

Northamptonshire Police, Fire and Crime Panel

A meeting of the Northamptonshire Police, Fire and Crime Panel will be held in the Great Hall, The Guildhall, St Giles Street, Northampton NN1 1DE on Wednesday 11 January 2023 at 1.00pm

Agenda

1.	Apologies for Absence and Notification of Substitute Members
2.	Notification of requests from members of the public to address the meeting Any requests to speak on an item on the agenda should be notified to the Chair (c/o the Committee Manager) by 12 noon two working days before the date of the meeting.
3.	Declarations of Interest Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
4.	Chair's Announcements To receive communications from the Chair.
SCRUTINY OF THE POLICE, FIRE & CRIME COMMISSIONER	
5.	Confirmation Hearing – Chief Constable of Northamptonshire Police
a)	Confirmation Hearing Procedure (Pages 5 - 10)
b)	Proposed appointment by the Police, Fire & Crime Commissioner for Northamptonshire of a Chief Constable (Pages 11 - 14)
6.	Urgent Business The Chair to advise whether they have agreed to any items of urgent business being admitted to the agenda.

7.	<p>Exclusion of Press and Public</p> <p>In respect of the following items the Chair may move the resolution set out below, on the grounds that if the public were present it would be likely that exempt information (information regarded as private for the purposes of the Local Government Act 1972) would be disclosed to them: The Panel is requested to resolve: “That under Section 100A of the Local Government Act 1972, the public be excluded from the meeting for the following item(s) of business on the grounds that if the public were present it would be likely that exempt information under Part 1 of Schedule 12A to the Act of the descriptions against each item would be disclosed to them.”</p>
8.	<p>Report and recommendation to the Police, Fire & Crime Commissioner for Northamptonshire on the proposed appointment of a Chief Constable</p> <p>Exemption under Paragraph 1 – Information relating to any individual.</p>

Catherine Whitehead
Proper Officer
3 January 2023

Northamptonshire Police, Fire and Crime Panel Members:

Councillor Gill Mercer (Chair)	Councillor Andre Gonzalez De Savage (Vice-Chair)
Councillor Adam Brown	Councillor Jon-Paul Carr
Councillor Dorothy Maxwell	Councillor Zoe McGhee
Councillor Russell Roberts	Councillor Ken Pritchard
Councillor David Smith	Councillor Winston Strachan
Mrs Anita Shields	Miss Pauline Woodhouse

Information about this Agenda

Apologies for Absence

Apologies for absence and the appointment of substitute Members should be notified to democraticservices@westnorthants.gov.uk prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 3 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

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Queries Regarding this Agenda

If you have any queries about this agenda please contact James Edmunds, Democratic Services, via the following:

Tel: 07500 605276

Email: democraticservices@westnorthants.gov.uk

Or by writing to:

West Northamptonshire Council
One Angel Square
Angel Street
Northampton
NN1 1ED

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NORTHAMPTONSHIRE POLICE, FIRE & CRIME PANEL

11 JANUARY 2023

Report Title	Confirmation hearing in relation to the proposed appointment by the Police, Fire & Crime Commissioner for Northamptonshire of a Chief Constable of Northamptonshire Police.
Report Author	James Edmunds, Democratic Services Assistant Manager, West Northamptonshire Council James.edmunds@westnorthants.gov.uk

Contributors/Checkers/Approvers		
West MO (for West and joint papers)	Catherine Whitehead	03/01/2023
West S151 (for West and joint papers)	Martin Henry	16/12/2022

List of Appendices

None

1. Purpose of Report

- 1.1. The report is intended to advise the Northamptonshire Police, Fire & Crime Panel of the procedure to be followed for a confirmation hearing in relation to the proposed appointment by the Police, Fire & Crime Commissioner for Northamptonshire of a Chief Constable of Northamptonshire Police.

2. Executive Summary

- 2.1 The report summarises the Northamptonshire Police, Fire & Crime Panel's statutory responsibilities relating to reviewing and making a report on the proposed appointment by the Police, Fire & Crime Commissioner for Northamptonshire of a Chief Constable of Northamptonshire Police. A report from the Police, Fire & Crime Commissioner providing information on the proposed appointment is included separately on the agenda for the hearing.

3. Recommendations

- 3.1 It is recommended that the Northamptonshire Police, Fire & Crime Panel reviews and makes a report on the proposed appointment by the Police, Fire & Crime Commissioner for Northamptonshire of a Chief Constable of Northamptonshire Police.
- 3.2 Reasons for Recommendation(s) – The recommendation is intended to enable the Panel to carry out its statutory responsibilities relating to scrutiny of the proposed appointment of a Chief Constable.

4. Report Background

- 4.1 The Police Reform & Social Responsibility Act 2011 Section 38 specifies that the Police & Crime Commissioner (PCC) for a police area is to appoint the chief constable of the police force for that area.
- 4.2 Schedule 8 of the 2011 Act requires that a PCC must notify the relevant Police & Crime panel of the proposed appointment of a chief constable. In such cases the PCC must also notify the Police & Crime panel of 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.
- 4.3 When a Police & Crime panel is notified of such a proposed appointment it is required to review the proposed appointment and to make a report on it to the PCC. The report must state the outcome of the review by the panel. In the case of the proposed appointment of a chief constable these outcomes are:
 - a) A recommendation as to whether or not the candidate should be appointed, or
 - b) A veto of the proposed appointment, if at least two-thirds of the people who are members of the Police & Crime panel at the time vote in favour of making that decision.
- 4.4 The 2011 Act requires that a Police & Crime panel must review the proposed appointment at a confirmation hearing. A confirmation hearing is defined as: “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 Governance & Scrutiny (CfGS) 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.
- 4.5 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 PCC.

5. Issues and Choices

- 5.1 This confirmation hearing of the Northamptonshire Police, Fire & Crime Panel (“the Panel”) has been convened to enable the Panel to review and make a report on the proposed appointment by the Police, Fire & Crime Commissioner for Northamptonshire (“the Commissioner”) of a Chief Constable of Northamptonshire Police following notification of the proposed appointment by the Commissioner.
- 5.2 A report from the Commissioner providing information on the proposed appointment is included separately on the agenda for the hearing.
- 5.3 The Panel must hold two confirmation hearings in the immediate future to review and report on proposed appointments by the Commissioner of both a permanent and a temporary Chief Constable. This situation reflects the announcement by the Commissioner in December 2022 that he planned to offer the current Chief Constable a new contract when his existing contract expires in 2023. Tax and pension rules mean that it would be financially detrimental to the current Chief Constable to extend his existing contract for a further term. The Commissioner has therefore agreed that the current Chief Constable will retire and return to the role after a short break. A temporary appointment is necessary to cover this period. Following consultation with the Panel Chair and Deputy Chair it is now intended that the confirmation hearing for the proposed appointment by the Commissioner of a temporary Chief Constable will take place on 2 February 2023, following the scheduled Panel meeting on that date.

Confirmation Hearing Procedure

- 5.4 It is proposed that the Panel conducts the confirmation hearing according to the following process, which reflects statutory requirements and good practice and has been used successfully in the past:
- a) The Panel Chair will welcome the candidate to the hearing and invite Panel members and host authority officers present to introduce themselves.
 - b) The Chair will ask the Panel’s secretariat officer to outline briefly the format of the hearing.
 - c) The Chair will invite the Commissioner to outline the proposed appointment and introduce the candidate.
 - d) The Chair will invite Panel members to ask questions of the candidate. The Panel secretariat will work with Panel members to draw up these questions ahead of the hearing. The questions should reflect the principles set out in paragraphs 5.5 – 5.7 of this report.
 - e) When all Panel members’ questions have been asked and addressed the Chair will invite the candidate to clarify any answers that they have given during the hearing and to ask any questions of the Panel, for example about the next steps in the process.
 - f) The candidate will then withdraw from the meeting.
 - g) The Panel will be asked to agree a resolution to exclude the press and public from the meeting before it considers its report to the Commissioner.

- h) The Panel will consider its report and conclusions. The possible outcomes that may result from a review of the proposed appointment of a chief constable are discussed in paragraphs 5.8 – 5.11 of this report.
- i) The Panel will send its report to the Commissioner by the end of the working day following the date of the confirmation hearing.
- j) The Panel will publish its report an appropriate time after the confirmation hearing, normally in liaison with the Commissioner to reflect that the Commissioner will also publish his own final decision on the proposed appointment following the hearing.

Focus of questions to the candidate

- 5.5 LGA / CfGS guidance recommends that confirmation hearings should focus on the following areas:
 - a) Professional competence: i.e. the candidate's ability to carry out the role, for example, their professional judgement and insight; and
 - b) Personal independence: i.e. the need for the candidate to act in a manner that is operationally independent of the PCC.
- 5.6 The guidance further recommends that Police & Crime panels should think in terms of minimum standards applying to particular attributes: i.e. there should be minimum standards below which it would not be appropriate to appoint a candidate under any circumstances. Above this level, the Panel might have concerns but the candidate would still be 'appointable' at the discretion of the PCC.
- 5.7 This focus is intended to reflect that confirmation hearings should complement rather than duplicate a PCC's systems for making the appointment in question: hearings are not intended to represent a re-staging of a previous selection process.

Possible outcomes of the review

- 5.8 The Panel should use the confirmation hearing to form a view about the professional competence and personal independence of the candidate and whether or not they meet the minimum standards for the role. Based on this it should agree the conclusion about the proposed appointment that it wishes to report to the Commissioner.
- 5.9 The Panel essentially has the following options:
 - a) 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.
 - b) 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.

- c) If the Panel considers that the candidate clearly does not meet the minimum standards necessary for the position the Panel can veto the proposed appointment. A decision to veto a proposed appointment must be supported by at least two-thirds of the people who are members of the Panel at the time when the decision is made. In the event that the Panel vetoes a proposed appointment the Commissioner must not appoint that candidate. The Commissioner must then propose another – reserve – candidate for appointment. This proposed appointment will be subject to review by the Panel at a second confirmation hearing, resulting in a report to the Commissioner making a recommendation about the appointment of the reserve candidate. The Commissioner may accept or reject such a recommendation and must notify the Panel of his response.

5.10 LGA / CfGS guidance anticipates that a recommendation not to appoint should be used very rarely by Police & Crime panels, based on the principle that candidates will have already been subject to a recruitment process.

5.11 LGA / CfGS guidance emphasises that the veto should only be used in exceptional circumstances. A PCC's power to appoint a chief constable should be backed up by appropriate human resources functions and appointment procedures designed to provide a 'due diligence' check on the suitability of the candidate that a PCC proposes for appointment. A proposed appointment should only be vetoed if a Police & Crime panel considers that there has been a significant failure of this 'due diligence' check, to the extent that the candidate is not appointable.

6. Implications (including financial implications)

6.1 Resources and Financial

6.1.1 There are no resources or financial implications arising from the proposal.

6.2 Legal

6.2.1 There are no legal implications arising from the proposal.

6.3 Risk

6.3.1 There are no significant risks arising from the proposed recommendation in this report.

7. Background Papers

Police Reform & Social Responsibility Act 2011

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

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

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Formal Notification to the Northamptonshire Police, Fire and Crime Panel of the Proposed Appointment to the Position of Chief Constable for Northamptonshire Police as required under Schedule 8 of the Police Reform and Social Responsibility Act 2011 (“the Act”) and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (“the Regulations”).

1. Introduction

- 1.1 Nick Adderley, the Chief Constable for Northamptonshire Police, was appointed on a five year contract in 2018 which will come to an end in 2023.
- 1.2 The Police, Fire and Crime Commissioner (PFCC) has determined that it is in the best interest of Northamptonshire Police to offer the current Chief Constable a further contract to continue as Chief Constable for a further period of two and half years, with the option to extend by mutual agreement.
- 1.3 The Police, Fire and Crime Panel is required to undertake a confirmation hearing to review and endorse the appointment of a Chief Constable.
- 1.4 Schedule 8 of the Police Reform and Social Responsibility Act 2011 (“the Act”) and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (“the Regulations”) require the Police, Fire and Crime Commissioner to request the Police, Fire and Crime Panel for Northamptonshire to convene a confirmation hearing for the preferred candidate for the position of Chief Constable.
- 1.5 The Commissioner must include the following information in the notification:
 - 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.

- 1.6 The Act, also sets out the Panel's responsibility to review the proposed appointment and make a report to the Police, Fire and Crime Commissioner within a period of three weeks from when the panel received notification from the Commissioner of the proposed appointment, including a recommendation as to whether or not the candidate should be appointed.
- 1.7 The Police, Fire and Crime panel must hold a public confirmation hearing before making a report and recommendation to the Police, Fire and Crime Commissioner in relation to a proposed senior appointment. At this meeting, the candidate is requested to appear to answer any questions relating to the appointment.
- 1.8 The Police, Fire and Crime Panel may, having reviewed the proposed appointment, veto the appointment of the candidate. There needs to be at least two-thirds of panel members to support a decision to veto the appointment for it to be carried and this power is only exercisable in relation to a proposed appointment during the three-week appointment process. If the panel vetoes the appointment of the candidate, their report must include a statement that the panel has vetoed it and the PFCC must not appoint that candidate as Chief Constable.
- 1.9 If the panel does not veto the proposed appointment, the PFCC may accept or reject the panel's recommendation as to whether or not the candidate should be appointed and must notify the panel of their decision whether to accept or reject the recommendation.

2. **Background to the Appointment**

- 2.1 The PFCC has determined that the progress made by Northamptonshire Police under the leadership of the current Chief Constable, Nick Adderley, is on a positive trajectory and that continued progress would be best maintained by renewing Nick Adderley's contract for a further period of two and a half years, with the option to extend by mutual agreement.
- 2.2 It is recognised that the current pension scheme for Police Officers can result in a detrimental financial impact for senior officers where they have exceeded their lifetime contributions to the scheme. When this point has been reached continuing to make payments has no benefit to the individual or their pension entitlement post-retirement.
- 2.3 There is precedent in policing where police officers reach this position to enable them to retire and be re-employed in order to abate pension. Under normal circumstances this process requires a break in service of a calendar month to ensure that pension entitlement can be abated without impact on entitlement to lump sum payments or monthly payments.

3. The Proposed Appointment

- 3.1 The Commissioner has agreed with the Chief Constable that, in extending his tenure and renewing his contract, he can retire from the service on the grounds that continuing in service under the current pension arrangements is economically untenable from a personal financial perspective.
- 3.2 It is therefore proposed, subject to the confirmation of the Police, Fire and Crime Panel, that the Chief Constable will technically retire from the service on 26 February 2023 for the purposes of pension abatement. The new contract will commence on 3 April 2023 for a period of two and a half years.
- 3.3 It is a requirement of the legislation for a Police Force to have a Chief Constable. It is therefore the intention of the PFCC to make a temporary appointment to the position of Chief Constable for the period 27 February 2023 to 2 April 2023.
- 3.4 In line with Schedule 8 of the Police Reform and Social Responsibility Act 2011 (“the Act”) and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012 (“the Regulations”) the Police, Fire and Crime Commissioner will request the Police, Fire and Crime Panel for Northamptonshire to convene a confirmation hearing for the preferred candidate for the position of temporary Chief Constable.

4. Legal Implications

- 4.1 The Police, Fire and Crime Commissioner and Monitoring Officer has sought advice from Legal Services and advice confirms that a break between contracts for the purpose of abatement is legal. In addition, the position of national bodies like the National Police Chief Council (NPCC) and Chief Police Officers Staff Association (CPOSA) has also been supportive.

5. The terms and conditions on which the Candidate is to be appointed

- 5.1 The remuneration for Chief Constables can only be reviewed at the point of offering a new contract. The PFCC has considered the salary band for the Chief Constable, as determined by the Home Office, which has increased during Nick Adderley’s tenure as Chief Constable. It is proposed that Nick Adderley will be reappointed to the position of Chief Constable on an annual salary of £165,000.
- 5.3 Under the leadership of the Chief Constable the service has seen significant performance improvement, made significant progress towards key performance indicators and large-scale recruitment of new police officers.
- 5.4 The Commissioner, satisfied with the current performance of the Chief Constable, has not undertaken a formal process related to his re-employment on a fixed-term contract. The Commissioner seeks to confirm the re-employment of the Chief Constable to ensure consistency of leadership and direction for the Police Force.

6. Financial Implications

- 6.1 There will be a financial cost of £6k per annum to Northamptonshire Police as a consequence of this proposal. This decision will result in cost avoidance to the Authority equivalent to employer pension contributions to the scheme for the period of fixed term employment.
- 6.2 The pay remuneration for a chief constable is set by the Police Pay Review Body annually. For Northamptonshire, the salary rate is £151,815 as at 1/9/22 and, on appointment only, the PFCC can vary the salary by + or - 10% of the set rate. This equates to a salary range of between £136k to £167k.
- 6.3 Nick Adderley is currently on a salary of £159,494. His new appointment will be at a salary of £165,000 and increased in accordance with future increases set by the Police Pay Review Body.

7. Recommendation

- 7.1 The Panel is requested to review and confirm the proposed appointment of Nick Adderley to the position of Chief Constable for Northamptonshire Police on a two and a half year fixed term contract commencing on 3 April 2023, with the option to extend by mutual agreement.

Nicci Marzec
Monitoring Officer
Office of the Police, Fire and Crime Commissioner