

Northamptonshire Police, Fire and Crime Panel

Minutes of a meeting of the Northamptonshire Police, Fire and Crime Panel held at the Great Hall, The Guildhall, St Giles Street, Northampton NN1 1DE on Thursday 7 September 2023 at 12.30 pm.

Present:

Councillor David Smith (Chair)
Councillor Gill Mercer (Deputy Chair)
Councillor André González De Savage
Councillor Dorothy Maxwell
Councillor Zoe McGhee
Councillor Ken Pritchard
Councillor Russell Roberts
Councillor Winston Strachan
Mrs Anita Shields

Substitute Members:

Councillor Greg Lunn
Councillor Philip Irwin

Also in Attendance:

Stephen Mold, Northamptonshire Police, Fire and Crime Commissioner
David Peet, interim Chief Executive, Office of the Police, Fire and Crime Commissioner
Helen King, Chief Finance Officer, Office of the Police, Fire and Crime Commissioner
Deborah Denton, Head of Communications, Office of the Police, Fire and Crime Commissioner
Stuart McCartney, Governance and Accountability Manager, Office of the Police, Fire and Crime Commissioner
Councillor Sally Beardsworth, West Northamptonshire Council
Councillor Phil Bignell, West Northamptonshire Council
Councillor Paul Clark, West Northamptonshire Council
Councillor Bob Purser, West Northamptonshire Council
Councillor Wendy Randall, West Northamptonshire Council
Councillor Danielle Stone, West Northamptonshire Council
Catherine Whitehead, Director Legal and Democratic and Monitoring Officer, West Northamptonshire Council
James Edmunds, Democratic Services Assistant Manager, West Northamptonshire Council
Diana Davies, Democratic Services Officer, West Northamptonshire
Paul Hanson, Head of Democratic and Elections, West Northamptonshire Council
Tracy Tiff, Democratic Services Deputy Manager, West Northamptonshire Council
Craig Forsyth, Deputy Head of Communications, West Northamptonshire Council
Gillian Baldock, Conservative Group Political Assistant, West Northamptonshire Council
Josh West, Labour Group Political Assistant, West Northamptonshire Council
Adam Taylor, East Midlands Executive Council member, Fire Brigades Union
Chris Kemp, Northamptonshire Brigade Secretary, Fire Brigades Union

There were also 56 members of the public in attendance.

Apologies for Absence:

Councillor Fiona Baker
Councillor Jon-Paul Carr
Miss Pauline Woodhouse

172. **Apologies for Absence and Notification of Substitute Members**

Apologies for absence were received from Councillors Baker and Carr, who were substituted by Councillors Lunn and Irwin, and from Miss Woodhouse.

The Chair advised that he intended to vary the order of the agenda to bring forward Chair's Announcements.

173. **Chair's Announcements**

The Chair welcomed all those present and made the following points:

- The purpose of the meeting was to enable the Panel to scrutinise decisions taken by the Police, Fire and Crime Commissioner (PFCC) connected with the appointment of an interim Chief Fire Officer in July 2023.
- The Panel was appointed to carry out specific tasks such as scrutinising the PFCC's Police, Fire and Crime Plan. The Panel also had the more general responsibility to review or scrutinise decisions made, or other action taken, by the PFCC in connection with the discharge of the PFCC's functions.
- The Panel was required to carry out all of its functions with a view to supporting the effective exercise of the functions of the PFCC.
- The Panel had the power to require information from the PFCC and to make reports or recommendations to the PFCC. The PFCC must respond to a report or recommendation, although the PFCC was not required to agree with it. The Panel had no power to sanction the PFCC. The PFCC was ultimately answerable to the electorate not to the Panel.
- It was recognised that the situation that had led to the current meeting had attracted considerable attention. It was right that the Panel scrutinised this situation. However, the way that the Panel did this had to reflect the requirements and parameters that the Chair had mentioned.
- At the start of the meeting the Panel would hear addresses or questions from members of the public who had been registered to speak. The Chair had not agreed some requests to speak that had been received ahead of the meeting. However, after further consideration, if any of those members of the public were present they would be given the opportunity to speak. Councillors wishing to raise points could do so through colleagues on the Panel.
- The Panel would then ask a series of questions to the PFCC intended to produce information about the matter under scrutiny in addition to that included with the report on the agenda. The PFCC had been given advance notice of these questions. There would be the opportunity for follow-up questions and for the Panel to pursue lines of enquiry that may emerge. The extensive list of questions might limit the number of supplementary questions needed.
- The Panel would then discuss and agree any resolutions or recommendations that it wished to make based on the information it had gained. As was normal practice, the Panel would aim to reach a consensus but conclusions could be decided by a vote if necessary.

- All those present were thanked for taking the time to attend and the Chair looked forward to their contributions.

174. **Notification of requests from members of the public to address the meeting**

The Chair advised that eight members of the public had been registered to speak but others who had requested to speak ahead of the meeting would also be accommodated if they were present. Speakers would be heard together and the PFCC would then respond to their points.

Mr Adam Taylor addressed the meeting and made the following points:

- He wished to present the concerns and anger raised by Northamptonshire Fire Brigades Union (FBU) members arising from the appointment by the PFCC of an uncredible Chief Fire Officer (CFO). The FBU considered that this decision had made the PFCC's position immediately untenable.
- The reasons given by the PFCC for the appointment of Nicci Marzec as interim CFO were not credible. The PFCC had argued that the appointment needed to be made urgently in time for the British Grand Prix on 7 July 2023, but Ms Marzec had not been available for the event and had had no operational authority to act.
- The PFCC had stated to the FBU on 10 July 2023 that neither the incoming Deputy CFO nor the Assistant CFO of Northamptonshire Fire and Rescue Service (NFRS) could carry out the role of interim CFO. The FBU disputed this view.
- The PFCC had been wrong to proceed with the appointment without a confirmation hearing, which was backed up the legal advice obtained by West Northamptonshire Council's Monitoring Officer on behalf of the Panel.
- The FBU believed that the intention to appoint Ms Marzec was premeditated. He suggested that Mr Jones had indicated at a meeting with the FBU in June 2023 that he would be forced out of the role of CFO due to differences with the PFCC.
- The creation of a Deputy CFO role at NFRS was intended to support the PFCC's agenda at a time when there were no resources for firefighters' pay.
- The Northamptonshire FBU had unanimously passed a vote of no confidence in the PFCC on 4 September 2023. They felt that the PFCC had turned his back on firefighters during the past two months.
- He demanded that the Panel held the PFCC to the highest account and pass a vote of no confidence in the PFCC.

Mr Chris Kemp addressed the meeting and made the following points:

- The Northamptonshire FBU had passed a vote of no confidence in the PFCC, which was a stark and unprecedented step. He believed that the PFCC could not justify actions he had taken during the past two months.
- The Panel should hold the PFCC to the highest account and vote that it had no confidence in him.

Mr Gary Lovell addressed the meeting and made the following points:

- He was speaking as an ordinary citizen who was disgusted by the appointment made by the PFCC.

- The Mail on Sunday on 23 July 2023 had published an article claiming that the PFCC was in an intimate relationship with Ms Marzec. The PFCC had denied this and had been quoted as saying that had he been aware of related rumours he would have ensured the appointment was subject to a confirmation hearing.
- The Nolan Principles included honesty. If the PFCC's denial was found not to be truthful then it made his position untenable. The PFCC was therefore questioned about whether he intended to resign.

Mr Steven Holmes addressed the meeting and made the following points:

- The PFCC was the co-owner of a company called Uber Shop Ltd. The NN Journal website had reported that Ms Marzec had frequently worked from the company's offices in Brackmills. This could lead to the assumption that Ms Marzec was not working on OPFCC business.
- The PFCC was questioned whether he accepted that it would be a misuse of public money and a breach of the Nolan Principles to allow a friend employed by the OPFCC to work on his private business.

Ms Athynea Burchall addressed the meeting and made the following points:

- She was speaking as a member of the public.
- The CFO role was a crucial one for public safety in Northamptonshire.
- The PFCC had not brought the proposed appointment of Ms Marzec as interim CFO to the Panel even though he had an acknowledged friendship with her. This did not reflect the Nolan Principle relating to objectivity in decision-making.
- The PFCC was questioned whether there were no other NFRS officers who could have been appointed as interim CFO.
- The PFCC was questioned whether he had met the standards of objectivity set out in the Nolan Principles and, if not, whether he would resign.

Mr Andy Cassidy addressed the meeting and made the following points:

- He was speaking as a member of the public.
- The email from the OPFCC to the East Midlands Police Legal Services (EMPLS) on 27 June 2023 seeking legal advice about the appointment of Ms Marzec as interim CFO referred to holding a retrospective confirmation hearing if necessary. It was arrogant to assume that the Panel would confirm the appointment given Ms Marzec's lack of operational experience.
- The appointment of Ms Marzec as interim CFO was a conflict of interest. The OPFCC Code of Conduct paragraph 6.1 stated that individuals should not be involved in the selection process for an appointment if they had a close personal relationship with the applicant.
- The PFCC was questioned whether he had seen and approved the email to EMPLS on 27 June 2023 before it was sent and how he justified breaking his own Code of Conduct.

Ms Libby Lawes addressed the meeting and made the following points:

- She was speaking as a member of the public who was fed up with what she saw as examples of corruption from those in positions of authority.
- The PFCC had failed to abide by the Nolan Principles, which brought the authority into disrepute and damaged the reputation of Northamptonshire. This was more important than party political interest.

- There should be consequences for failing to abide by the Nolan Principles. The Panel should remove the PFCC not just ask him to resign.

Councillor Wendy Randall addressed the meeting and made the following points:

- The OPFCC had sought legal advice from EMPLS about the appointment of an interim CFO on 27 June 2023, which was the week before Mr Jones's resignation.
- The legal advice obtained by West Northamptonshire Council's Monitoring Officer on behalf of the Panel gave a different view to the advice from EMPLS.
- The PFCC had not followed proper process. He had given the impression of being above the law and this did not serve the residents of Northamptonshire.
- The vote of no confidence by the Northamptonshire FBU was illustrative.
- The PFCC could not remain in his position without public faith in him. The Panel was therefore urged to vote that it also had no confidence in the PFCC.

Ms Maria Addison addressed the meeting and questioned whether the Nolan Principles applied in Northamptonshire. She suggested that people appeared to be covering for the PFCC and this had gone on too long.

Mr Richard Berkshire addressed the meeting and expressed support for points made by previous speakers. Many of those present thought the PFCC should resign. More people would have been present if the meeting had not been held in the middle of the day.

175. **Declarations of Interest**

None declared.

176. **Scrutiny of decisions by the Police, Fire and Crime Commissioner connected with the appointment of an interim Chief Fire Officer for Northamptonshire**

The Chair introduced the report and invited Panel members to raise any questions about the background information included in the report or the process that the Panel would follow at the meeting.

The Director Legal and Democratic responded to points of clarification raised by Panel member as follows:

- The redactions in the two sets of legal advice appended to the report related to the names and personal information of individuals. A particular redaction at the start of the email from the OPFCC to EMPLS on 27 June 2023 concerned information about a third party that was not relevant to the Panel's purpose and it was not appropriate to publish it. None of the redactions should prevent the Panel from understanding the facts of the matters that it was scrutinising.
- The PFCC would need to advise whether he had sought any legal advice directly. However, it was normal practice for an elected representative such as the PFCC or a councillor to seek such advice through a support officer.

The Chair invited the PFCC to respond to points raised by the public speakers. The PFCC advised that this would be covered in his responses to the Panel's questions.

The Panel then asked the PFCC a series of questions on different aspects of his decisions connected with the appointment of an interim CFO in July 2023.

Decisions relating to the departure of Mr Jones

The PFCC was asked when he had been informed by Mr Jones that he was considering retiring as CFO and what steps the PFCC had taken regarding that information. The PFCC made the following points:

- He thanked the Panel for the chance to explain the rationale for his decisions regarding the appointment of an interim CFO. He regretted that he had not had the chance to do so before now.
- He hoped that information provided at the current meeting would also inform the Complaints Sub Committee meeting on the following day.
- As PFCC he had regular one-to-one meetings with Mr Jones to hold him to account as CFO and to discuss any personal matters. It was vital that these meetings remained confidential. Mr Jones had left NFRS on 7 July 2023 by mutual agreement.
- The confidentiality of discussion between the PFCC and Mr Jones was also subject to a legal agreement.

The PFCC was asked what his understanding was of the reason for Mr Jones's resignation. The PFCC responded that the statements issued to the public and staff members on 7 July 2023 had stated that Mr Jones had been affected by injuries.

The PFCC was asked if he had considered whether any health issues that led to Mr Jones's resignation were associated with his employment with NFRS. The PFCC responded that Mr Jones had never raised any issues relating to NFRS at his regular meetings with the PFCC. The PFCC did not believe that the working environment at NFRS was a factor in Mr Jones's decision.

The PFCC was asked whether Mr Jones's notice period had been waived or whether any other financial settlement had been made. The PFCC responded that he was bound by a confidentiality agreement and could not discuss the specifics of the mutual agreement for Mr Jones's departure. Information would be published in the 2023/24 Statement of Accounts as required.

The PFCC was asked what progress had been made by Mr Jones or NFRS generally to address the outcome of the HMICFRS 2021/22 inspection and the significant concern represented by the 'requires improvement' finding in the People category, particularly with reference to ensuring fairness and promoting diversity. The PFCC was also asked how many female and BME firefighters were employed by NFRS. The PFCC made the following points:

- The 'requires improvement' rating was clearly a concern and addressing it was a key priority for the PFCC and NFRS. NFRS was pushing ahead with cultural change thanks to the hard work of all staff members. It had implemented the Serving with Pride programme and all staff members had participated in surveys and workshops to understand issues and inform improvements.
- There was a clear view of what needed to be done, a committed approach and real progress was now being made. However, at the time of Mr Jones's departure there remained various unresolved matters, including relationship issues

between NFRS and other professionals. As the Monitoring Officer for NFRS Ms Marzec was heavily involved in trying to address these issues.

- NFRS employed nearly 500 firefighters. Female and BME firefighters made up a relatively small proportion of the total. He would need to confirm the exact numbers to the Panel.

The PFCC was asked whether Mr Jones or he had encountered resistance to attempts to address the concerns raised by HMICFRS, either by utilising direct recruitment or otherwise, to improve diversity in the workforce. The PFCC made the following points:

- His priority was delivering an efficient and effective NFRS. Attracting good people was vital to achieving this priority and he made no apology for trying to do this.
- NFRS staff members had overwhelmingly embraced the Serving with Pride programme.
- The FBU nationally were opposed to direct entry to senior positions in Fire and Rescue services. He believed that this was part of the opposition to the appointment of Ms Marzec as interim CFO. He did not agree with the FBU's view.
- When Mr Jones was recruited as CFO two of the four shortlisted candidates had not been firefighters and staff members had not raised concerns about this. Several other Fire and Rescue services already had CFOs who were not firefighters.
- The HMICFRS spotlight report on values and culture in Fire and Rescue services also encouraged that adverts for senior leadership roles should only require operational incident command experience if absolutely necessary for the role.

Decisions relating to the appointment of Ms Marzec

The PFCC was asked what advice he had obtained from Human Resources at NFRS about the selection process for an interim CFO. The PFCC made the following points:

- HR was a shared service. He had involved the Head of HR in discussions about interim arrangements.
- He had sought legal advice from EMPLS on interim arrangements as had been done for the appointment of an interim Chief Constable at the start of 2023. This had resulted in advice that an individual already employed in the organisation could be appointed to act up without a confirmation hearing.
- It was correct that EMPLS had been contacted for legal advice on 27 June 2023 and Mr Jones had resigned on 7 July 2023. It was reasonable to infer from these dates that the PFCC had been aware of Mr Jones's departure before the day it was announced, although discussions between them had to remain confidential.

Panel members asked the PFCC related supplementary questions. The PFCC made the following additional points:

- The reference in the email to EMPLS of 27 June 2023 to not proceeding with recruitment of a new CFO reflected that the recruitment consultant needed to support recruitment was not in place at that point. Simon Tuhill had also not started as Deputy CFO. That was why an interim arrangement was necessary.
- The recruitment of Mr Tuhill as Deputy CFO had been conducted in an open and appropriate way. Mr Tuhill had been appointed on a three-year contract with a view to him developing towards the CFO role with the support of Mr Jones.

- There was no long-term plan to appoint Ms Marzec. It reflected the need for an interim appointment, the need to address the outcomes of the HMICFRS inspection and the expectation of a further inspection. The intention was that Ms Marzec would focus on corporate elements of the CFO's role whilst Mr Tuhill covered the operational elements.
- There were clear processes relating to the dismissal of a CFO including consulting with HMICFRS. They were not relevant in this case as Mr Jones had resigned.
- HMICFRS had published a national report on values and culture across all Fire and Rescue services. This included an example of poor culture from NFRS. The appointments of Mr Jones and then Ms Marzec were intended to help to address this situation. The PFCC had also been informed by a public survey of attitudes to community safety in Northamptonshire.

The PFCC was asked how he ensured compliance with NFRS Recruitment Procedures when he carried out the selection of Ms Marzec. The PFCC responded that there had not been a recruitment process as he was not recruiting a CFO in this case but making an interim appointment. Ms Marzec had had no interest in the permanent role. There were many precedents for interim appointments from within an organisation being made without a recruitment process.

Panel members asked the PFCC related supplementary questions. The PFCC made the following additional points:

- Part of the reason for appointing an interim CFO to carry out the role for up to 12 months was that he anticipated being criticised if he had sought to appoint a permanent CFO less than a year before the next PFCC election.
- It took at least three months to recruit a permanent CFO.
- Mr Tuhill had not commenced employment as Deputy CFO at the point Mr Jones left. The appointment of an interim CFO was intended to help to manage this transition and to support Mr Tuhill.
- The PFCC had not been involved in the selection of Mr Tuhill as Deputy CFO. The PFCC had met Mr Tuhill when he had applied for the CFO position through the recruitment process that had resulted in the appointment of Mr Jones.

The PFCC was asked whether he had invited expressions of interest from the NFRS senior management team in the role of interim CFO. The PFCC made the following points:

- There was only one other permanent member of the NFRS senior management team in post at the time when Mr Jones left.
- It would not have been appropriate to make acting up arrangements that resulted in Mr Tuhill as Deputy CFO reporting to an interim CFO who held a less senior substantive position in NFRS.
- Ms Marzec was an experienced senior leader and was already the Monitoring Officer for NFRS. The PFCC believed that she could make a positive impact in a limited time.

The PFCC was asked whether he had advertised the interim CFO role externally and, if not, how the decision was made to appoint an external candidate under the NFRS recruitment policy. The PFCC responded that the role had not been advertised externally as it was a temporary acting up appointment not a permanent one.

The appointment had been made on the basis that he believed Ms Marzec could make a positive contribution in the time that she held the role.

The PFCC was asked what selection criteria were applied to assess the suitability of the candidate for the role. The PFCC made the following points:

- The process followed reflected that this was a temporary arrangement and not a formal selection for a permanent appointment. Ms Marzec's suitability had been assessed against the CFO job description and current priorities.
- Ms Marzec was a proven senior leader with experience of delivering organisational change in challenging environments. She had an understanding of NFRS, had worked on relevant strategic projects and could help to maintain the momentum of change. The PFCC believed that Ms Marzec was more than qualified to be appointed as interim CFO.
- The PFCC had not interviewed Ms Marzec but had met with her to outline his expectations and priorities.

The PFCC was asked about the exact nature of the role that had been offered to Ms Marzec; whether it was the entire CFO role or part of it and the period of the interim appointment. The PFCC made the following points:

- Ms Marzec had been appointed to act up as CFO on a temporary basis to advance the strategic and corporate business of NFRS. At that point NFRS had two Assistant CFOs with significant operational experience, who were joined by a third when Mr Tuhill started as Deputy CFO on 18 July 2023.
- Ms Marzec did not need to have operational experience to carry out the role of interim CFO, as was demonstrated by examples of other Fire and Rescue services led by CFOs who had not been firefighters.
- The interim appointment was intended to run for the short term whilst a permanent CFO was recruited and would have been kept under review.

The PFCC was asked what offer of employment had been made to Ms Marzec in relation to remuneration and other terms and conditions and who had decided these matters. The PFCC made the following points:

- Ms Marzec had been asked to take on the role of interim CFO whilst retaining some existing OPFCC responsibilities. She would have been remunerated with an honorarium representing a full year increase of £35K on her substantive salary. This remuneration had been discussed with Ms Marzec who had not wanted to receive the full salary that Mr Jones had received as CFO as she did not have operational experience.
- Ms Marzec had not taken any additional remuneration for the short period in which she had been interim CFO.
- There had been no changes to Ms Marzec's substantive terms and conditions.
- The PFCC was responsible for deciding the remuneration and other terms and conditions for the appointment and had done so after taking legal and HR advice. He considered that the legal and HR advisors involved had been fully informed about the matters in question.

Decisions regarding a confirmation hearing

The PFCC was asked who had taken the decision to obtain legal advice relating to holding a confirmation hearing for the proposed appointment of an interim CFO,

when the legal advice had been requested and when provided. The PFCC made the following points:

- He had wanted legal advice and had asked Ms Marzec, as OPFCC Monitoring Officer, to obtain it.
- Legal advice had been sought on 27 June 2023 and had been received on the same day. Mr Jones had resigned as CFO on 7 July. Recruitment of a permanent CFO would take at last three months, which showed the need for interim arrangements.

The PFCC was asked what instructions were provided to the lawyer in relation to the nature of the interim CFO role and the period of employment and who provided those instructions. The PFCC advised that emails set out in appendix A to the report presented to the Panel showed the clarification sought from EMPLS. In response to a supplementary question the PFCC subsequently stated that all necessary disclosures had been made about his friendship with Ms Marzec. Many inaccurate comments had been made about this matter: Ms Marzec had never worked for the PFCC's private businesses nor received any money from them.

The PFCC was asked if he had considered whether Ms Marzec would have a conflict of interest through being involved in seeking advice or taking decisions about her own appointment as interim CFO. The PFCC made the following points:

- One of the OPFCC Monitoring Officer's responsibilities was to provide strategic advice to the PFCC. Seeking legal advice was part of doing this. He did not think that this case involved a conflict of interest as Ms Marzec was asking questions on behalf of the PFCC.
- The PFCC had taken all decisions relating to the appointment of Ms Marzec as interim CFO, not Ms Marzec.

The PFCC was asked whether he had read the legal advice received and was satisfied that it had been obtained appropriately and constituted comprehensive advice that he could rely on. The PFCC made the following points:

- EMPLS was a skilled and experienced legal team. He had read the legal advice it had provided and was content with it: otherwise he would not have taken the decision to appoint Ms Marzec as interim CFO.
- He accepted that when legislation was not specific it created the scope for different interpretations. The Panel had received different legal advice on whether the appointment of an interim CFO should be subject to a confirmation hearing. The PFCC could have sought further legal advice but by that point he had already requested the Panel to hold a confirmation hearing.

Panel members asked the PFCC related supplementary questions. The PFCC made the following additional points:

- Action was taken to ensure there was not a conflict between Ms Marzec's substantive and interim roles. Decisions relating to expenditure that were normally delegated to the CFO would have been exercised by the PFCC and the OPFCC Chief Finance Officer whilst the interim appointment was operating.
- He had needed to act at pace when dealing with the situation resulting from Mr Jones's resignation. He had provided the Panel with the legal advice and rationale for decisions about appointing an interim CFO. He had contacted the Panel Chair on 7 July before communications were sent out to NFRS staff

members and the media. With hindsight he should have engaged more with the Panel on this matter, although he had attempted to do this subsequently.

- He did not have the resources to take legal action regarding reporting of his relationship with Ms Marzec. However, he had made a referral to the Independent Press Standards Organisation.

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

The PFCC was asked if he had a friendship with Ms Marzec outside their professional relationship and what the nature of that friendship was. The PFCC made the following points:

- He had worked with Ms Marzec for six years and they had an effective working relationship that had produced good results. They had become personal friends with common interests, which he had never sought to hide.
- If he had been aware of gossip and speculation about this friendship he would have given further consideration to the approach taken on this matter in that context.

The PFCC was asked if he had ever had any personal financial or business arrangements with Ms Marzec. The PFCC responded that this had never been the case. He had already declared this as part of the Statement of Accounts for the OPFCC.

The PFCC was asked if he had made any previous decisions that had resulted in promotion, improved terms and conditions or salary increases in relation to Ms Marzec. The PFCC made the following points:

- He had appointed Ms Marzec and Paul Bullen in January 2019 to share the role of OPFCC Chief Executive and Monitoring Officer. These appointments had been subject to confirmation hearings by the Panel. Ms Marzec had carried on the role when Mr Bullen had subsequently moved to a new position. This reflected normal practice relating to a job-sharing where one of the parties involved leaves.
- In 2021 he had commissioned an external review of senior management salaries in the OPFCC, which resulted in changes to all salaries.

The PFCC was asked if he had ever declared an interest in relation to decisions he was involved in about the promotion or terms and conditions or performance of Ms Marzec. The PFCC made the following points:

- He declared all interests that he believed to be relevant to his role as PFCC.
- He always had a professional relationship with Ms Marzec and acted in accordance with relevant requirements. He believed that friendships outside of work did not compromise professional relationships.

The PFCC was asked if he considered that he had failed to follow the Nolan Principles or breached the OPFCC Code of Conduct at any time in relation to this matter. The PFCC made the following points:

- He did not consider that he had failed to follow the Nolan Principles or breached the OPFCC Code of Conduct. He took pride in having public trust. He had followed requirements and made decisions in the best interests of residents and services. The decision to appoint Ms Marzec as interim CFO had been taken

impartially, fairly and on merit, using the best evidence and without bias or discrimination.

- He had spoken with a range of stakeholders following Mr Jones's resignation. He had sought to brief the Panel but this had not been possible. He had then written to Panel members.
- He prided himself on leading by example and treating others with respect. He believed that the decision to appoint Ms Marzec as interim CFO was right. He accepted that the process could have been better and regretted this. He respected the work of frontline staff members and would never seek to undermine them.

Panel members asked the PFCC related supplementary questions. The PFCC made the following additional points:

- The vote of no confidence passed by the FBU did not reflect the response he received when visiting NFRS fire stations.
- The OPFCC Code of Conduct paragraph 6.1 related to permanent appointments. This case concerned an interim arrangement intended to provide cover whilst a permanent CFO was recruited.

Panel members queried when the PFCC had contacted the Chair to inform him of Mr Jones's resignation and the interim arrangements. The Chair made the following points:

- The PFCC had contacted him on 7 July 2023 at around 12.48 pm before issuing a press release at 1.00 pm. It would have been difficult for the Chair to inform other Panel members of the situation in this short period.
- He had contacted the Panel's Monitoring Officer to discuss the situation at the earliest opportunity, on 10 July. It might have been possible to obtain external legal advice for the Panel quicker if this matter had not arisen on a Friday.

The Deputy Chair advised that she had been contacted by the PFCC at a later time on 7 July but had not been involved in the request to obtain legal advice for the Panel.

Actions of the PFCC in relation to the departure of Ms Marzec

The PFCC was asked when and why he had decided not to refer the appointment of Ms Marzec as interim CFO to the Panel for a confirmation hearing. The PFCC made the following points:

- NFRS staff members were advised of Mr Jones's resignation by an email sent on 7 July 2023 at 1.29 pm. A press release was issued at 3.28 pm.
- He had taken the decision that a confirmation hearing was not required based on the legal advice received from EMPLS relating to a temporary acting-up arrangement. He had informed the NFRS leadership team immediately on 7 July and had then spoken to the Panel Chair and Deputy Chair. He had acted quickly to address the need that had arisen.
- With hindsight he should have engaged more with the Panel. He did try to address this by seeking to hold a briefing for Panel members in week commencing 10 July 2023. This had not gone ahead. He understood this was because the Panel's Monitoring Officer had raised concerns about a briefing taking place if a confirmation hearing was subsequently required.

The PFCC was asked whether Ms Marzec had chosen to resign as interim CFO or had been invited to do so and whether Ms Marzec had served her notice period. The PFCC responded that it had been Ms Marzec's decision. The OPFCC had complied with contractual requirements in relation to her departure.

The PFCC was asked whether Ms Marzec had chosen subsequently to resign from her substantive role as OPFCC Chief Executive and Monitoring Officer or had been invited to do so and whether Ms Marzec had served her notice period. The PFCC responded that Ms Marzec had chosen to resign. The OPFCC had complied with contractual requirements in relation to her departure.

Panel members commented that Ms Marzec had done good work on areas including early intervention and her departure was a loss to the OPFCC. The response to her appointment as interim CFO would have been awful to experience and involved an element of sexism. The PFCC should take appropriate responsibility for decisions that had contributed to this situation. The PFCC made the following additional points:

- Ms Marzec had made her own decision to resign but he believed this had been influenced by the level of public speculation about her personal life and the feeling that her professional capability had been insulted. The suggestion that she could only have been appointed interim CFO through nepotism was sexist.
- He agreed that Ms Marzec's resignation was a tragedy for the OPFCC and was not in the interests of Northamptonshire.

The PFCC was asked whether Ms Marzec had received a payment in lieu of notice to settle her departure from her interim or her substantive roles, what the total value of any settlements was in each case and who made the decision about any settlements paid. The PFCC responded that Ms Marzec's departure had been in accordance with her terms and conditions: there was no settlement package. The details were confidential but information would appear in a future Statement of Accounts as required.

In response to a question the PFCC confirmed that Ms Marzec had previously acted up as interim CFO for a short period when Darren Dovey had retired as CFO. Panel members noted that this interim appointment had not been brought to the Panel.

The PFCC's overall reflections

The PFCC was asked what errors he thought he had made in relation to the appointment of the interim CFO and what he would do differently if faced with the same situation in future. The PFCC made the following points:

- With hindsight he would have sought a confirmation hearing on the proposed appointment despite legal advice that this was not necessary. Responding quickly to the situation following Mr Jones's resignation had created the appearance that the process had not been sufficiently transparent.
- Ms Marzec was well-qualified to carry out the role of interim CFO. He did not regret appointing her but regretted the way it had been done.
- He had tried to arrange a briefing for Panel members in week commencing 10 July and had then sought a retrospective confirmation hearing, setting aside the legal advice received by the OPFCC.

- He had contacted the Home Office regarding the question of whether a confirmation hearing was required for interim appointments. The Home Office had confirmed that there was no provision for this. He had shared the response with the Association of Police, Fire and Crime Commissioners.

In response to a question the Director Legal and Democratic advised that it would not have been appropriate for Panel members to receive a private briefing from the PFCC on the appointment of an interim CFO given that the Panel might subsequently need to hold a confirmation hearing or other public meeting on this matter. It was important that the Panel followed correct processes.

The PFCC was asked if he understood why concerns had been raised about his actions relating to the appointment of an interim CFO and why questions had been asked about whether he could continue as PFCC. The PFCC made the following points:

- He understood that there were many strands of opposition to the appointment that he had sought to make.
- He wished that he had engaged with the Panel more in relation to the appointment, to enable it to assess Ms Marzec's capabilities to carry out the role of interim CFO.
- He regretted that Ms Marzec had been denigrated by comments that she had no relevant experience for the role of interim CFO when this was not the case.
- He recognised that the FBU was opposed to direct entry to senior positions in Fire and Rescue services.
- He had not been aware of gossip and speculation about his friendship with Ms Marzec. If he had been aware he would definitely have requested a confirmation hearing to ensure transparency. He had subsequently sought to do this but Ms Marzec had resigned before a confirmation hearing could have been convened.
- He valued the work of the Panel and was disappointed if the recent situation had undermined the good relationship that he had with it.
- He accepted the public concerns about the recent situation and admitted that the process he had followed could have been better.

In response to a question arising from the points raised by public speakers the PFCC stated that Ms Marzec's substantive workplace had been Darby House, Wellingborough. Since the COVID-19 pandemic OPFCC staff members had been able to work remotely. Ms Marzec had sometimes worked from the PFCC's office in Brackmills. This had been declared as necessary and the office had appropriate security arrangements. When Ms Marzec had worked from this office she had absolutely been carrying out OPFCC business.

The Chair invited the PFCC to make any final comments to the Panel. The PFCC made the following points:

- He regretted the process followed for the appointment that had got to the current position. If he could make the appointment again he would appoint the same person but do so differently.
- The only outcome he had sought from the appointment was to benefit NFRS and Northamptonshire residents.
- When he had taken responsibility for the governance of NFRS it had been in a very difficult financial position, with no reserves or capital programme. Since

then, he had increased its budget by around £8m per year and invested in the capital programme. NFRS had been able to recruit firefighters and had acquired its first new fire appliances in 10 years.

- There was further work still to do. He would continue to advocate for NFRS and wanted it to have the leadership it deserved. He would seek to raise the bar in relation to addressing the issues that NFRS still faced.

In response to a question the PFCC stated that he agreed with the commissioner fire and rescue authority governance model but also recognised that there were other models that could meet local needs in different areas.

The Chair highlighted that the Panel had now reached the end of the information-gathering phase of the meeting and would move on to consider potential conclusions and recommendations. The Chair thanked the PFCC for his attendance.

[The meeting was adjourned for 15 minutes at this point. The PFCC left during the adjournment and returned to the meeting when the Panel reached a resolution].

The Chair invited the Panel to consider potential conclusions arising from the information it had gathered and any resulting resolutions or recommendations. Panel members made the following points during the course of discussion:

- Questions had been raised about the appointment of Ms Marzec as interim CFO on the basis that she did not have operational experience. The 2021 annual report by the Chief Inspector of Fire and Rescue Services supported direct entry. The Fire and Rescue National Framework did not require CFOs to have operational experience. There were already other Fire and Rescue services with CFOs who had not been firefighters.
- The HMICFRS 2021/22 inspection of NFRS raised the need to change its culture. Mr Jones had been recruited as CFO to do this. The FBU had objected to his appointment and to the subsequent appointment of Ms Marzec. All of the factors that had contributed to the level of opposition needed to be appreciated.
- Information available to the Panel called into question the PFCC's argument that an interim CFO had needed to be appointed quickly ahead of the British Grand Prix. It appeared that the decision to do so was made before this.
- The PFCC had not given clear and full answers to the Panel's questions about when he had first been aware that Mr Jones was considering retiring and the reasons for this. This undermined the Panel and did not provide reassurance.
- The PFCC had stated that matters relating to Mr Jones's departure had to remain confidential. The Panel had no information that called this into question.
- References to other Fire and Rescue services with CFOs who had not been firefighters were misleading as these appointments would have resulted from a recruitment and selection process. Public authorities needed to follow due process.
- It was suggested that the PFCC had breached the OPFCC Code of Conduct paragraph 6.1 by being involved in the appointment of a personal friend.
- Ms Marzec should not have been asked to seek legal advice on a matter that involved her.
- The PFCC had said that he did not have a close personal relationship with Ms Marzec. The only indication to the contrary came from reports in the media. The OPFCC Code of Conduct paragraph 6.1 did not apply.

- There was information that indicated the PFCC had a close personal relationship with Ms Marzec.
- Information seen by the Panel indicated that the PFCC had known about Mr Jones's potential departure before 7 July 2023 and therefore had sufficient time to have informed the Panel earlier.
- It was not democratic that Panel members had found out about Mr Jones's resignation and the appointment of Ms Marzec from the media and then had had to wait two months to scrutinise the matter.
- Ms Marzec had been appointed as the interim CFO. Many points raised at the current meeting related to permanent appointments.
- Communications between the PFCC and the Panel on this matter could have been better.
- The legal advice obtained by the PFCC and the Panel on the question of whether a confirmation hearing was required to appoint an interim CFO had reached different conclusions.
- It was standard business practice for health and financial matters relating to an employee to be confidential.
- The PFCC had said that he made an error of judgement on this matter.
- The Panel could not base its conclusions just on reports in the media.
- The Panel should recommend improvements to communications between the PFCC and the Panel.
- The Panel should recommend training for the PFCC in some aspects of the role. He had been in the role for seven years but requirements did change over time.
- There seemed to be a clear indication that procedures had not been followed in relation to the appointment of Ms Marzec as interim CFO. The PFCC had lost the confidence of firefighters.
- The PFCC had taken advice and had concluded that he could act in a particular way. However, it might be recommended that he should follow processes more closely in future.
- The PFCC's conclusion that he could proceed without a confirmation hearing was wrong and it was unacceptable that he did not recognise this. The argument that a confirmation hearing was not necessary for an interim appointment conflicted with previous practice.
- It was suggested that the PFCC had not abided by the Nolan Principles on this matter.
- The PFCC had held the role for seven years and so should have dealt with this matter better without the benefit of hindsight.
- The PFCC had explained that he had appointed Ms Marzec for an interim period and how she was qualified for the role. He had taken legal advice that a confirmation hearing was not required. He had subsequently been prepared to request a confirmation hearing but Ms Marzec had resigned by that point.
- There was not sufficient evidence to reach a conclusion that the PFCC had breached the Nolan Principles.
- The Panel's role was to act as critical friend. It did not reflect this to call for a vote of no confidence in the PFCC. The Panel should focus on supporting a better approach in the future.
- The PFCC should have regard to public perceptions of the way he carried out his role. The PFCC also needed to maintain the trust and confidence of NFRS and Northamptonshire Police personnel.

- The full process for appointments to statutory positions should be followed whether an appointment was permanent or interim. This had not been done in this case.
- The PFCC had stated that he was friends with Ms Marzec outside of work. This did not reflect the importance of separation between the PFCC and the OPFCC Monitoring Officer. It could also have made it more difficult for the individual to carry out their role of advising the PFCC.
- The Panel should not discount media reporting in considering its conclusions on this matter and should recognise the level of concern that had been raised.
- The Home Office needed to give clear guidance about whether interim appointments to statutory positions should be subject to a confirmation hearing.
- All Panel members were likely to support the principle that both interim and permanent appointments to statutory positions should be subject to confirmation hearings in future. The Panel could recommend that this be done in future.
- The PFCC had apologised for the situation that had occurred and acknowledged that in retrospect he should have requested a confirmation hearing for the appointment of Ms Marzec as interim CFO. Ultimately, this was a relatively small mistake that was not grounds for resignation or a vote of no confidence by the Panel.
- NFRS was in a stronger position now than when responsibility for it was transferred from Northamptonshire County Council to the PFCC. The PFCC governance model was instrumental in this. Some did not like the model but it had worked in Northamptonshire.
- The Panel should also learn from recent experience where necessary. The Chair and Deputy Chair should have informed other Panel members about the information given by the PFCC on 7 July 2023.
- It was not acceptable that the PFCC had twice made interim appointments to statutory positions without involving the Panel.
- Northamptonshire voters would be able to have their say on the current PFCC at the election in eight months' time.

The Director Legal and Democratic provided advice during the course of discussion as follows:

- Codes of conduct generally contained a provision like that in the OPFCC Code of Conduct paragraph 6.1. The individual concerned needed to take a view, informed by advice, about the nature of their connection with the other party. A friendship could constitute a close personal relationship. It was ultimately a matter of individual judgement.
- The current meeting was not a conduct hearing. The Panel should focus on considering whether there were any areas for improvement in the way that the PFCC had carried out his functions and, if so, on making recommendations intended to address them.
- Formally, the Panel's role was to scrutinise and support the PFCC not to hold to account the PFCC.

The Democratic Services Assistant Manager advised during discussion that any conclusions reached by the Panel needed to be objective and evidence based. If the Panel reached conclusions that were open to challenge this risked undermining the outcomes that the Panel was trying to achieve.

The Chair acknowledged points raised during discussion about communication within the Panel. When elected to the position in June 2023 he had spoken about the opportunity for the Panel to do more training and to have more regular engagement with NFRS and Northamptonshire Police. More continuity and more connections between Panel members in the time between Panel meetings would be generally beneficial.

Mr Taylor requested an opportunity to reply to issues relating to firefighters that had been raised during the meeting. The Chair responded that the current meeting was not the right forum for a wider discussion but another opportunity might be arranged. The Director Legal and Democratic further advised that the Panel should not treat one public speaker differently to others.

After all Panel members had had the opportunity to comment Mrs Shields proposed and Councillor McGhee seconded a motion that the Panel agree it had no confidence in the PFCC's ability to carry out his role with impartiality.

On being put to the vote there were three votes in favour, seven votes against and one abstention. The motion was therefore not carried.

Councillor Irwin proposed a motion stating that the Panel notes the error of judgement made by the PFCC in respect of a recent appointment. The Panel is disappointed that reputational damage has been done to the PFCC's office. The Panel invites the PFCC to outline how he will amend his approach to communications in future so that probity in process is transparent and that all due procedures will be followed. This was seconded by Councillor Gonzalez De Savage.

The Director Legal and Democratic advised the Panel to consider positively identifying the specific actions that it thought should be taken rather than leaving this to the PFCC to determine. The Chair noted that specific actions could be added to the proposal that had been made. Panel members subsequently commented that recommendations should include the production of an action plan setting out responses to particular actions, which could then be monitored by the Panel.

The Democratic Services Assistant Manager summarised potential resolutions arising from the discussion, which were considered and refined by the Panel as follows:

The Panel notes the error of judgement made by the PFCC in respect of a recent appointment. The Panel is disappointed that reputational damage has been done to the PFCC's office. The Panel recommends actions in the following areas:

- *Improved communications between the PFCC and the Panel*
- *Training for the Commissioner in relation to the OPFCC Code of Conduct*
- *The addition to the OPFCC Code of Conduct paragraph 6.3 (Appointment and other Employment Matters) of a specific definition of 'close personal relationships'*
- *The addition to the NFRS 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 PFCC of an action plan dealing with these areas that is reported back to the Panel.*

The Panel writes to the Home Office regarding the need for clarity about whether interim appointments by PFCCs 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 panel.

The Panel expects interim appointments by the PFCC to the positions of Chief Constable, Chief Fire Officer, Deputy Commissioner, Chief Executive of the Commissioner's Office and Chief Finance Officer of the OPFCC to be subject to confirmation hearings in future.

The Panel agrees to hold a future meeting with the PFCC and Fire Brigades Union representatives.

The Chair proposed that the Panel also resolve to recommend that the PFCC recognise and acknowledge the importance of the discussion at the current meeting.

On being put to the vote there were nine votes in favour, one against and one abstention. It was therefore:

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.

The Chair thanked all present for their participation in the meeting.

The PFCC thanked the Panel for its time and would consider and respond to its recommendations. The PFCC also thanked FBU representatives and members of the public for their contributions at the meeting.

177. **Urgent Business**

There were no items of urgent business.

The meeting closed at 5.30 pm

Chair: _____

Date: _____