

SOUTH YORKSHIRE POLICE AND CRIME PANEL

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	Thursday 9th June 2016
3.	Title:	Procedure to be followed in respect of the Appointment of a new Chief Constable
4.	Directorate:	Finance and Customer Services

5. Summary

To inform the Panel of the procedure to be followed, in respect of the confirmation of the appointment of a new Chief Constable.

6. Recommendations

That the Panel notes the procedures to be followed as set out below.

7. Proposals and Details

7.1 The recruitment process in respect of a new Chief Constable has started. The Commissioner is arranging a rigorous selection process. This process will culminate in a confirmation hearing held by the police and crime panel (PCP), as described below. This report explains the process for the PCP's scrutiny of the police and crime commissioner's (PCC) proposed chief constable appointment. The report does not cover the whole of the PCC's appointment process for chief constables, but focuses on the role of the PCP in scrutinising the appointment.

7.2 Part 1 of Schedule 8 of the Police Reform and Social Responsibility Act 2011 ("the Act") deals with the appointment of chief constables, and sets out a process by which the PCP must consider a proposed appointment at a confirmation hearing and make a recommendation as to whether the candidate is to be appointed. It gives the panel a power of veto over a proposed appointment, provided that two thirds of the total membership of the panel agrees. The process is described below and shown in a flowchart at Annex A.

7.3 Notification of the Proposed Appointment

The first stage of the process is the notification of the proposed appointment:

(1) A PCC must notify the relevant police and crime panel PCP of each proposed appointment of a chief constable by the commissioner.

(2) In such a case, the PCC must also notify the relevant PCP 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.

7.4 Review and Report on the proposed appointment

The next stage of the process is for the PCP to review and report on the proposed appointment:

(1) The panel must review the proposed appointment.

(2) The panel must make a report to the commissioner on the proposed appointment.

(3) The report must include a recommendation to the PCC as to whether or not the candidate should be appointed.

(4) The panel must comply with the requirements above within the period of three weeks beginning with the day on which the panel receives the notification from the commissioner of the proposed appointment.

(5) The panel must publish the report to the commissioner made in accordance with the above requirements.

7.5 Power to veto proposed appointment

(1) The PCP may, having reviewed the proposed appointment, veto the appointment of the candidate.

(2) If the panel vetoes the appointment of the candidate, the report made under the requirements at 7.4 above, must include a statement that the panel has vetoed it.

(3) References in this process to a PCP vetoing the appointment of a candidate are references to the panel making a decision, by the required majority, that the candidate should not be appointed as chief constable.

(4) For that purpose, the panel makes that decision by the required majority if at least two-thirds of the persons who are members of the panel at the time when the decision is made vote in favour of making that decision.

(5) The power of veto may only be exercised in relation to a proposed appointment during the period of three weeks mentioned at 7.4(4) above.

7.6 Confirmation hearing

The forum at which the above matters are considered by the Panel is the Confirmation hearing.

(1) A PCP must hold a confirmation hearing—

(a) before making a report under paragraph 7.4 to the PCC in relation to a proposed appointment of a chief constable, and

(b) before making a recommendation under paragraph 7.4 (where applicable) or vetoing an appointment under paragraph 7.5 (where applicable).

(2) 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.

It is intended that the confirmation hearing in respect of the current process takes place on the 28th June 2016.

7.6 Next steps if no veto

This paragraph applies if the PCP does not veto the appointment of a candidate.

(1) The PCC may accept or reject the panel's recommendation as to whether or not the candidate should be appointed.

(2) The PCC must notify the panel of the decision whether to accept or reject the recommendation.

7.7 Next steps if veto

This paragraph applies if the PCP vetoes the appointment of a candidate.

(1) The PCC must not appoint that candidate as chief constable.

(2) If the PCP vetoes the appointment of the first candidate, Regulations require:

- the PCC to propose another individual for appointment as chief constable;
- the PCC to provide the PCP with specific information, as above, in relation to the individual and the appointment;
- the PCP to review the proposed appointment within three weeks
- the PCP to hold a public confirmation hearing to question the candidate;
- the PCP to write a report to the PCC on the proposed appointment, this must include a recommendation as to whether the individual should be appointed; and
- the PCP's report to be published as above.

8. Finance

The terms and conditions on which it is proposed to appoint the Chief Constable will be before the PCP at the confirmation hearing.

9. Risks and Uncertainties

This report sets out the appropriate procedure to be followed by the Commissioner and the involvement of the Panel in respect of the appointment of the new Chief Constable. There is a risk if the appropriate procedures are not followed, public trust in the Police and its leadership would be eroded.

10. Background Papers and Consultation

Files and correspondence held by the Legal Adviser.

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Process for PCP scrutiny of chief constable appointments

