



NORTHAMPTONSHIRE
POLICE, FIRE & CRIME
COMMISSIONER

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29/08/2023

Informal Resolution of a Non-Criminal complaint against the Police, Fire & Crime Commissioner for Northamptonshire, reference 02/2023, - Response from PFCC Stephen Mold

Dear James,

Further to your letter dated 22nd August 2023 in relation to the non-criminal complaint against the Police, Fire & Crime Commissioner for Northamptonshire reference 02/2023, I would like to formally respond to the issues raised by the complainant.

In the complaint there are four key areas about which the complainant wishes to complain (I have paraphrased them):

- How the police force will investigate its own 'governor'
- Appointment without going to the PFC Panel
- Relationship between PFCC and Ms Marzec
- Working from PFCC's business premises

I will take each of the matters in turn in my response.

How the police force will investigate its own 'governor'

The rules and process for handling complaints about a PCC are clear and the police force, in this case Northamptonshire Police, are not involved in this process. The complainant has raised the issue with the Independent Office for Police Conduct (IOPC) who have passed it back to you as the Police Fire and Crime Panel ('the Panel') as an independent body to deal with.



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Appointment without going to the PFC Panel

As has been the subject of much discussion I have a duty to follow a confirmation process for a substantive Chief Fire Officer (CFO). The legislation does not, however, reference temporary arrangements. This is the key issue in question here.

Following the departure of Mr Mark Jones, the previous substantive CFO I needed to ensure that arrangements were put in place until such time as I was able to recruit a new CFO. At the time advice was sought from the East Midlands regional legal services team and I was advised that the confirmation hearing process did not apply in this case. Following this advice, I took the decision to appoint the Chief Executive and Monitoring Officer for the OPFCC into the role on a temporary basis.

Separately the Monitoring Officer for the Panel also sought advice on the matter and the advice they received differed from that which I had received and suggested that a confirmation hearing process should be followed.

In light of this contrary view it should be noted that for both the appointments of Simon Tuhill as Acting CFO, and David Peet as Interim Chief Executive and Monitoring Officer of my office have both been through a confirmation hearing process.

As there were differing legal views, and different practices in other areas, I wrote to the Home Office to seek further guidance from them. In his response, Rt Hon Chris Philip MP (Minister of State for Crime, Policing and Fire) stated:

“Although there are no provisions for interim arrangements in the legislation, the expectation is that appointments would also be referred to the panel when making an interim appointment, as has been the case in other areas.”

As you can see the Minister has confirmed that there are no provisions for interim arrangements, and whilst he goes on to suggest that referral have been made in other areas, this has not been the case everywhere. As a result of this clarification I will be sharing the Minister’s view with the Association of Police and Crime Commissioners to ensure that other PCCs or PFCC operate in line with this view.

I would also point out that despite the approach I took, based on the advice I had at the time, I did contact the Chairman of the Police, Fire and Crime Panel, Cllr. David Smith before the formal communication was sent out to staff and hours before the media release. I also tried to organise a briefing for Panel members in the week commencing July 10, which was initially confirmed in the diary, but that date was cancelled.



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I therefore suggest that whilst with the benefit of hindsight it might have been more appropriate to follow the process for the appointment of a substantive CFO, my appointment of Ms Marzec into the role was legitimate.

There is also a reference to the legal advice never materialising. I have attached at Appendix 1 of this response a copy of the email exchange in which the advice was given, and decisions were based.

Relationship between PFCC and Ms Marzec

As PFCC I work to a code of conduct. Part of this relates to relationships between myself and others.

I have always been very clear about the fact that Ms Marzec and I are friends, but that our relationship is not one that could be described a 'close personal relationship'. I am aware that there have been suggestions made in the media that I am in a relationship with Ms Marzec, this is quite simply not the case.

Every year, as part of the annual audit process, I am required to complete a statement on related parties. This is also a requirement for the Chief Executive. Every year this has been completed and submitted this to the Chief Finance Officer/Section 151 Officer.

The complainant also raises the specific issue of Monitoring Officer arrangements. Appendix 2 shows an email exchange where this issue was raised and systems were put in place to ensure clarity of roles and responsibilities.

Working from PFCC's business premises

The issue here for the complainant is the fact that Ms Marzec had worked, on occasion, from the premises of a separate business that I own and run. Again, I have been open and transparent about my ownership of a business outside of my role as PFCC. My role as PFCC allows me to work in an agile way and there are times when I will have based myself in my business premises. (This has increased post-covid.) At times Ms Marzec would also work out of this office space. This is, in my opinion, akin to us both working at a coffee shop or shared office facility. All work was undertaken on OPFCC (Force) equipment and using the secure police Virtual Private Network.



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This entire situation has been challenging for both me and Ms Marzec. There has been learning from it, as evidenced in the process followed for the appointment of the interims from both the CFO and Chief Executive following Ms Marzec's departure.

I remain committed to ensuring that I discharge my responsibilities and duties in line with all relevant legislation. I hope that my record of investment in and support for Northamptonshire Fire and Rescue Service and Northamptonshire Police and the safety of the people of this county will speak for itself. I have only ever worked to create the conditions where firefighters and police officers can give their best for the county. My responsibility is to appoint the leaders of Northamptonshire Fire and Rescue Service and Northamptonshire Police, with your help. I hope that the facts set out in this response explain how that happened on this occasion.

Yours sincerely

A handwritten signature in blue ink, reading "Stephen Mold".

Stephen Mold