



Police and Crime Panel

Date	Friday 4 November 2022
Time	11.00 am (or following the conclusion of the Police and Crime starting at 10.00 a.m.)
Venue	Committee Room 2, County Hall, Durham

Business

Part A

**[Items during which the Press and Public are welcome to attend.
Members of the Public can ask questions with the Chairman's
agreement]**

1. Apologies for absence
2. Substitute Members
3. Declarations of interest, if any
4. Confirmation Hearing - Proposed Appointment of Chief of Staff for the Office of the Police and Crime Commissioner - Report of the Head of Legal and Democratic Services (Pages 3 - 18)
5. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration
6. Any resolution relating to the exclusion of the public during the discussion of items containing exempt information

Part B

Items during which it is considered the meeting will not be open to the public (consideration of exempt or confidential information)

7. Confirmation Hearing - Proposed Appointment of Chief of Staff for the Office of the Police and Crime Commissioner - Report of the Head of Legal and Democratic Services
8. Such other business, as in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration

Helen Lynch
Monitoring Officer

County Hall
Durham
27 October 2022

To: **The Members of the Police and Crime Panel**

Durham County Council

Councillors D Boyes, L Hovvels, D Nicholls, J Nicholson (Vice-Chair), R Potts,
A Savory and M Simmons

Darlington Borough Council

Councillors B Jones (Chair), L McCollom and M Renton

Independent Co-opted Members

Mr N Hallam and Mr R Rodiss

Contact: Martin Tindle

Tel: 03000 269 713



Durham Police and Crime Panel

4 November 2022

Proposed appointment of Chief of Staff for the Office of the Police and Crime Commissioner

Report of Helen Lynch, Head of Legal and Democratic Services, Clerk to the Police and Crime Panel

Electoral division(s) affected:

None

Purpose of the Report

- 1 To explain the confirmation hearing process and for the Panel to consider the report from the Police and Crime Commissioner (PCC) for the proposed appointment to the role of Chief of Staff.

Executive summary

- 2 The Police Reform and Social Responsibility Act 2011 requires the Panel to scrutinise senior appointments proposed by the PCC. This is done by way of a confirmation hearing.
- 3 A confirmation hearing is a meeting of the Panel, held in public, at which the proposed candidate is requested to appear for the purpose of answering questions relating to the appointment. This report explains the confirmation hearing process and the role of the Panel and attached a report provided by the PCC which provides the required information relating to the proposed appointment.

Recommendations

- 4 The Police and Crime Panel are asked to
 - (a) Note the process to be followed in respect of the confirmation hearing

- (b) Consider the report provided by the PCC and recommendation to appoint Andrea Petty as Chief of Staff of the Office of Police and Crime Commissioner, which is attached at appendix 2.
- (c) To respond to the PCC, endorsing the appointment or otherwise in accordance with the Police Reform and Social Responsibility Act 2011.

Background

- 5 Schedule 1, Paragraph 6(1)(a) of the Police Reform and Social Responsibility Act 2011 provides that the “Police and Crime Commissioner must appoint a person to be the head of the commissioner’s staff (referred to in this Part as the Commissioner’s Chief Executive)”.
- 6 The previous Chief Executive, Steve White left the Office of Police and Crime Commissioner (OPCC) in August 2022. The OPCC therefore advertised the role of Chief of Staff with a closing date of 30 September 2022 and interviews were held on 11 October 2022.

Notification of proposed appointment and Confirmation Hearing

- 7 Schedule 1 of the Police Reform and Social Responsibility Act 2011 requires that the following process is followed in respect of senior appointments:
- i) the PCC notifies the Panel of the proposed appointment
 - ii) the PCC provides the Panel with specific information in relation to the proposed candidate and the appointment – this must include the name of the proposed candidate, the criteria used to assess the suitability of the candidate, how the candidate has satisfied the criteria and the terms and conditions on which the candidate is appointed.
 - iii) within three weeks of receiving notification from the PCC, the Panel must hold a public confirmation to question the candidate;
 - iv) within the same three-week period, the PCP must write a report which includes a recommendation as to whether the individual should be appointed; and
 - v) the PCP’s report must be published
 - vi) in response to the Panel’s report, the PCC must notify the Panel whether they will accept or reject the recommendation. There is no duty for the PCC to give reasons for their decision.
- 8 It is important to note that the Panel has no power of veto over the appointment of Chief Executive/Chief of Staff.
- 9 The details to be provided (as set out at paragraph 7(ii) above) in respect of this appointment to the role of Chief of Staff are attached at Appendix 2 to this report.

- 10 Attached at Appendix 3 to the report is a procedure note which sets out how the Confirmation Hearing will be conducted. The procedure to be followed is consistent with the Local Government Association and Centre for Public Scrutiny publication “Police and Crime Panels – Guidance on Confirmation Hearings (August 2021) and The Police Reform and Social Responsibility Act 2011.

Background papers

- Police and Crime Panels – Guidance on Confirmation Hearings [police-and-crime-panels-on-confirmation-hearings.pdf \(cfgs.org.uk\)](https://www.cfgs.org.uk/policy-and-research/policy-and-crime-panels-on-confirmation-hearings.pdf)

Other useful documents

- None

Contact: Helen Lynch

Tel: 03000 269732

Appendix 1: Implications

Legal Implications

The report sets out the Panel's role and responsibilities in respect of the scrutiny of senior appointments to the OPCC. The procedure for confirmation hearings appended to the report is consistent with the legislative requirements under the Police Reform and Social Responsibility Act 2011 and the LGA and Centre for Governance and Scrutiny guidance in respect of confirmation hearing.

Finance

There are no financial implications for the Panel arising from this report. However, it is a requirement that the PCC notifies the Panel of the terms and conditions relevant to the role to be appointed to.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

None

Climate Change

None.

Human Rights

None

Crime and Disorder

This is a key focus of the role of the Police and Crime Commissioner and Police and Crime Panel.

Staffing

The report relates to the proposed appointment to the role of Chief of Staff. The PCC is required to appoint to this role under the Police Reform and Social Responsibility Act 2011.

Accommodation

None

Risk

None

Procurement

None.

Police and Crime Panel

4th November 2022

Appointment of Chief of Staff

Report of the Durham Police and Crime Commissioner



Purpose

The purpose of this report is to notify the Police and Crime Panel of the proposed appointment of the Chief of Staff for the Police and Crime Commissioner for Durham and to request that they review the proposed appointment and make a recommendation to the Commissioner about the appointment.

Background

1. The Police Reform and Social Responsibility Act 2011 (the Act), Schedule 1, Section 6, requires the Police and Crime Commissioner to appoint a Chief Executive.
2. The Act also requires Police and Crime Panels to scrutinise senior appointments proposed by the Police and Crime Commissioner. Schedule 1 paragraph 9 (1) of the Act defines senior appointments as the Commissioner's Chief Executive, Chief Finance Officer and the Deputy Police and Crime Commissioner.
3. The Commissioner must notify the Panel of the following information:
 - (a) The name of the person she is proposing to appoint.
 - (b) The criteria used to assess the suitability of the candidate for the appointment.
 - (c) Why the candidate satisfies the criteria; and
 - (d) The terms and conditions on which the candidate is to be appointed.
4. Schedule 1 paragraph 10 of the Act requires the Panel to review the proposed appointments and report back to the Commissioner which must include a recommendation as to whether the candidate should be appointed. This must be done within a period of three weeks beginning with the day on which the Panel receives the notification from the Commissioner of the proposed senior appointment(s).
5. Schedule 1 paragraph 11 of the Act requires the Panel to hold a confirmation hearing before making a report and recommendation under paragraph 10 to the Police and Crime Commissioner in relation to a proposed senior appointment.
6. Schedule 1 paragraph 12 allows the Police and Crime Commissioner the right to accept or reject the Panel's recommendation and she must notify the Panel of her decision.

Job Specification

7. The post holder is the statutory monitoring officer and Chief Executive to the PCC and is required to ensure effective corporate governance and to support and advise the PCC in carrying out her statutory duties.
8. The job description as advertised is as follows:

PURPOSE

To provide visible leadership, managerial support and direction, and policy advice to the PCC in all its existing and future duties, to ensure the successful delivery of the PCC's Police and Crime Plan, and national, regional and local responsibilities. The post will fulfil the statutory Chief Executive role as per relevant legislation.

KEY AREAS OF RESPONSIBILITY

1. To lead and develop the OPCC staff to maintain a high performing, cohesive, skilled, and responsive team, equipped and capable of meeting the responsibilities and objectives of the PCC.
2. To nurture a culture of high performance and continuous improvement amongst the OPCC team.
3. To provide the PCC with an effective policy and strategy development and delivery function that enables her to produce and drive effective plans based on evidence and community views.
4. To be the strategic lead for external relations, building and managing partnerships with local, regional, and national stakeholders at appropriate levels to support the delivery of the PCC's objectives.
5. To ensure that the PCC has effective systems in place to hold the Chief Constable to account for the delivery of the Police and Crime Plan and other policing matters.
6. To provide the PCC with effective media, communications and engagement functions that influence and promote their objectives
7. To lead the development of effective systems for commissioning of local services, based on local needs and harnessing the resources of partners
8. To seek out and engage with opportunities nationally to promote the work of the PCC, influence national policymaking, and contribute actively to the work of the Association of Policing and Crime Chief Executives and other bodies.
9. To ensure that all corporate policies and processes meet statutory requirements (e.g. equality and diversity, and data protection) and are of a standard that enables the OPCC to operate efficiently, effectively, and transparently.

The duties and responsibilities outlined above cannot encompass or define all tasks which may be required of the post holder. The outline of duties and responsibilities given above therefore may vary from time to time without materially changing either the character or level of responsibility and these factors are reflected in the grade applied to the post. On occasion, there will be a requirement for out of hours working to meet business need.

SCOPE

Direct responsibility and performance management of the OPCC staff, including volunteers

Effective discharge of the PCC budget

Oversight of the strategic and financial performance of the Constabulary and estates budgets

Direct influence on Durham Constabulary, with broader influencing role encompassing criminal justice agencies and local authorities

Vetting required. This is a Politically restricted post.

PERSON SPECIFICATION

- Proven track record of achievement at senior management level within a complex organisation.
- Degree or relevant professional qualification or equivalent level of experience.
- Ability to work under pressure, work on own initiative, and have a flexible approach to meet the demands of the role.
- Excellent leadership skills including people management and leading beyond authority. Outstanding ability to build and motivate high performing teams to develop and achieve organisational objectives
- Excellent communication and presentational skills, able to engage both internally and externally at the highest level and across the widest range of audiences and partners.
- Highly developed political understanding and experience with the interpersonal skills to negotiate, persuade and influence.
- The ability and experience to build credible effective working relationships and partnerships up to and including Chief Executive Officers / Chief Constables and equivalents.
- Proven ability to exercise outstanding judgement when faced with challenging decisions, at the same time as remaining objective and impartial.
- Demonstrable experience of policy development including evidence analysis and options development and appraisal
- Experience of influencing the development and delivery of local services, including an understanding of commissioning and procurement processes
- Experience of leading the full range of business processes including programme and project management.
- Possess a commitment to equality and diversity, and excellent public service.
- Full UK Driving Licence and ability to travel"

Appointment process

9. The post was advertised internally and externally and a total of 13 applications were received. A further 2 applications were received late. All applications were assessed against the above job description. The PCC then chaired an interview panel, on Tuesday 11th October 2022, consisting of:

- a. The Leader of Darlington Borough Council
 - b. The Corporate Director for Adult Care at Durham County Council
 - c. The Deputy Police and Crime Commissioner
 - d. The PCC Chief Finance Officer
 - e. Durham Constabulary HR Manager
10. It is proposed that Ms Andrea Petty be appointed as Chief of Staff as she is the most suitable candidate in terms of carrying out the above role. This proposal is made subject to the receipt of satisfactory references and all relevant clearances.

Ms Petty has worked for Durham County Council for approx. 32 years, in a variety of roles and is currently Strategic Manager for Partnerships which she has held since July 2017. She has significant experience of partnership working, policy development, working with elected members, staff management and budget management. She has also been involved in peer review work in Local Government and has experience of regional working.

In her interview, Ms Petty demonstrated a very good understanding of the requirements of the role of Chief of Staff. She was able to effectively answer a broad range of questions dealing with:

- Staff leadership and Management
- Accountability issues and processes
- Commissioning and Partnership working
- The challenges facing the Office of the PCC.
- Regional and national working and influence

The Panel considered Ms Andrea Petty to be suitable for the role of Chief of Staff.

Terms and Conditions

11. Ms Petty is to be appointed to the position on a salary of circa £73,300 based on 37 hours per week although it is acknowledged that as a senior member of the PCC's staff the post holder will have a wider commitment than this. The appointment will be subject to a 6 month probationary period.

Recommendations

12. In accordance with the Police Reform and Social Responsibility Act 2011, Schedule 19 (1) the Panel is invited to:
- (i) Review the proposed appointment of Ms Petty as the Chief of Staff for the Police and Crime Commissioner for Durham.
 - (ii) Hold a confirmation hearing to inform a report on the proposed appointment.

- (iii) To make a recommendation to the Commissioner as to whether Ms Petty should be appointed in accordance with Schedule 1 10 (4) of the Act.

This page is intentionally left blank

Confirmation Hearing Procedure

Purpose

The confirmation hearing should be a short and focused meeting, which follows a two stage process.

- i) The Panel will question the candidate to determine if he/she meets the criteria set out in the role profile and whether they possess the professional competence and personal independence to carry out the role: and
- ii) The Panel will determine whether to endorse the candidate's appointment or recommend that the candidate should not be appointed. This second stage of the hearing will be held in closed session (see below).

At the start of the hearing

At the start of the hearing the Chair will outline the order of business and will explain the process and powers of the Panel. The candidate will be permitted to ask any procedural questions before the questioning starts.

The Panel will question the candidate and will ensure that the candidate is treated fairly and politely at all times.

Stage One – Questions to the candidate

The confirmation hearing should compliment, rather than duplicate, the other internal systems for appointing staff. Lines of questioning must relate to areas of professional competence and personal independence and used to get the maximum value out of the process.

Questioning will rely on the documents provided to support the Panel's deliberations.

LGA guidance suggests that broad questioning themes should be developed, such as evidence that the candidate has:

- An understanding of the various stakeholders that would need to be involved and engaged with (and in what way, with what outcome) in the development and delivery of a major strategy (professional competence)
- A pragmatic understanding of the separation of the PCC from operational responsibility.

Questions which do not relate to the professional competence and personal independence of the candidate are likely to be inappropriate. The Chair is to be aware of and manage any inappropriate questions. The LGA guidance gives the following examples of inappropriate questions:

- Relating to personal political (or other) views of the candidate – e.g. whether the candidate agrees or disagrees with the police and crime plan
- Seeking to substantively hold to account the candidate for decisions made in a previous role, unless they are phrased in such a way that directly relates to (for example) learning lessons from past practice
- On what the candidate will do, substantively, once in post (i.e. questions relating to operational strategy)
- Which are hypothetical and designed to obtain the candidate's views on a position of local controversy.

At the end of stage one, the candidate has the opportunity to clarify any answers that he or she has given in the course of the hearing, and ask any procedural questions of the Panel, for example about the next steps of decision-making process.

Stage Two – Decision Making

Immediately following the conclusion of questioning and points of clarification, the Panel will go into closed session to determine whether to endorse the candidate's appointment or recommend that the candidate should not be appointed. The Monitoring Officer or a representative of the Monitoring Officer should be present to provide advice to the Panel.

At this point the Panel will need to evaluate whether it feels the candidate has the professional competence and personal independence as set out in the role profile. Suggested areas of evaluation include:

Professional Competence

- Do they have the ability and insight to work across multiple different agencies to achieve PCC's priorities, and wider priorities for the area?
- Do they have the ability to respond, credibly and proportionately to pressures such as the need to make short-term responses to unexpected requirements?
- Do they have the ability to translate strategic objectives into operational change on the ground?

Personal Independence

- Do they have the ability to advise the Police and Crime Commissioner, but to resist any attempt at improper influence?
- Do they have the ability and confidence to take personal responsibility for relevant successes and failures?

Endorsement

If the Panel is content with the proposed appointment, it can agree to report to the Police and Crime Commissioner its endorsement of the appointment.

Refusal to endorse

If the Panel determines that the candidate does not meet the standards in the role, providing advice to the Police and Crime Commissioner in the form of a letter is the only option to the Panel.

Where a candidate meets the standards but the Panel has concerns about suitability, such concerns can form part of the Panel's report and recommendations to the Police and Crime Commissioner.

Making recommendations

Following the confirmation hearing, the Chair of the Panel will write to the Police and Crime Commissioner to outline the decision and any recommendations of the Panel. A copy of the letter will also be sent to the Candidate.

The LGA guidance recommends that the Panel wait five working days before it publishes any information about its recommendations. The Panel should also ensure that the Police and Crime Commissioner has received and acknowledged the Panel's recommendations before making its recommendations public.

October 2022

This page is intentionally left blank