoint the preferred candidate, Mr Jason Kenny, to the role of Chief Executive of the Office of the Police and Crime Commissioner (OPCC).

9. EXCLUSION OF THE PRESS AND PUBLIC

To resolve that the public be excluded from the meeting during the following item of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information within Paragraph 3 of Part I Schedule 12A to the Local Government Act 1972, being information relating to the financial or business affairs of any particular person (including the authority holding the information) and, further, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

While there may be a public interest in disclosing this information, namely openness in the deliberations of the Panel in determining its recommendation regarding the proposed appointment, it is felt that, on balance, this is outweighed by other factors in favour of maintaining the exemption, namely enabling a full discussion regarding the merits of the proposed appointment.

10. CLOSED SESSION TO DISCUSS THE PROPOSED APPOINTMENT TO THE ROLE OF CHIEF EXECUTIVE (OPCC)

Following notification from the Hampshire Police and Crime Commissioner of her intention to appoint to the role of Chief Executive of the OPCC, for the Hampshire Police and Crime Panel to hold a closed session to agree its recommendations

ABOUT THIS AGENDA: On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING: Members of the press and public may attend the meeting to observe the public sessions.

Appointed Members of the Police and Crime Panel attending this meeting qualify for travelling expenses in accordance with their Council's 'Member's Allowances Scheme', as set out in the agreed Police and Crime Panel Arrangements.

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HAMPSHIRE POLICE AND CRIME PANEL

**Friday, 2nd July, 2021 at 10.00 am
Held in Ashburton Hall, Winchester
(Hampshire County Council)**

Councillors:

Chairman

p Simon Bound
(Basingstoke & Deane Borough Council)

Vice Chairman

p Dave Stewart
(Independent Co-opted Member)

p Dave Ashmore
(Portsmouth City Council)
a Stuart Bailey
(Hart District Council)
p Narinder Bains
(Havant Borough Council)
p John Beavis MBE
(Gosport Borough Council)
p Trevor Cartwright MBE
(Fareham Borough Council)
a Tonia Craig
(Eastleigh Borough Council)
a Andrew Joy
(Hampshire County Council)

a Phillip Lashbrook
(Test Valley Borough Council)
a Matthew Magee
(Southampton City Council)
p David McKinney
(East Hampshire District Council)
a Ken Muschamp
(Rushmoor Borough Council)
p Margot Power
(Winchester City Council)
p Mark Steele
(New Forest District Council)
p Ian Stephens
(Isle of Wight County Council)

Co-opted Members:

Independent Members

p Shirley Young

Local Authority

p Tony Jones
p Matthew Renyard

At the invitation of the Chairman:

Peter Baulf
Donna Jones
James Payne

*Legal Advisor to the Panel
Police and Crime Commissioner for Hampshire
Chief Executive, Office of the Police and Crime
Commissioner*

BROADCASTING ANNOUNCEMENT

The Chairman announced that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recordings for broadcasting purposes.

1. **APOLOGIES FOR ABSENCE**

The Monitoring Officer to the Panel welcomed Members to the meeting.

Apologies were received from:

- Councillor Stuart Bailey, Hart District Council
- Councillor Tonia Craig, Eastleigh Borough Council
- Councillor Andrew Joy, Hampshire County Council
- Councillor Phillip Lashbrook, Test Valley Borough Council
- Councillor Matthew Magee, Southampton City Council
- Councillor Ken Muschamp, Rushmoor District Council

2. **DECLARATIONS OF INTEREST**

Members were able to disclose to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in their appointing authority's register of interests, and any other pecuniary or non-pecuniary interests in any such matter that Members may wish to disclose.

No declarations were made.

3. **POLICE AND CRIME PANEL - PROPOSED APPOINTMENT OF MEMBERS**

Members received a report from the Democratic Services Officer to the Panel detailing the proposed co-option of two local authority co-opted members and two independent co-opted members.

Councillor Beavis provided an overview of the recruitment process undertaken for the two Independent Co-opted Member vacancies. Members heard that:

- The Panel had undertaken a robust and transparent process with the vacancies advertised on the Hampshire Police and Crime Panel website, Hampshire County Council online job website and social media, as well as being sent directly to more than 100 key stakeholders. A press release was also sent to media outlets across Hampshire and Isle of Wight, a number of whom had featured the story with a link to apply.
- In total 14 applications for the two roles were received.
- A cross-party selection panel independently shortlisted applications for interview, scoring the participants against the competencies and skills listed within the application pack, before collectively agreeing to bring four candidates forward for interview.
- All four candidates were asked a number of questions at interview relating to the responsibilities of the Hampshire Police and Crime Panel, and the skills, knowledge and experience they could offer, with the two candidates proposed for appointment demonstrating the requirements to a very high standard.

Each of the proposed nominees were invited to introduce themselves, giving a brief overview of their background and interest in the Panel.

RESOLVED:

- That the Panel notes its Membership for the 2021/22 municipal year, as laid out in Table 2 of this report.
- That Councillor Tony Jones and Councillor Matthew Renyard are appointed to the Hampshire Police and Crime Panel, as Local Authority Co-opted Members representing the Labour Group.
- That a nomination for the vacant Conservative additional local authority Member be brought to the next meeting of the Panel on 29 October.
- That (subject to the appointments proposed above) the Panel notes the Panel Membership is, at the current time, politically proportionate for the purpose of the balanced appointment objective as outlined in Table 3.
- That Mr Dave Stewart and Mrs Shirley Young are appointed as independent co-opted members of the Hampshire Police and Crime Panel until the annual meeting of the Panel in 2024.

4. ELECTION OF CHAIRMAN

The process of electing a Chair, which was set out in the Panel Arrangements, was explained and it was noted that appointment would be for a period of one year, until the annual meeting in 2022.

Councillor Simon Bound was nominated by Councillor Steele and seconded by Councillor Cartwright as the sole nominee duly elected.

Councillor Simon Bound in the Chair.

5. ELECTION OF VICE CHAIRMAN

The Chair called for nominations for the position of Vice Chair of the Panel, an appointment which would be for one year, until the annual meeting in 2022.

David Stewart, Independent Co-opted Member, was nominated by Councillor Beavis and seconded by Councillor Cartwright and as the sole nominee duly elected.

6. MINUTES OF THE PREVIOUS MEETING

The minutes from the 12 March 2021 meeting were confirmed as a correct record.

7. QUESTIONS AND DEPUTATIONS

No questions or deputations were received by the Panel on this occasion.

8. CHAIRMAN'S ANNOUNCEMENTS

Being the first meeting of the Panel since the election in May 2021, the Chairman welcomed the new Police and Crime Commissioner, along with both new and returning Members of the Panel. The Chairman also acknowledged the contribution made by those Members who had not returned to the Panel this year, including the Panel's previous independent co-opted Members Bob Purkiss and Michael Coombes and former Vice-Chairman Jan Warwick.

9. POLICE AND CRIME COMMISSIONER'S ANNOUNCEMENTS

The Chair invited announcements from the Commissioner who thanked the Panel for welcoming her to this first meeting and provided an overview of her past experience and policy commitments. The Commissioner explained that she was committed to being open and communicative, understood the value of partnership and looked forward to working alongside the Panel as a key stakeholder.

Members heard that the Commissioner had undertaken a crime survey, prior to being elected, which had received over 3000 responses. This survey had highlighted that policing visibility and police officer numbers were key public priorities and the Commissioner had sought assurance from the Chief Constable that efforts were on track to have 600 more police officers recruited by 2023. It was heard that Hampshire Constabulary had 5426 staff in total, including 3033 officers. Additionally the force had 185 voluntary special constables, and the Commissioner had met with the Constabulary to look at how these numbers could be increased.

The Commissioner advised Members that some high harm crime types had fallen in number over the last 12 months as a result of the pandemic, however those related to drugs, public order offenses and the carrying off offensive weapons had increased, and tackling this would be both an operational and strategic priority with funding being sought and provided by the Commissioner.

Members heard that the Commissioner had taken a seat on the Local Criminal Justice Board (LCJB), with a view to chairing the board. Criminal Justice was a key component of the role of the PCC and the Commissioner was seeking opportunities to meet with partners to explore and understand current issues, including court backlogs and rape conviction rates.

Other key priorities for the Commissioner would include tackling anti-social behaviour and rural crime, preventing young people from criminalisation and a review of the 101 service and estates strategy. Members heard that the Commissioner's overarching vision was that Hampshire and the Isle of Wight would be two of the safest counties to live in and that these priorities would be outlined within the Police and Crime Plan, the draft of which would be brought to a future meeting of the Panel

The Commissioner further explained that she would focus on being highly visible to partners and to the public, helping residents to understand the value of the PCC role and what will be delivered for their precept contributions.

The Commissioner invited questions from Members and in response it was heard that:

- The Commissioner had identified an opportunity to greater engage residents in the value of the 101 service and had asked the Constabulary to identify means to utilise the Contact Management Platform (CMP) to provide feedback on actions taken to those who had reported crimes.
- The Commissioner would be working with local authorities to develop solutions for local safety and crime concerns.
- Whilst digital and social media engagement would be key in enhancing the PCC's visibility to residents, other engagement opportunities were being planned for those who had restricted or no online access.
- Community Safety Partnership chairs and local cabinet members had and would be invited to attend local visits alongside the Commissioner. The Commissioner had also been engaging with district commanders from across the policing area, in order to better understand local issues and concerns.

10. **POLICE AND CRIME PANEL - ANNUAL REPORT**

The Chairman introduced the Panel's draft annual report for the 2020/21 municipal year.

RESOLVED:

That the Panel receive and agree the draft annual report.

That, following the meeting and addition of a foreword from the Chairman, the final report be published.

11. **POLICE AND CRIME PANEL - ANNUAL COMPLAINTS REPORT**

Members received a report from the Democratic Support Officer to the Panel detailing the activities of the Complaints Sub-Committee over the last 12 calendar months, relating to a period when Michael Lane was in office as the previous Police and Crime Commissioner.

The Democratic Services Officer to the Panel highlighted, as outlined within the report, that 10 potential complaints had been received during the period, which represented an increase on the previous 12 months, however of the 10 potential complaints received only two had been recorded as such.

RESOLVED:

That the annual complaints report is noted.

12. **POLICE AND CRIME PANEL - FINANCIAL MONITORING LEADING TO THE 2022/23 GRANT BUDGET AGREEMENT**

Members received a report from the finance officer to the Panel which monitored the budget for 2020/21, in advance of agreeing the proposed budget for 2022/23.

RESOLVED:

That the Panel

- Note the final financial position for 2020/21.
- Note the current performance against the budget for the current financial year.
- Agree the revised budget for 2021/22.
- Agree the proposed budget for the panel for 2022/23, subject to confirmation of the Government grant for 2022/23.

13. **POLICE AND CRIME PANEL - MEMBERSHIP OF WORKING GROUPS**

Members received a report from the Democratic Support Officer to the Panel setting out the required membership of the Panel's working groups for consideration and appointment.

Members were invited to express an interest in membership of the Panels working groups and Complaints Sub-Committee. Nominations were noted by the Democratic Support Officer, who explained that following the meeting the final membership of the working groups would be agreed by the Chairman and confirmed to Members in writing.

RESOLVED:

That the Panel agree, subject to confirmation from the Chairman, the final membership of the Complaints Sub-Committee, Police and Crime Plan working group, Finance working group and Equality and Diversity Working Group for the 2021/22 municipal year.

14. **POLICE AND CRIME PANEL - GOVERNANCE UPDATE**

Members received a report from the Democratic Service Officer to the Panel outlining an update to the Panel's Confirmation Hearing Protocol.

Members heard that the update constituted some minor grammatical changes, following from the Panel's previous review of the policy in 2017.

RESOLVED:

That the Panel agrees the updated Confirmation Hearing Protocol.

15. **POLICE AND CRIME PANEL - WORK PROGRAMME**

Members received a report from the Democratic Support Officer to the Panel setting out the proposed work programme for the Panel.

RESOLVED:

That the work programme is agreed.

Chairman, 27 September 2021

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HAMPSHIRE POLICE AND CRIME PANEL

Friday, 2nd July, 2021 at 1.00 pm
Held in Ashburton Hall, Winchester
(Hampshire County Council)

Councillors:

Chairman

p Simon Bound
(Basingstoke & Deane Borough Council)

Vice Chairman

p Dave Stewart
(Independent Co-opted Member)

p Dave Ashmore
(Portsmouth City Council)
a Stuart Bailey
(Hart District Council)
p Narinder Bains
(Havant Borough Council)
p John Beavis MBE
(Gosport Borough Council)
p Trevor Cartwright MBE
(Fareham Borough Council)
a Tonia Craig
(Eastleigh Borough Council)
a Andrew Joy
(Hampshire County Council)

a Phillip Lashbrook
(Test Valley Borough Council)
a Matthew Magee
(Southampton City Council)
p David McKinney
(East Hampshire District Council)
a Ken Muschamp
(Rushmoor Borough Council)
p Margot Power
(Winchester City Council)
p Mark Steele
(New Forest District Council)
p Ian Stephens
(Isle of Wight County Council)

Co-opted Members:

Independent Members

p Shirley Young

Local Authority

p Tony Jones
p Matthew Renyard

At the invitation of the Chairman:

Peter Baulf
Donna Jones
Luke Stubbs

Legal Advisor to the Panel
Police and Crime Commissioner for Hampshire
Candidate

BROADCASTING ANNOUNCEMENT

The Chairman announced that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recordings for broadcasting purposes.

16. APOLOGIES FOR ABSENCE

Apologies were received from:

- Councillor Stuart Bailey, Hart District Council
- Councillor Tonia Craig, Eastleigh Borough Council
- Councillor Andrew Joy, Hampshire County Council
- Councillor Phillip Lashbrook, Test Valley Borough Council
- Councillor Matthew Magee, Southampton City Council
- Councillor Ken Muschamp, Rushmoor District Council

17. DECLARATIONS OF INTEREST

Members were able to disclose to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in their appointing authority's register of interests, and any other pecuniary or non-pecuniary interests in any such matter that Members may wish to disclose.

No declarations were made.

18. QUESTIONS AND DEPUTATIONS

No questions or deputations were received by the Panel on this occasion.

19. CONFIRMATION HEARING FOR APPOINTMENT TO THE ROLE OF DEPUTY POLICE AND CRIME COMMISSIONER

Following notification from the Commissioner, to the Panel of her intention to appoint a preferred candidate, Mr Luke Stubbs, to the role of Deputy Police and Crime Commissioner (DPCC), the Panel held a Confirmation Hearing in accordance with Schedule 1 of the Police Reform and Social Responsibility Act 2011.

Members received a report setting out the powers of the Panel and the process to be followed in the Confirmation Hearing, as per the agreed 'Confirmation Hearing protocol'. The Panel noted the information provided by the Commissioner relating to the appointment of the Deputy Police and Crime Commissioner, which included:

- The name of the preferred candidate and CV;
- A statement/report from the PCC stating why the preferred candidate met the criteria of role;
- The terms and conditions of appointment;

The Commissioner expressed her pleasure in presenting the preferred candidate, and welcomed the input of and feedback from the Panel through the confirmation hearing process.

The Commissioner explained that it was essential, in her role, to be visible to residents and partner organisations. In order to achieve that visibility the Commissioner was proposing the appointment of a DPCC, who would complement her skillset and be inward focussed, supporting delivery of the Police and Crime Plan. Further, Members heard that due to the number of commitments on the Commissioner's time senior officers, including the Chief Executive and Deputy Chief Executive, had substituted for the PCC at various meetings and the Commissioner was keen to release their time to focus upon service delivery.

Members heard that the Commissioner and the candidate had worked together successfully in the past and that the Commissioner felt the candidate would offer her both challenge and support and would be able to effectively represent the Commissioner and her views. The Commissioner explained that the proposed candidate had a good understanding of risk management, public sector finance and budgeting processes and the separate and interrelated role of key statutory partners.

Discussion was held between the Panel and the Commissioner regarding the decision to appoint a DPCC, through which the Panel heard that:

- Had the Commissioner taken the approach of selecting a candidate based on geographical representation then some parts of the policing area would have lost the opportunity to meet with her directly, with a DPCC representing those areas in her place. To compliment the Commissioner's strength in engaging with the public and partners she sought, instead, to identify a candidate who could demonstrate strength in delivering inward facing priorities, through an analytical approach.
- The costs of the OPCC would not be increased through this appointment and the salary for the role was set by the Home Office at 75% of the salary of the PCC.

The candidate introduced himself, providing an overview of his past experience relevant to the role. The Panel then asked questions of the candidate which related to his professional competence and personal independence, the answers to which enabled Members to evaluate Mr Stubbs' suitability for the role. At the end of questioning, the Chairman thanked the candidate and provided an opportunity to clarify any responses given.

20. **EXCLUSION OF THE PRESS AND PUBLIC**

The press and public were excluded from the meeting during the following item of business, as it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information within Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, being information relating to the financial or business affairs of any particular person (including the authority holding the information) and, further, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. While there may have been a public interest in disclosing this information, namely openness in the

deliberations of the Panel in determining its recommendation regarding the proposed appointment, it was felt that, on balance, this was outweighed by other factors in favour of maintaining the exemption, namely enabling a full discussion regarding the merits of the proposed appointment.

21. CLOSED SESSION TO DISCUSS THE PROPOSED APPOINTMENT TO THE ROLE OF DEPUTY POLICE AND CRIME COMMISSIONER

The Panel held exempt discussions which examined the evidence provided in the Confirmation Hearing session. The final reports of the Panel are appended to these minutes.

The Panel agreed that:

- The Commissioner required a Deputy, not only to support delivery of her role, but also to release senior staff officers at the OPCC to focus on their proper areas of responsibility.
- The candidate had a clear understanding of the Commissioner's vision of the Deputy role and provided thoughtful, genuine responses to questions posed.
- The PCC and the candidate had developed a strong working relationship over a number of years in previous roles and the confirmation hearing process had demonstrated how their skillsets would complement each other in the role of PCC and DPCC.
- The strength of the candidate's experience in project delivery, finance and his analytical approach would support the PCC in the delivery of the Police and Crime Plan.
- The candidate was keen to learn and absorb the information required to be effective in the DPCC role.

The Panel also noted some reservations about the candidate proposed, for which it was agreed reassurance would be sought from the Commissioner:

- The candidate stated that he would remain in his position as a local authority councillor for a period of 9-10 months, but would not stand for re-election 2022. Concerns were raised about the candidate's ability to fully commit to the role of Deputy Police and Crime Commissioner during this period.
- As both the Commissioner and candidate had similar political and geographic backgrounds, the Panel would require evidence, going forward, that the PCC and DPCC understood the needs of and could be representative of all communities across the policing area.

On the basis of the information provided by the Commissioner, and the discussions held in the Confirmation Hearing, the Panel agreed unanimously the proposed recommendation in relation to the appointment of the preferred candidate to the role of Deputy Police and Crime Commissioner

RESOLVED:

That the proposed candidate, Mr Luke Stubbs, is recommended to be appointed to the position of Deputy Police and Crime Commissioner.

Chairman, 27 September 2021

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HAMPSHIRE POLICE AND CRIME PANEL

Report

Date considered:	27 September 2021
Title:	Appointments and Co-option Report
Contact:	Democratic Services Officer to the Panel
Email:	Hampshire.pcp@hants.gov.uk

1. Executive Summary

- 1.1 This paper outlines the co-option of an additional local authority member to the PCP, to enable the Panel to better meet the balanced appointment objective, as recommended by the Panel at its meeting on 2 July 2021.

2. Panel Proportionality

2.1. The PCP Arrangements set out that the Panel must secure that (as far as reasonably practicable) the "balanced appointment objective" is met. This is the objective that local authority members of the Panel (when taken together) represent all parts of the police area as well as the political make-up of the local authorities in the police area (when taken together); and have the skills, knowledge and experience necessary for the Panel to discharge its functions effectively

2.2. As reported to the previous meeting of the Panel, in order to meet the balanced appointment objective, the political balance of the PCP for the 2021/22 should, as far as is reasonably practical, be:

	Con	Lib Dem	Lab	Other	Vacant
Proportional appointment (18 seats):	11	4	2	1	
Current appointments (18 seats):	10	4	2	1	1

Table 1

2.3. The appointed Membership of the PCP for 2021/22 is:

Name	Appointing Authority	Political Group
Councillor Dave Ashmore	Portsmouth City Council	Liberal Democrat
Councillor Stuart Bailey	Hart District Council	Liberal Democrat
Councillor Narinder Bains	Havant Borough Council	Conservative

Councillor John Beavis MBE	Gosport Borough Council	Conservative
Councillor Simon Bound	Basingstoke and Deane Borough Council	Conservative
Councillor Trevor Cartwright MBE	Fareham Borough Council	Conservative
Councillor Tonia Craig	Eastleigh Borough Council	Liberal Democrat
Councillor Andrew Joy	Hampshire County Council	Conservative
Councillor Philip Lashbrook	Test Valley Borough Council	Conservative
Councillor David McKinney	East Hampshire Borough Council	Conservative
Councillor Ken Muschamp	Rushmoor Borough Council	Conservative
Councillor Margot Power	Winchester City Council	Liberal Democrat
Councillor Mark Steele	New Forest District Council	Conservative
Councillor Ian Stephens	Isle of Wight Council	Alliance Group (Isle of Wight)
Councillor Sarah Vaughan	Southampton City Council	Conservative
Councillor Tony Jones	Additional Local Authority Co-opted Member	Labour
Councillor Matthew Renyard	Additional Local Authority Co-opted Member	Labour
Dave Stewart	Independent Co-opted Member	N/A
Shirley Young	Independent Co-opted Member	N/A

Table 2

3. Co-option of Members

Local authority co-opted Members

- 3.1. In accordance with Schedule 6, paragraph 4 of the Police Reform and Social Responsibility Act 2011 (“the Act”), the Hampshire Police and Crime Panel (“the Panel”) may resolve to appoint up to three additional co-opted members in order to meet the balanced appointment objective, subject to authorisation from the Secretary of State.
- 3.2. The Panel’s Rules of Procedure state that the Panel may resolve, with the Secretary of State’s agreement, to appoint up to three additional co-opted members, who may be members of the local authorities in the Hampshire police area. Appointments will usually be for a four-year term (and subject to the terms of the Panel Arrangements on continuation in office) or that coterminous with that of the PCC, in line with Rule 21 paragraph (1). The Panel must, from time to time, decide whether the Panel’s exercise of this power would enable the balanced appointment objective to be, or would contribute to that objective being, met or more effectively met, and if the Panel decides that the exercise of the power would do so, must exercise that power accordingly. At its meeting on 29 June 2012, the Panel resolved to have three additional local authority co-opted Members, to allow it to meet, or more effectively meet the balance appointment objective.
- 3.3. A decision of the Panel to co-opt a person who is a member of a local authority in the Hampshire Police area must be a unanimous decision of the Panel and must be notified to the Secretary of State in writing (including the Panel’s reasons for deciding that co-opting that person would enable the balanced appointment objective to be, or contribute to the objective being, met or more effectively met).
- 3.4. The political proportionality for the Hampshire Policing area demonstrated that the balanced appointment objective would be best met through the co-option of two additional Labour and one additional Conservative Members to the Panel.
- 3.5. At its meeting on 2 July 2021 the Panel co-opted two additional Labour local authority members to the Panel and resolved to seek nomination from the Conservative Group for the vacant additional local authority co-opted Member.
- 3.6. Conservative group leaders across the Hampshire policing area were written to on 16 August 2021 and asked to propose a collective nomination for the vacant co-optee position before 17 September 2021.
- 3.7. On 12 September the Panel received notification that Councilor Lee Jeffers had been selected as the Conservative Group nominee.
- 3.8. If the nominated appointment is agreed by the Panel, as recommended below, Table 3 demonstrates that the Membership of the Panel for the 2021/22 Municipal year, is politically proportionate for the purposes of the balanced appointment objective.

	Con	Lib Dem	Lab	Other	Vacant
Proportional appointment (18 seats):	11	4	2	1	
Confirmed and proposed appointments (18 seats):	11	4	2	1	

Table 3

4. Recommendations

- 4.1. That the Panel notes its Membership for the 2021/22 municipal year, as laid out in Table 2 of this report.
- 4.2. That Councillor Lee Jeffers is appointed to the Hampshire Police and Crime Panel, as a Local Authority Co-opted Member representing the Conservative Group.
- 4.3. That (subject to the appointment proposed above) the Panel notes the Panel Membership is, at the current time, politically proportionate for the purpose of the balanced appointment objective as outlined within Table 3.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

Document

Location

Rules of Procedure of the Hampshire Police and Crime Panel

<http://documents.hants.gov.uk/partnerships/hampshire-pcp/PoliceandCrimePanelRulesofProcedure.pdf>

The Police and Crime Panels (Nominations, Appointments and Notifications) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/1433/pdfs/uksi_20121433_en.pdf

HAMPSHIRE POLICE AND CRIME PANEL

Report

Date considered:	27 September 2021		
Title:	Confirmation Hearing Process for the role of Chief Executive of the Office of the Police and Crime Commissioner (OPCC)		
Contact:	Democratic Support Officer to the Panel		
Tel:	0370 779 5280	Email:	Hampshire.pcp@hants.gov.uk

1. Executive Summary

- 1.1. This document explains the process to be followed by the Hampshire Police and Crime Panel (hereafter referred to as 'the Panel') in respect of the proposed appointment of the preferred candidate to the role of Chief Executive of the OPCC.
- 1.2 This document summarises the Confirmation Hearing protocol, which is attached as appendix one.

2. Powers of the Hampshire Police and Crime Panel

- 2.1. The Panel have the functions conferred by Schedule 1 Part 10 of the Police Reform and Social Responsibility Act 2011 (Scrutiny of Senior Appointments). This enables them 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).

3. Confirmation Hearing for the role of Chief Executive

Prior to the Hearing

- 3.1 The Panel received formal notification from the Hampshire Police and Crime Commissioner (hereafter referred to as 'the Commissioner') of the proposed appointment to the role of Chief Executive on 16 September 2021.
- 3.2 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 2011¹.

3.3 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 Appendix two:

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

At the Hearing

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

- a. The candidate will be welcomed to the meeting.
- b. The Commissioner will have the opportunity to make any comments on the candidate and the proposed appointment.
- c. The candidate will have an opportunity to present to the Panel their understanding of the role.
- d. The Panel will have the opportunity for to ask questions of the candidate.
- e. 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.

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

On the Close of the Hearing

3.6 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 Chief Executive at the end of the Confirmation Hearing session.

3.7 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.

3.8 Where a candidate does not meet the minimum standards in the areas set out in paragraph 3.7, this would suggest a significant failure in the appointments process undertaken by the Commissioner. If the Panel

¹ <http://www.legislation.gov.uk/ukpga/2011/13/schedule/1/enacted>

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 Chief Executive.

- 3.9 Where a candidate meets the standards 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 Police and Crime Commissioner.
- 3.10 Where a candidate does not meet the minimum standards in the areas set out in paragraph 3.7, 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 Chief Executive.

Following the Confirmation Hearing

- 3.10 The recommendations relating to the outcomes of the Confirmation Hearing will be communicated to the Commissioner in writing by the next working day.
- 3.11 It is suggested that a period of three working days should elapse before the embargo is lifted and the recommendations of the Panel are made public. This timeframe may, however, be varied through agreement between the Chairman of the Panel and the Commissioner, in accordance with the Panel's Confirmation Hearing protocol.

Hampshire Police and Crime Panel
Confirmation Hearing Protocol

Schedule 1 and 8 Appointments

Notification

- When the Police and Crime Commissioner (PCC) commences a recruitment exercise (in whatever form that may take) with a view to making:
 - (a) a Schedule 1 appointment i.e. that of the PCC's Chief Executive, Chief Finance Officer or a Deputy Police and Crime Commissioner;
or
 - (b) a Schedule 8 appointment i.e. that of a Chief Constable,they will inform the Panel's democratic support officer that such steps are being taken, and the likely timeframe involved, so that preliminary arrangements can be made to schedule a confirmation hearing.
- When, in accordance with the Police Reform and Social Responsibility Act 2011 (the Act), the PCC notifies the Panel of a proposed Schedule 1 or 8 appointment, the PCC must provide the Panel with the following information:
 - (a) the name of the person whom the PCC 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.
- At the same time as they notifies the Panel of the proposed appointment, the PCC will also normally provide the Panel with the background information that the PCC has had access to during the rest of the appointment process e.g. the role profile, the candidate's CV, application and/or personal statement (suitably redacted of any sensitive personal or operational information), any references etc. The PCC will advise the candidate's referees that the references they submit will be put on public deposit to assist the Panel in the performance of its duties.

Immediate steps following notification

- The Panel must, within three weeks of receiving the PCC's notification, hold a confirmation hearing for the Panel to review the proposed appointment and make a report on it to the PCC. Therefore, on receipt of

the PCC's notification, the Panel's democratic support officer will by the end of the next working day after receiving the PCC's notification:

- convene a public meeting of the Panel to be held within 19 days of receiving the PCC's notification (this meeting will not normally be used for any other business) and confirm the date of the confirmation hearing to the Members of the Panel;
- arrange a private pre-meeting for the Chair and Vice-Chair of the Panel normally to take place at least three working days before the confirmation hearing (not normally to be held immediately before the confirmation hearing to allow sufficient time for any unexpected issues, or gaps in information provided, to be addressed) and confirm the date of the pre-meeting to the Chair and Vice-Chair. The Panel's democratic support officer will notify the Panel's legal adviser and a senior HR representative (from the lead authority) of the date of the pre-meeting so that specialist and technical advice will be available to the Panel; and
- prepare a letter to the candidate which:
 - (a) requests them to appear at the confirmation hearing for the purpose of answering questions relating to the appointment;
 - (b) advises them of the date of the hearing;
 - (c) notifies them of the principles on which the Panel will normally evaluate the candidate (see below);
 - (d) refers to the relevant statutory provisions; and
 - (e) advises them that the information provided by the candidate will normally need to be put on public deposit (as if it were a standard report going to the Panel).

Preparing for the confirmation hearing

- Prior to the private pre-meeting, the Panel's democratic support officer will draw together a list of relevant issues for the Chair and Vice Chair to consider, in particular highlighting possible question topics and themes, and background information on which Members might wish to focus. The Chair and Vice Chair will consider these at their private pre-meeting and determine a final draft for the Panel's consideration.
- Following the pre-meeting, the Panel's democratic support officer will circulate this information electronically to all Members of the Panel for their consideration and comment. The aim of this process is to enable the necessary preparatory work to be undertaken as efficiently as possible within the tight timescale but to ensure that all Members of the Panel have the opportunity to consider the relevant issues and lines of questioning, and raise any queries, prior to the confirmation hearing itself. The Panel's democratic support officer will also remind Members of the process taken at the hearing.

At the confirmation hearing

- The Chair will open the meeting and will outline the key themes that the Panel hopes to explore. The Chair will explain the process for approval, refusal or, where the proposed appointment is that of Chief Constable, veto of appointments and will allow the candidate to ask any procedural questions.
- The Panel will normally focus on issues of professional competence (this relates to the candidate's ability to carry out the role, his/her professional judgment and insight) and personal independence (this relates to the need for a candidate to act in a manner that is operationally independent of the PCC, the ability to advise the PCC effectively and to understand the need to respond constructively in situations where they might be held to account by the Panel).
- At the end of the session, the candidate will be given the opportunity to clarify any answers given and ask any questions of the Panel. Immediately following the hearing, the Panel will go into closed session to decide on its recommendations, taking legal and HR advice as necessary.

Decision-making by the Panel

- The Panel's decision-making process, will normally comprise two linked steps:
 - Taking account of the minimum standards of professional competence and personal independence, does the candidate meet the criteria set out in the role profile?
 - (a) do they have the professional competence to carry out the role?
 - (b) do they have the personal independence to carry out the role?
 - Should, consequently, the Panel:
 - (a) recommend that the candidate should be appointed; or
 - (b) recommend that the candidate should not be appointed or,
 - (c) in the case of a Chief Constable appointment, use its power of veto
- Where a candidate does not meet the minimum standards, it will normally be self-evident (thus indicating a failure in the appointments process to date) and, in the case of a Chief Constable appointment, the Panel may decide to exercise its power of veto. Where the candidate meets these standards, but there is still cause for concern about their suitability, the Panel may outline these concerns in its response to the PCC. Where a Schedule 1 candidate does not meet the minimum standards, the Panel has no power of veto but may provide advice to the PCC in the form of a letter.

Making recommendations on Schedule 1 and Chief Constable appointments

- The Panel may decide to recommend to the PCC that the appointment be made, or that it not be made. A recommendation that an appointment is not made is not, as in the case of a Chief Constable appointment, the same as a veto (see below) and the PCC can still choose to appoint the candidate.
- The Chair will make an informal communication on the decision of the Panel to the PCC by the end of the working day on which the Confirmation Hearing is held.
- By the next working day after the Panel has made its decision, the Panel's democratic support officer will, in consultation with the Chair of the Panel, send a report on the proposed appointment to the PCC confirming the Panel's recommendation as to whether or not the candidate should be appointed. The report will be copied to the candidate. Where the Panel is recommending refusal, a summary of the principal reasons will be included.
- The Panel will normally publish its decision and report three working days after the Confirmation Hearing has taken place. In exceptional circumstances, the PCC may request to the Chair that the Panel bring forward or delay publication of the decision. In such cases, the Chair will liaise with the PCC in such cases to agree a proposed way forward, and a final decision on any such proposal will be taken by the Panel.
- In response to the Panel's report, the PCC must notify the Panel whether they will accept or reject the Panel's recommendation. Where the Panel has recommended refusal and 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. If, before the result of the appointments process is made public, the candidate withdraws from the process only the Panel's report, and no other information from either the PCC or the Panel, will be published. Where 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.
- The Panel will not liaise with the candidate, either directly or through any officer, in relation to the Panel's decision

The veto (for Chief Constable appointments only)

- The veto will normally only be exercised in exceptional circumstances, e.g., where it is clear to the Panel that there has been a significant failure of the 'due diligence' checks carried out earlier in the appointments process, to the extent that the candidate is not 'appointable'.

- The Panel has the power to veto a Chief Constable appointment only in the three-week period starting with receipt of the PCC's notification.
- Where the Panel decides (on a two-thirds majority of the total Panel membership) to veto the proposed appointment, on the next working day after the Panel has made its decision, the Panel's democratic support officer will, in consultation with the Chair of the Panel, send a report on the proposed appointment to the PCC confirming the Panel's decision to veto the appointment and including a summary of the Panel's principal reasons for its decision. Following this, the PCC must not appoint the candidate. The PCC will be responsible for notifying the candidate. The parties will liaise with each other over the issue of public communication of the Panel's decision. At the same time as the publication of the Panel's report, the PCC will normally publish information setting out the steps that will be taken to make another appointment.
- Following a veto of the proposed appointment, the PCC must propose another individual for appointment as Chief Constable. The PCP must, within three weeks of receiving a notification by the PCC, review the proposed appointment. The process is the same for an initial candidate and any reserve candidate following a veto, however the PCP's power of veto only applies to the first candidate.