



NORTHAMPTONSHIRE
POLICE, FIRE & CRIME
COMMISSIONER

Stephen Mold

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Park Farm Industrial Estate,
Wellingborough, NN8 6GS

Cllr David Smith
Chair
Northamptonshire Police, Fire & Crime Panel

By Email: David.Smith@westnorthants.gov.uk

21 November 2023

Dear David,

Panel Recommendations

I apologise for the delay in responding to the recommendations in your report of September 19. I assure you that I take this matter extremely seriously, and I have reflected at length on the issues that have been raised, and my relationship with you and the Panel.

I will address each of the points that you raised in turn.

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.**

I will work even harder to communicate and engage with the Panel. I have been clear that I regret the process I followed in the summer and with hindsight, I should have engaged with the Panel at a much earlier stage. I understand that it would have been in everyone's interests had I discussed my plans and reasoning as soon as I could and sought the Panel's views on the process.

I have been in regular communication with the Panel since that time, regarding the appointments that have now been or are being made. You have my commitment that my office and I will engage sooner, and better, in future.

Having an open and honest dialogue is in everyone's interests. I have always tried to provide briefings and to keep you informed and I will ensure that my team do better at this.

• Training for the Commissioner in relation to the Office of the Police, Fire and Crime Commissioner Code of Conduct

I have, with my Monitoring Officer, re-read and reflected on the code of conduct. I can assure you that I have refreshed my understanding of what the Code of Conduct requires.

I will ensure that the Monitoring Officer regularly reviews the Code of Conduct to ensure it remains current.

I hope this meets the intention of your recommendation.

• 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’

This will be done.

The Monitoring Officer is reviewing other Codes of Conduct to find good practice, so that a suitable, clear definition on what constitutes a ‘close personal relationship’ may be added.

I will write to you again to inform you when this has been updated.

• 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.

This is being done.

When the section has been reworded, it will need to be subject to the appropriate internal consultation before it is included in a revised procedure, at which point I will write to you again to inform you that it has been updated.

• The production by the Commissioner of an action plan dealing with these areas that is reported back to the Panel.

Please consider this letter to be that action plan – I will summarise the actions that have been or are being taken against your recommendations at the end.

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.

This is an action for the 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.

I have committed to involving and engaging with you about the process to be followed in appointing interims. However, I have recently had clarity from the Home Office that the appointment of an interim Chief Constable is exempted from the need for a confirmation hearing when the interim is the serving Deputy Chief Constable. I attach that guidance for you here.

d) The Panel agrees to hold a future meeting with the Police, Fire and Crime Commissioner and Fire Brigades Union representatives.

This is a decision for the Panel to take. I am sure the Panel will consider also that there are other Trades Unions and staff associations representing employees in Northamptonshire Fire and Rescue Service, as there are for Northamptonshire Police officers and staff.

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.

I assure you in the strongest possible terms that I recognise the importance of the discussion that has taken place.

I have always aimed to have a positive and constructive relationship with the Panel and its members. I take my role as an elected representative very seriously and I have the utmost respect for the democratic role of the Panel to challenge me as a critical friend.

I have spent a long time reflecting on what happened. I say again that I would reserve my right to make the same appointment, but I would do it differently. I regret how the matter has been used for many different political ends, and the damage that has been caused.

I want only to ensure that the passionate, committed staff of both Northamptonshire Fire and Rescue Service and Northamptonshire Police have the best leaders so that they can do the best for the people of this county.

I welcome the opportunity to involve you more closely in the future and I assure you that I will do.

From the above, my action plan is:

- To review and refresh my understanding of the Code of Conduct - I have done so.
- To ensure that the Code of Conduct is regularly reviewed and updated by the Monitoring Officer.
- To add a definition of 'close personal relationships' – this is in hand, and I will confirm to you when it is done.
- To write to you when a paragraph has been added to the Recruitment and Selection Procedures – this is in hand, and I will confirm to you when it is done.
- I attach the guidance on the appointment of an interim Chief Constable who is a serving Deputy.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Stephen Mold', written in a cursive style.

Stephen Mold
Northamptonshire Police & Fire Crime Commissioner

Appointment of Acting Chief Constable

Extract from an email exchange with colleagues at the Home Office in relation to confirmation hearings for temporary appointments of a chief constable:

I am emailing following our discussions and the PFCC's communication with the Minister's office about whether there is a need to undertake a confirmation hearing process, for the temporary appointment of a Chief Constable. We have reviewed the legislation and, though we cannot give legal advice, in our view there is no requirement for the panel to be consulted. There is a specific provision for interim arrangements (Section 41 of the Police Reform and Social Responsibility Act 2011) which enables the Deputy Chief Constable to "act up" for an interim period. This is separate to Section 38 of the same Act, which sets out the process for substantive Chief Constable appointments, for which a confirmation hearing must be held.

This is different to the position with regard to the appointment of a Chief Fire Officer. Legislation on that issue does not contain a provision equivalent to section 41 of the Police Reform and Social Responsibility Act 2011. In the absence of such provision, it is our view that appointment of an interim CFO must follow the same process as for permanent appointments.

Section 41 of Police Reform and Social Responsibility Act 2011 [emphasis added]

41 Power of deputy to exercise functions of chief constable

- (1) **The appropriate deputy chief constable of a police force may exercise or perform any or all of the functions of the chief constable of the force—**
- (a) **during any period when the chief constable is unable to exercise functions,** or
- (b) at any other time, with the consent of the chief constable.
- (2) **For the purposes of subsection (1), the appropriate deputy chief constable is—**
- (a) **if the police force has only one deputy chief constable, the deputy chief constable;**
- (b) if the police force has more than one deputy chief constable, the most senior deputy chief constable.
- (3) If the police force has more than one deputy chief constable, the chief constable must designate the deputy chief constables in order of seniority for the purposes of subsection [\(2\)\(b\)](#).
- (4) During any absence, incapacity or suspension from duty of the person who—
- (a) is designated as the most senior deputy chief constable for the purposes of subsection [\(2\)\(b\)](#),
- or

- (b) is treated under this section as the most senior deputy chief constable, the person designated as the next most senior deputy chief constable is to be treated as the most senior one for the purposes of subsection [\(2\)\(b\)](#).
- (5) The assistant chief constable designated for this purpose by the chief constable of the force may exercise any or all of the chief constable's functions during any period when—
 - (a) the chief constable is unable to exercise functions, and
 - (b) a deputy chief constable is unable to exercise functions.
- (6) The chief constable of the force must designate an assistant chief constable of the force for the purposes of subsection [\(5\)](#).
- (7) Only one person is authorised to act at any one time by virtue of a designation by the chief constable.
- (8) The chief constable must consult the relevant police and crime commissioner before making a designation for the purposes of subsection [\(2\)\(b\)](#) or [\(5\)](#).
- (9) This section is without prejudice to any other enactment that makes provision for a person other than the chief constable to exercise the chief constable's functions.
- (10) In a case where a deputy chief constable or assistant chief constable (the “acting chief constable”) is authorised by subsection (1)(a) or (5) to exercise or perform functions of a chief constable—
 - (a) section 38(2) and (3) apply in relation to the acting chief constable as they apply in relation to the chief constable (and references to chief constables in those provisions, and in other enactments relating to those provisions, are to be read accordingly); and
 - (b) section 39(4) and (5) or section 40(3) and (4) do not apply in relation to the acting chief constable.
- (11) In this section—
 - (a) “police force” means the police force for a police area listed in Schedule 1 to the Police Act 1996 (police areas outside London);
 - (b) **a reference to a period when the chief constable is unable to exercise functions is a reference to a period when—**
 - (i) **the chief constable is absent, incapacitated or suspended from duty,** or
 - (ii) the office of chief constable is vacant;

- (c) a reference to a period when a deputy chief constable is unable to exercise functions is a reference to a period when—
 - (i) the deputy chief constable, or each of the deputy chief constables, is absent, incapacitated or suspended from duty, or
 - (ii) the office of deputy chief constable, or of each deputy chief constable, is vacant.