

West Midlands Police and Crime Panel – Confirmation Hearing Procedure

Date:	25 th July 2022
Report by:	Kevin O' Keefe Chief Executive Dudley MBC, Panel Lead Officer
Chair:	To be appointed
Deputy Chair:	To be appointed
Committee Members:	<i>Cllr Alex Aitken, Cllr Gareth Moore, Cllr Kath Scott – Birmingham City Council Cllr Pervez Akhtar, Cllr Abdul S Khan – Coventry City Council Cllr Paul Bradley, Cllr Kamran Razzaq – Dudley Metropolitan Borough Council Cllr Zahir Hussain, Cllr Danny Millard – Sandwell Metropolitan Borough Council Cllr Alan Feeney – Solihull Metropolitan Borough Council Cllr Suky Samra – Walsall Metropolitan Borough Council Cllr Jasbir Jaspal – Wolverhampton City Council Kristina Murphy, Lionel Walker – Co-opted Independent Panel Members</i>

Officer Support:	Overview and Scrutiny Manager (Birmingham City Council): Amelia Murray (07825 979253) Scrutiny Officer (Birmingham City Council): Sarah Fradgley (07927 665829)
-------------------------	--

1 Introduction

- 1.1 The purpose of this report is to provide details of the notification of the Police and Crime Commissioner's preferred candidate of Chief Constable for the West Midlands, and to inform the Panel of the process for conducting confirmation hearings for this post.
- 1.2 This will enable the Panel to review the proposed appointment, and to make its recommendation to the Commissioner.
- 1.3 This is a statutory requirement for the Police and Crime Panel as part of the Police Reform and Social Responsibility Act 2011 under [Schedule 1](#) and [8](#).

2 Recommendations

- 2.1 The Panel is recommended to:
 - i. Note the confirmation hearing process set out in this report;
 - ii. Undertake a Confirmation Hearing for the appointment of the Chief Constable;
 - iii. Consider the information provided by the Police and Crime Commissioner regarding the proposed appointment, and the preferred candidate during this Confirmation Hearing; and

- iv. Agree that a report incorporating the Panel's recommendation on the appointment to be submitted to the Police and Crime Commissioner no later than 27th July 2022.

3 Background

- 3.1 The Police and Reform and Social Responsibility Act 2011 requires the Police and Crime Panel to conduct confirmation hearings for specific key appointments under Schedules 1 and 8 to the Act.
- 3.2 The Confirmation Hearing scheduled for 25th July 2022 has been arranged in accordance with Schedule 8 of the Act and relates to the proposed appointment of a Chief Constable for the West Midlands. This has been prompted by the current Chief Constable's decision to retire on or before 17th January 2023.
- 3.3 The Police and Crime Panel was informed of the process for recruiting a new Chief Constable at its Panel meeting on [15 March 2022](#).
- 3.4 The Commissioner invited the Panel to nominate a representative to observe the key stages of the recruitment process to provide assurance that a fair and transparent process was being conducted. The Panel endorsed this proposal, and Councillor Samra attended the Chief Constable Assessment Centre, which were held on March 21st and March 22nd 2022.

4 Notification

- 4.1 Under the 2011 Act, the Commissioner must provide the Panel with the following information:
 - The name of the person the Commissioner is proposing to appoint;
 - The criteria used to assess the suitability of the candidate for the appointment;
 - Why the candidate satisfied those criteria; and
 - The Terms and Conditions on which the candidate is to be appointed.
- 4.2 Appendices 1 and 2 set out the information provided by the Office of the Police and Crime Commissioner in relation to the requirements set out in 4.1. These documents are as follows:

Appendix 1 – Letter from Simon Foster, Police and Crime Commissioner to West Midlands Police and Crime Panel.

Appendix 2 – Notice of Decision from Simon Foster, Police and Crime Commissioner to West Midlands Police and Crime Panel.
- 4.3 The PCC must appoint an independent member to ensure the selection and assessment process is conducted fairly and openly, and the successful candidate is selected on merit. A copy of the Independent Member report is attached at Appendix 3.

5 The Police and Crime Panel's Role

5.1 Under the terms of the Act 2011, the Panel must:

- Review the proposed appointment;
- Make a report to the Commissioner on the proposed appointment; and
- Include a recommendation within the report which indicates whether the candidate should be appointed (subject to the Panel exercising its Power of Veto – see 5.6 below).

5.2 The Panel must review the proposed appointment and report back to the Commissioner within three-weeks of receiving the Commissioner's formal notification.

5.3 The Panel will review the proposed appointment through a confirmation hearing. 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. At this hearing, the preferred candidate will also be invited to make a statement and provide additional information to highlight they have the required professional competence and personal independence for the role of Chief Constable. Appendices 4 and 5 have been provided by the candidate to support this statement:

Appendix 4 – Biography

Appendix 5 – Presentation (to follow as supplementary agenda papers)

5.4 Following this, the Panel will hold a closed private session to deliberate on the suitability of the candidate for the role.

5.5 A report outlining the Panel's recommendation will be shared with the Commissioner no later than 27th July 2022. The content and nature of this recommendation will be determined during the closed private session. This is in accordance with Schedule 8 of the Police Reform and Social responsibility Act 2011.

5.6 The Panel has the right of veto for the appointment of this post in accordance with Schedule 8 of the Act, if it deems the candidate is not suitable for the post. A veto can only be reached when at least two thirds of the persons who are Members of the Panel at the time when the decision is made in favour of the veto. Subject to the relevant regulations, the Commissioner may not appoint a candidate that has been vetoed in this way.

5.7 The report will be published on the Panel's [website](#) following its submission to the Commissioner.

Appendices

Appendix 1 – Letter from Simon Foster, Police and Crime Commissioner to West Midlands Police and Crime Panel.

Appendix 2 – Notice of Decision from Simon Foster, Police and Crime Commissioner to West Midlands Police and Crime Panel.

Appendix 3 Report of the Independent Panel Member

Appendix 4 – Biography

Appendix 5 – Presentation (to follow as supplementary agenda papers)

Background Information

[Police Reform and Social Responsibility Act 2011 Schedule 8](#)

[The Police and Crime Panels \(Precepts and Chief Constable Appointments\) Regulations 2012](#)

[LGA/Centre for Governance and Scrutiny Guidance for Police and Crime Panels on confirmation hearings](#)