

**NORTHAMPTONSHIRE POLICE, FIRE AND CRIME PANEL**  
**REPORT TO THE POLICE, FIRE AND CRIME COMMISSIONER**  
**FOR NORTHAMPTONSHIRE**

**19 SEPTEMBER 2023**

<b>Report Title</b>	<b>Scrutiny of decisions by the Police, Fire and Crime Commissioner connected with the appointment of an interim Chief Fire Officer for Northamptonshire</b>
<b>Report Author</b>	<b>James Edmunds, Democratic Services Assistant Manager, West Northamptonshire Council</b> <a href="mailto:James.edmunds@westnorthants.gov.uk">James.edmunds@westnorthants.gov.uk</a>

**1. Purpose of Report**

---

- 1.1. The report is intended to set out recommendations agreed by the Northamptonshire Police, Fire and Crime Panel at a meeting on 7 September 2023 resulting from scrutiny of decisions taken by the Police, Fire and Crime Commissioner connected with the appointment of an interim Chief Fire Officer for Northamptonshire in July 2023.

**2. Executive Summary**

---

- 2.1 On 7 July 2023 the Police, Fire and Crime Commissioner for Northamptonshire (“the PFCC”) informed the Chair of the Police, Fire and Crime Panel and made a public statement that the Chief Fire Officer for Northamptonshire, Mark Jones, was stepping down from the role with immediate effect and that Nicci Marzec, the Chief Executive and Monitoring Officer of the Office of the PFCC, would take over as interim Chief Fire Officer. Following the announcement questions were asked by the press about the decision, two complaints were received by the Panel and Panel members expressed concerns about the decisions that had been made. The Panel identified the need to scrutinise the matter, in line with its remit to review or scrutinise decisions made, or other action taken, by the PFCC in connection with the discharge of the PFCC’s functions.
- 2.2 The Panel carried out this scrutiny at a meeting held on 7 September 2023. The Panel considered background information requested from the PFCC and asked the PFCC a series of questions relating to his decisions at different stages of the situation. The Panel used all of the information available to it to identify recommendations directed at supporting the PFCC to be effective in the exercise of the PFCC’s functions in the future.

2.3 The Panel ultimately agreed the following resolutions:

- a) The Panel notes the error of judgement made by the Police, Fire and Crime Commissioner in respect of a recent appointment. The Panel is disappointed that reputational damage has been done to the Commissioner's office. The Panel recommends actions in the following areas:
  - Improved communications between the Commissioner and the Panel
  - Training for the Commissioner in relation to the Office of the Police, Fire and Crime Commissioner Code of Conduct
  - The addition to the Office of the Police, Fire and Crime Commissioner Code of Conduct paragraph 6.3 (Appointment and other Employment Matters) of a specific definition of 'close personal relationships'
  - The addition to the Northamptonshire Fire and Rescue Service Recruitment and Selection procedures paragraph 6.4 (Exceptions to the requirement to advertise a vacancy) of more precise wording regarding the process for dealing with temporary appointments
  - The production by the Commissioner of an action plan dealing with these areas that is reported back to the Panel.
- b) The Panel writes to the Home Office regarding the need for clarity about whether interim appointments by police, fire and crime commissioners to the positions of chief constable, chief fire officer, deputy commissioner, chief executive of the commissioner's office and chief finance officer of the commissioner's office should be subject to confirmation hearings by the relevant police, fire and crime panel.
- c) The Panel expects interim appointments by the Police, Fire and Crime Commissioner to the positions of Chief Constable, Chief Fire Officer, Deputy Commissioner, Chief Executive of the Commissioner's Office and Chief Finance Officer of the Commissioner's Office to be subject to confirmation hearings in future.
- d) The Panel agrees to hold a future meeting with the Police, Fire and Crime Commissioner and Fire Brigades Union representatives.
- e) The Panel recommends that the Police, Fire and Crime Commissioner recognises and acknowledges the importance of the discussion that has taken place at the current meeting.

### **3. Recommendations**

---

3.1 It is recommended that the Police, Fire and Crime Commissioner for Northamptonshire:

- a) Considers the recommendations by the Police, Fire and Crime Panel set out in this report, made in accordance with the Police Reform and Social Responsibility Act 2011 Section 28(6) as amended.
- b) Responds in writing to the recommendations by the Police, Fire and Crime Panel set out in this report, in accordance with the Police Reform and Social Responsibility Act 2011 Section 29(3) as amended.

3.2 Reasons for Recommendation(s) – The recommendations set out actions identified by the Police, Fire and Crime Panel directed at supporting the PFCC to be effective in the exercise of the PFCC's functions in the future.

## 4. Report Background

---

### Appointment of an interim Chief Fire Officer for Northamptonshire

- 4.1 The PFCC contacted the Chair of the Panel on 7 July 2023 to advise him that the Chief Fire Officer had resigned with immediate effect and that the PFCC had decided to appoint the Chief Executive and Monitoring Officer of the OPFCC as the interim Chief Fire Officer. Shortly afterwards the PFCC released a press statement to the same effect. The Chair of the Panel was advised that the PFCC had sought legal advice to the effect that it was not necessary to hold a confirmation hearing for the appointment.
- 4.2 The Chair of the Panel spoke to the Panel's Monitoring Officer who sought legal opinion on behalf of the Panel concerning the requirement to hold a confirmation hearing. The legal advice obtained by the Panel differed from that provided to the PFCC and was therefore shared with the PFCC. The new appointee to the role of Chief Fire Officer subsequently resigned from the post and the PFCC then made the decision to appoint another person as the interim Chief Fire Officer, which proposed appointment was subject to a confirmation hearing by the Panel on 27 July 2023. Due to the level of press interest in this matter the PFCC responded to a number of press enquiries and also took part in a television interview. During the interview the PFCC explained that he was a close friend of the Chief Executive and Monitoring Officer of the OPFCC outside of their relationship as colleagues. This raised the question that the PFCC had had a conflict of interest when he made decisions in relation to the appointment and in relation to other decisions that he had made over the period of their friendship.
- 4.3 Concerns were raised by Panel members about the decisions made by the PFCC, in particular:
- The reasons why the PFCC had accepted the resignation of the person appointed as Chief Fire Officer in 2022 without notice.
  - The decision of the PFCC to select the Chief Executive and Monitoring Officer of the OPFCC for the role.
  - The decision of the PFCC not to refer the decision to the Panel for a confirmation hearing.
  - The reasons why the PFCC had accepted the resignation of the appointee from the role of Chief Fire Officer and later from the role of Chief Executive and Monitoring Officer of the OPFCC without notice.
  - Decisions taken by the PFCC in relation to financial settlements.
  - Whether the PFCC had any conflicts of interests or had breached the OPFCC code of conduct when he made the decisions.
- 4.4 The Panel determined during July 2023 that these matters should be subject to scrutiny and that this could best be done using its scheduled meeting on 7 September 2023.

## Relevant statutory functions and responsibilities

### Police, Fire and Crime Panel

- 4.5 The Police Reform and Social Responsibility Act 2011, the Policing and Crime Act 2017 and supporting legislation give various specific responsibilities to the Panel. These are principally as follows:
- Scrutinising and reporting on the PFCC's proposed Police and Fire and Rescue precepts
  - Scrutinising and reporting on the PFCC's Police and Crime Plan and Fire and Rescue Plan
  - Scrutinising and reporting on the PFCC's Annual Report on the delivery of Police and Crime Plan objectives and on the annual Fire and Rescue Statement reporting compliance with the Fire and Rescue National Framework
  - Scrutinising and reporting on proposed appointments by the PFCC to certain positions (Deputy PFCC; Chief Executive; Chief Finance Officer; Chief Constable of Northamptonshire Police; and Chief Fire Officer of Northamptonshire Fire and Rescue Service)
  - Dealing with complaints from members of the public about the conduct of the PFCC.
- 4.6 In addition, under the legislation referred to above, the Panel has the general responsibilities to review or scrutinise decisions made, or other action taken, by the PFCC and to make reports or recommendations to the PFCC with respect to the discharge of the PFCC's functions, insofar as the panel is not otherwise required to do so.
- 4.7 The functions of the Panel must be exercised with a view to supporting the effective exercise of the functions of the PFCC.

### Police, Fire and Crime Commissioner

- 4.8 The Policing and Crime Act 2017 makes provision for a Police and Crime commissioner for an area to be the fire and rescue authority for that area. This position has applied in Northamptonshire since 1 January 2019. The responsibilities of a PFCC created under the 2017 Act include the function of appointing, suspending or dismissing the chief fire officer.
- 4.9 The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 part 2 chapter 1 specifies that a PFCC must notify the relevant Panel of the proposed appointment of a chief fire officer, providing specified information relating to the proposed appointment.
- 4.10 When notified of a proposed appointment the Panel must review and make a report on it to the PFCC. The review must involve a confirmation hearing: a public meeting of the Panel at which the candidate is requested to appear for the purpose of answering questions relating to the appointment. The report by the Panel must include a recommendation as to whether or not the candidate should be appointed or must state that the Panel has vetoed the proposed appointment if it reaches this decision. The Panel must complete the process of reviewing and reporting on a proposed appointment within three weeks of being notified of it by the PFCC.

## **5. Scrutiny of decisions by the Police, Fire and Crime Commissioner**

---

- 5.1 The Panel meeting on 7 September 2023 was webcast live and the full recording is available to view at: [Northamptonshire Police, Fire and Crime Panel - 7th September 2023 - YouTube](#).
- 5.2 At the meeting the Panel asked the PFCC a series of 35 questions on different aspects of his decisions connected with the appointment of an interim Chief Fire Officer in July 2023. These questions were identified in advance by the Panel and were shared with the PFCC to assist in obtaining the fullest possible answers. Panel members were able to ask supplementary questions and pursue lines of enquiry at the meeting. Questioning covered the following areas:
- Decisions of the PFCC relating to the departure of Mark Jones as Chief Fire Officer for Northamptonshire
  - Decisions of the PFCC in relation to the appointment of Nicci Marzec as interim Chief Fire Officer
  - Decisions of the PFCC regarding a confirmation hearing for the appointment of Nicci Marzec as interim Chief Fire Officer
  - Potential conflicts of interest in relation to the decisions of the PFCC
  - Actions of the PFCC in relation to the departure of Nicci Marzec from the role of interim Chief Fire Officer and subsequently from the role of Chief Executive and Monitoring Officer of the OPFCC
  - The PFCC's reflections on recent events
- 5.3 The Panel considered the following background information:
- Legal advice obtained by the PFCC regarding the need to hold a confirmation hearing for the appointment of an interim Chief Fire Officer
  - Legal advice obtained by the Panel's Monitoring Officer regarding the need to hold a confirmation hearing for the appointment of an interim Chief Fire Officer
  - Northamptonshire Fire and Rescue Service (NFRS) recruitment procedures
  - Register of Interests for the PFCC
  - Code of Conduct for the OPFCC
- 5.4 The Panel also heard comments from 10 public speakers who had requested to speak at the meeting. This included contributions from regional- and brigade-level representatives of the Fire Brigades Union and from local residents.
- 5.5 After completing the information-gathering phase of the meeting the Panel discussed potential conclusions and resulting recommendations on the matters subject to scrutiny. Particular points raised during this discussion are summarised below to provide context for the recommendations set out in this report.

### **Decisions of the PFCC relating to the departure of Mark Jones as Chief Fire Officer for Northamptonshire**

- 5.6 Some Panel members commented that the PFCC should have given the Panel fuller answers to its questions about the circumstances of Mark Jones' departure, to provide confidence and to respect the role of the Panel. They also commented that legal advice about interim arrangements had been sought ahead of the departure date, indicating that the PFCC had had some time to prepare and might have communicated with the Panel earlier than he had done. Other Panel members commented that human resources matters relating to an individual needed to be dealt with on a confidential basis. The PFCC had advised the Panel that the circumstances of Mark Jones' departure were subject to a confidentiality agreement and the Panel had seen no evidence to the contrary.

### **Decisions of the PFCC in relation to the appointment of Nicci Marzec as interim Chief Fire Officer**

- 5.7 Some Panel members commented that the role of Chief Fire Officer could be held by an individual who did not have previous professional experience in the Fire and Rescue service and that there was precedent for this in other areas. The PFCC had explained to the Panel his reasons for appointing Nicci Marzec and how she was qualified to carry out the role. Other Panel members commented that in cases where other Fire and Rescue authorities had appointed a Chief Fire Officer who did not have operational experience this had followed a formal recruitment process.

### **Decisions of the PFCC regarding a confirmation hearing for the appointment of Nicci Marzec as interim Chief Fire Officer**

- 5.8 Some Panel members commented that the PFCC had not followed correct procedure in making the appointment without referring it to the Panel for a confirmation hearing. They did not agree with the PFCC's argument that the appointment was an internal acting-up arrangement that did not require a confirmation hearing. They highlighted that the Panel had held a confirmation hearing earlier in the year for the interim appointment of a Chief Constable. Other Panel members commented that the PFCC had considered the procedural requirements when deciding how to proceed and had obtained legal advice that a confirmation hearing was not necessary. This legal advice differed from that subsequently obtained by the Panel but both sets of advice represented legal opinion, not the law.
- 5.9 Some Panel members commented that it was not clear in legislation whether the requirement to hold confirmation hearings for appointments to specific positions applied to interim appointments. This needed to be clarified by the government. In the meantime, the Panel could set out an expectation that all appointments to these positions in Northamptonshire should be subject to confirmation hearings. The section in the NFRS Recruitment and Selection procedures regarding exceptions to the requirement to advertise a vacancy could also be improved to deal more precisely with interim appointments.

## **Potential conflicts of interest in relation to the decisions of the PFCC**

- 5.10 Some Panel members commented that the PFCC had stated that he and Nicci Marzec were friends in addition to their professional relationship. As such, under the OPFCC Code of Conduct the PFCC should not have been involved in a decision on appointment and other employment matters concerning her. They also emphasised the importance of professional separation between the PFCC and the Monitoring Officer of the OPFCC. Some Panel members commented that the OPFCC Code of Conduct used the term close personal relationship and it was not clear that such a situation existed in this case. However, some training could assist the PFCC to carry out his role effectively in future, to reflect that requirements changed over time.

## **Conclusions and recommendations by the Panel**

- 5.11 Some Panel members commented that decisions taken by the PFCC were not defensible and that he had lost the confidence of NFRS staff and local residents. Some Panel members commented that the PFCC had admitted that he had made an error of judgement in relation to the way that the interim appointment had been handled. However, this should be seen in the context of his overall contribution to the development of NFRS and to community safety in the county. The Panel should make recommendations intended to support the effective exercise of the PFCC's functions in future. The Panel did not have a basis to go further than this.
- 5.12 A motion that the Panel had no confidence in the PFCC's ability to carry out his role impartially was moved but was not agreed.
- 5.13 The Panel went on to identify specific recommendations resulting from its scrutiny. It was proposed that the Panel should seek a clear response to these recommendations from the PFCC in the form of an action plan that could be used to monitor their implementation. It was also proposed that the PFCC should be requested to make clear that he acknowledged the importance of the matters that had been discussed.
- 5.14 At the conclusion of discussion the Panel resolved that:
- a) The Panel notes the error of judgement made by the Police, Fire and Crime Commissioner in respect of a recent appointment. The Panel is disappointed that reputational damage has been done to the Commissioner's office. The Panel recommends actions in the following areas:**
- **Improved communications between the Commissioner and the Panel**
  - **Training for the Commissioner in relation to the Office of the Police, Fire and Crime Commissioner Code of Conduct**
  - **The addition to the Office of the Police, Fire and Crime Commissioner Code of Conduct paragraph 6.3 (Appointment and other Employment Matters) of a specific definition of 'close personal relationships'**

- The addition to the Northamptonshire Fire and Rescue Service Recruitment and Selection procedures paragraph 6.4 (Exceptions to the requirement to advertise a vacancy) of more precise wording regarding the process for dealing with temporary appointments.
  - The production by the Commissioner of an action plan dealing with these areas that is reported back to the Panel.
- b) The Panel writes to the Home Office regarding the need for clarity about whether interim appointments by police, fire and crime commissioners to the positions of chief constable, chief fire officer, deputy commissioner, chief executive of the commissioner's office and chief finance officer of the commissioner's office should be subject to confirmation hearings by the relevant police, fire and crime panel.
  - c) The Panel expects interim appointments by the Police, Fire and Crime Commissioner to the positions of Chief Constable, Chief Fire Officer, Deputy Commissioner, Chief Executive of the Commissioner's Office and Chief Finance Officer of the Commissioner's Office to be subject to confirmation hearings in future.
  - d) The Panel agrees to hold a future meeting with the Police, Fire and Crime Commissioner and Fire Brigades Union representatives.
  - e) The Panel recommends that the Police, Fire and Crime Commissioner recognises and acknowledges the importance of the discussion that has taken place at the current meeting.

## **6. Background Papers**

---

Police Reform and Social Responsibility Act 2011

Policing and Crime Act 2017

Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017

Northamptonshire Police, Fire and Crime Panel Rules of Procedure