

## **Durham Police and Crime Panel**

**1 July 2025**

### **Confirmation Hearing - Appointment of a Deputy Police and Crime Commissioner**

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#### **Report of Helen Bradley, Monitoring Officer and Clerk to the Panel**

##### **Purpose of the Report**

1. To provide information to Panel Members on the process to be undertaken to hold a confirmation hearing for the position of Deputy Police and Crime Commissioner (Deputy PCC) and to consider a report from the Police and Crime Commissioner (the Commissioner) on the proposed appointment of the Deputy PCC.

##### **Executive summary**

2. The Police Reform and Social Responsibility Act 2011 ('the Act') provides, under Section 18(1), that the Commissioner for a police area may appoint a person as the Deputy PCC for that area.
3. Schedule 1, Paragraph 9, of the Act, the Commissioner must notify the Police and Crime Panel ("the Panel") of their proposed appointment to the post of 'Deputy PCC'.
4. The Commissioner must also notify the Panel of the following information:
  - (a) The name of the person whom the commissioner is proposing to appoint ("the candidate");
  - (b) The criteria used to assess the suitability of the candidate for the appointment;
  - (c) Why the candidate satisfies those criteria; and
  - (d) The terms and conditions on which the candidate is to be appointed.

5. The Panel, in accordance with Schedule 1, Paragraph 10 of the Act, must review the proposed appointment and make a report to the Commissioner on the proposed appointment, including a recommendation as to whether or not the candidate should be appointed.
6. The confirmation hearing must be held within three weeks beginning with the day on which the Panel receives notification from the Commissioner of the proposed appointment.
7. The Commissioner must notify the Panel of the decision whether to accept or reject the recommendation of the Panel.

## **Recommendation**

8. Members of the Panel are recommended to:
  - (a) note the process to be followed for the confirmation hearing for the appointment of the Deputy PCC.
  - (b) consider the report of the Commissioner shown at Appendix 3 and review the proposed appointment of Graham Hall as the Deputy PCC; and
  - (c) make recommendations to be included in the report to the Commissioner as to whether or not the candidate should be a report.
  - (d) Delegate authority to the Monitoring Officer and Clerk to the Panel in consultation with the Chair to finalise and publish the report to the Commissioner.

## **Background**

9. The Panel have the functions conferred by Schedule 1, Paragraph 10 of the Police Reform and Social Responsibility Act 2011 (Scrutiny of Senior Appointments). This enables the Panel to:
  - (a) Review the proposed appointment, by holding a confirmation hearing within three weeks of notification being given. A 'confirmation hearing' is a meeting of the Panel, held in public, at which the candidate is requested to appear for the purpose of answering questions relating to the appointment;
  - (b) Make a report to the Commissioner on the proposed senior appointment;
  - (c) Include a recommendation to the Commissioner as to whether or not the candidate should be appointed;
  - (d) Publish the report to the Commissioner made under (b).
10. Section 18(1) of the Police Reform and Social Responsibility Act 2011 ('the Act') provides that the Commissioner for a police area may appoint a person as the Deputy police and crime commissioner for that area.
11. Part 1 of the Police and Crime Commissioner Review conducted by the Home Office concluded that to enhance resilience and capacity of Police and Crime Commissioners, legislation will come forward to mandate the appointment of a Deputy PCC. In the interim, Commissioners are expected to have a formal succession plan in the event of a vacancy or incapacitation.
12. The Police and Crime Commissioner for Durham (the Commissioner) has notified the Panel of her intention, in accordance with the Act, to appoint a Deputy PCC. Therefore, the Panel are now required to hold a confirmation hearing to consider the appointment.

## **Confirmation Hearing for the appointment of a Deputy Police and Crime Commissioner**

13. The Clerk to the Panel received formal notification from the Commissioner of the proposed appointment of Mr Graham Hall to the role of Deputy Police and Crime Commissioner on 10 June 2024. A copy of Commissioners report with regard to the proposed appointment is attached at Appendix 3.
14. The appointment is subject to the public scrutiny that is required as part of a proposed senior appointment within the meaning of Schedule 1 of the Police Reform and Social Responsibility Act 2011.

15. In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner has provided a report detailing the following:
  - (a) Name of the preferred candidate;
  - (b) The criteria used to assess the suitability of the candidate for the appointment;
  - (c) A report from the Commissioner stating why the preferred candidate meets criteria of role; and
  - (d) Terms and conditions of appointment.

## **The Process**

16. The first part of the meeting will be conducted in public and structured as follows:
  - (a) The Chair will welcome the candidate to the meeting and make appropriate introductions.
  - (b) Apologies for absence
  - (c) Declarations of Interests
  - (d) The Chair will ask the Clerk to the Panel to briefly outline the format for the hearing.
  - (e) The Chair will ask the candidate if he has any questions on the procedure.
  - (f) The Chair will invite the Commissioner to outline the proposed appointment and introduce the candidate.
  - (g) The Chair will invite the Panel members to ask questions of the candidate which relate to his professional competence and personal independent, the answers to which will enable the Members to evaluate the candidate's suitability for the role.
  - (h) When all Panel members' questions have been asked and addressed the Chair will invite the candidate to clarify any answers that he has given during the hearing and to ask any questions of the Panel, for example about the next steps in the process.
  - (i) The Panel will be asked to agree a resolution to exclude the press and public from the meeting, and will go into closed session to consider their report and recommendations in relation to the appointment.

17. The Panel will need to consider and discuss the following:
  - (a) Whether the candidate has the professional competence to exercise the role as set out in the role profile.
  - (b) Whether the Panel feels that the candidate has the personal independence to exercise the role.
18. Since Deputy PCC appointments are likely to be political, a lower standards of independence might be expected, reflecting the fact that their role is to provide political support and directly assist the Commissioner in the delivering her vision and priorities. There is no requirement for the Commissioner to conduct a formal recruitment process in selecting her Deputy.
19. The Local Government Association/Centre for Governance and Scrutiny Guidance on confirmation hearing acknowledges that as a political appointment, the role of a Deputy Commissioner is less able to be tested in terms of professional judgement and expertise. However, the Panel still need to assure themselves of the understanding by the candidate of his role, the position of the commissioner and the operational independence of the chief constable.
20. Where a candidate meets the standards expected by the Commissioner for the political appointment of Deputy PCC, but there is cause for concern about his suitability, it may be appropriate to outline those concerns in the Panel's response to the Commissioner.
21. The Panel do not have a power to veto the proposed appointment. In instances where a candidate does not meet the minimum standards, this would suggest a significant failure in the appointments process undertaken by the Commissioner. If the Panel believes that there has been a significant failure in the appointments process, the Panel may choose to not recommend the candidate to the role of Deputy PCC.
22. Following the confirmation hearing, the recommendations of the Panel will be communicated to the Commissioner in writing. The Commissioner must notify the Panel of the decision whether to accept or reject the recommendation of the Panel. A guidance note with regard to the Procedure is attached at Appendix 4.

### **Background papers**

None.

### **Other useful documents**

None.

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**Contact:** Helen Bradley

Tel: 03000 269732

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## **Appendix 1: Implications**

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### **Legal Implications**

As detailed within the report there is a requirement to hold a confirmation hearing within three weeks of notification to consider the proposed appointment in accordance with the Police Reform and Social Responsibility Act 2011

### **Finance**

The remuneration of the Deputy PCC is met by the budget held by the Durham Police and Crime Commissioner.

### **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. The appointment of the Deputy PCC allows the PCC to enhance resilience to deliver the objectives of the Commissioner.

### **Staffing**

The report proposes the appointment of a Deputy PCC. In accordance with Section 18(10) of the Act, the Deputy police and crime commissioner is a member of the police and crime commissioner's staff.

### **Accommodation**

None

### **Risk**

None

### **Procurement**

None.

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## **Appendix 2: Relevant extracts from the Police Reform and Social Responsibility Act 2011**

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### **Section 18 Police Reform and Social Responsibility Act 2011 Delegation of functions by police and crime commissioners**

1. The police and crime commissioner for a police area may –
  - (a) appoint a person as the Deputy police and crime commissioner for that police area, and
  - (b) arrange for the Deputy police and crime commissioner to exercise any function of the police and crime commissioner.
2. A police and crime commissioner may arrange for any person (who is not the Deputy police and crime commissioner) to exercise any function of the commissioner.
3. But a police and crime commissioner may not -
  - (a) appoint a person listed in subsection (6) as the Deputy police and crime commissioner;
  - (b) arrange, under subsection (1)(b) or (2), for the Deputy police and crime commissioner or any other person to exercise a function that the police and crime commissioner has under or by virtue of Part 2 of the Police Reform Act 2002 (see instead section 23(2)(pa) of that Act and regulations made under that provision);]
  - (c) arrange for the Deputy police and crime commissioner to exercise a function listed in subsection (7)(a), (e) or (f);
  - (d) arrange, under subsection (2), for a person listed in subsection (6) to exercise any function; or
  - (e) arrange, under subsection (2), for any person to exercise a function listed in subsection (7).
4. A Deputy police and crime commissioner may arrange for any other person to exercise any function of the police and crime commissioner which is, in accordance with subsection (1)(b), exercisable by the Deputy police and crime commissioner.
5. The persons referred to in subsections (3)(a) and (c) and (5) are –
  - (a) a constable (whether or not in England and Wales);
  - (b) a police and crime commissioner;
  - (c) the Mayor's Office for Policing and Crime;

- (d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime;
- (e) the Mayor of London;
- (f) the Common Council of the City of London;
- (g) any other person or body which maintains a police force;
- (h) a member of the staff of a person falling within any of paragraphs (a) to (g).

### **Schedule 1, Paragraph 8, Police Reform and Social Responsibility Act 2011**

1. This paragraph applies to a person appointed under section 18 by a police and crime commissioner to be the Deputy police and crime commissioner.
2. None of the following may be appointed as the Deputy police and crime commissioner –
  - (a) a person who has not attained the age of 18 on the day of the appointment;
  - (b) a person who is subject to a relevant disqualification;
  - (c) a Member of the House of Commons;
  - (d) a member of the European Parliament;
  - (e) a member of the National Assembly for Wales;
  - (f) a member of the Scottish Parliament;
  - (g) a member of the Northern Ireland Assembly.
3. The terms and conditions of a person appointed as the Deputy police and crime commissioner must ensure that the term of office ends no later than the sixth day after the day of the poll at the next ordinary election of police and crime commissioners (that is, the day on which the term of office of the appointing police and crime commissioner would, if there were no vacancy in the office before then, end in accordance with section 50(7)(b)).
  - 3A. The terms and conditions must also provide for the Deputy police and crime commissioner's appointment to end when, following an election held under section 51 to fill a vacancy in the office of the appointing police and crime commissioner, the person elected makes and delivers a declaration of acceptance of office under section 70(1).



- 3B. Subject to sub-paragraphs (3) and (3A), the terms and conditions may make such provision about termination as the appointing police and crime commissioner thinks appropriate.]
4. Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the Deputy police and crime commissioner.
5. . . .
6. For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under—
- (a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or
  - (b) section 66(1), (3)(a)(iii) or (iv), (3)(c) or (3)(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices).

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**Section 65 of Police Reform and Social Responsibility Act 2011**  
**Disqualification from election or holding office as police and crime commissioner: police grounds**

1. A person is disqualified from being elected as, or being, a police and crime commissioner if the person—
- (a) is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);
  - (b) is a member of—
    - (i) the British Transport Police Force;
    - (ii) the Civil Nuclear Constabulary;
  - (c) is a special constable appointed—
    - (i) under section 27 of the Police Act 1996 for a police area or the City of London police area;
    - (ii) under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force);
  - (d) is a member of staff of the chief officer of police of any police force maintained for a police area;
  - (e) is a member of staff of—
    - (i) a police and crime commissioner;

- (ii) the Mayor's Office for Policing and Crime;
- (g) is the Mayor of London;
- (h) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;
- (h) is a member (including a member who is chairman or chief executive), or member of staff, of—
  - (i) the British Transport Police Authority;
  - (ii) the Civil Nuclear Police Authority;
  - (iii) the [Independent Office for Police Conduct];
  - (iv) the Serious Organised Crime Agency;
  - (v) . . .
- (i) holds any employment in an entity which is under the control of—
  - (i) a local policing body;
  - (ii) any body mentioned in paragraph (h);
  - (iii) the chief officer of police for any police force maintained for a police area or the City of London police area;
  - (iv) the chief officer of police for any police force mentioned in paragraph

**Section 66 of Police Reform and Social Responsibility Act 2011**  
**Disqualification from election or holding office as police and crime commissioner: other grounds**

1. A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68).
2. A person is disqualified from being elected as, or being, a police and crime commissioner if the person—
  - (a) is disqualified from being a member of the House of Commons under section 1(1)(a) to (c) of the House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces), or
  - (b) is a member of the legislature of any country or territory outside the United Kingdom.
3. A person is disqualified from being elected as, or being, a police and crime commissioner if—
  - (a) the person is the subject of—
    - (i) a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986;

- (ii) an interim debt relief restrictions order under paragraph 5 of that Schedule;
  - (iii) a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;
  - (iv) a bankruptcy restrictions interim order under paragraph 5 of that Schedule;
- (b) a debt relief restrictions undertaking has effect in respect of the person under paragraph 7 of Schedule 4ZB to that Act;
  - (c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or
  - (d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).
4. For the purpose of subsection (3)(c)—
- (a) “imprisonable offence” means an offence—
    - (i) for which a person who has attained the age of 18 years may be sentenced to a term of imprisonment, or
    - (ii) for which, in the case of such a person, the sentence is fixed by law as life imprisonment;
  - (b) a person is to be treated as having been convicted -
    - (i) on the expiry of the ordinary period allowed for an appeal or application in respect of the conviction, or
    - (ii) if an appeal or application is made in respect of the conviction, when the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution.
5. A person is disqualified from being elected as, or being, police and crime commissioner for a police area if the person –
- (a) is a member of staff of a relevant council, or
  - (b) holds any employment in an entity which is under the control of a relevant council within subsection (7)(a), (b), (c) or (f).

**Section 67 Police Reform and Social Responsibility Act 2011  
Disqualification of person holding office as police and crime commissioner**

A person becomes disqualified from being a police and crime commissioner upon becoming a member of—

- (a) the House of Commons;
- (b) the Scottish Parliament;
- (c) the National Assembly for Wales;
- (d) the Northern Ireland Assembly;
- (e) the European Parliament.