

Public Document Pack



NOTICE OF MEETING

Date and Time Friday, 2nd July, 2021 at 1.00 pm

Place Ashburton Hall, Elizabeth II Court, The Castle, Winchester

Enquiries to Hampshire.pcp@hants.gov.uk

FILMING AND BROADCAST NOTIFICATION: This meeting will be recorded and broadcast live on Hampshire County Council's website. The meeting may also be recorded and broadcast by the press and members of the public – please see the Filming Protocol available on Hampshire County Council's website

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

To enable Members to declare to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in their appointing authority's register of interests, and any other pecuniary or personal interests in any such matter that Members may wish to consider disclosing.

3. QUESTIONS AND DEPUTATIONS

To receive any questions or deputations in line with Rule 31 and 31A of the Panel's Rules of Procedure.

4. CONFIRMATION HEARING FOR APPOINTMENT TO THE ROLE OF DEPUTY POLICE AND CRIME COMMISSIONER (Pages 3 - 16)

Following notification from the Hampshire Police and Crime Commissioner of her intention to appoint the preferred candidate, Mr Luke Stubbs, to the role of Deputy Police and Crime Commissioner, for the Hampshire Police and Crime Panel to hold a Confirmation Hearing in accordance with Schedule 1 of the Police Reform and Social Responsibility Act 2011.

5. EXCLUSION OF THE PRESS AND PUBLIC

To resolve that the public be excluded from the meeting during the following item of business, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during that item there would be disclosure to them of exempt information within Paragraph 3 of Part I Schedule 12A to the Local Government Act 1972, being information relating to the financial or business affairs of any particular person (including the authority holding the information) and, further, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

While there may be a public interest in disclosing this information, namely openness in the deliberations of the Panel in determining its recommendation regarding the proposed appointment, it is felt that, on balance, this is outweighed by other factors in favour of maintaining the exemption, namely enabling a full discussion regarding the merits of the proposed appointment.

6. CLOSED SESSION TO DISCUSS THE PROPOSED APPOINTMENT TO THE ROLE OF DEPUTY POLICE AND CRIME COMMISSIONER

Following notification from the Hampshire Police and Crime Commissioner of her intention to appoint to the role of Deputy Police and Crime Commissioner, for the Hampshire Police and Crime Panel to hold a closed session to agree its recommendations

ABOUT THIS AGENDA: On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS MEETING: Members of the press and public may attend the meeting to observe the public sessions, however, to support social distancing in line with government guidance, are encouraged to observe the meeting via the webcast.

Appointed Members of the Police and Crime Panel attending this meeting qualify for travelling expenses in accordance with their Council's 'Member's Allowances Scheme', as set out in the agreed Police and Crime Panel Arrangements.

HAMPSHIRE POLICE AND CRIME PANEL

Report

Date considered:	2 July 2021		
Title:	Confirmation Hearing Process for the role of Deputy Police and Crime Commissioner		
Contact:	Democratic Services Officer to the Panel		
Tel:	0370 779 5280	Email:	Hampshire.pcp@hants.gov.uk

1. Executive Summary

- 1.1. This document explains the process to be followed by the Hampshire Police and Crime Panel (hereafter referred to as 'the Panel') in respect of the proposed appointment of the preferred candidate to the role of Deputy Police and Crime Commissioner.
- 1.2 This document summarises the Confirmation Hearing protocol, un update to which is to be agreed by the Panel at their 2 July 2021 meeting.

2. Powers of the Hampshire Police and Crime Panel

- 2.1. The Panel have the functions conferred by Schedule 1 Part 10 of the Police Reform and Social Responsibility Act 2011 (Scrutiny of Senior Appointments). This enables them to:
- (i) 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;
 - (ii) Make a report to the Commissioner on the proposed senior appointment;
 - (iii) Include a recommendation to the Commissioner as to whether or not the candidate should be appointed;
 - (iv) Publish the report to the Commissioner made under (ii).

3. Confirmation Hearing for the role of Deputy Police and Crime Commissioner

Prior to the Hearing

- 3.1 The Panel received formal notification from the Hampshire Police and Crime Commissioner (hereafter referred to as 'the Commissioner') of the proposed appointment to the role of Deputy Police and Crime Commissioner on 15 June 2021.

- 3.2 This appointment is a permanent appointment, and therefore it 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 2011¹.
- 3.3 In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner has provided the following documentation:
- Name of the preferred candidate;
 - Statement/report from the Commissioner stating why the preferred candidate meets criteria of role;
 - Terms and conditions of appointment.

At the Hearing

- 3.4 The first part of the meeting will be conducted in public and structured as follows:
- a. The candidate will be welcomed to the meeting.
 - b. The Commissioner will have the opportunity to make any comments on the candidate and the proposed appointment.
 - c. The candidate will have an opportunity to present to the Panel his understanding of the role.
 - d. The Panel will have the opportunity for to ask questions of the candidate.
 - e. The candidate will be given opportunity to clarify any answers given during the hearing and ask questions of the Panel about the next stage of the process.
- 3.5 The Panel will ask questions of the candidate which relate to his professional competence and personal independence, the answers to which will enable the Members to evaluate their suitability for the role.

On the Close of the Hearing

- 3.6 The Panel will hold a closed session in order to decide on its recommendations to the Commissioner regarding the appointment of the preferred candidate to the role of Deputy Police and Crime Commissioner at the end of the Confirmation Hearing session.
- 3.7 The Panel will discuss the following:
- Whether the candidate has the professional competence to exercise the role.
 - Whether the Panel feels that the candidate has the personal independence to exercise the role.
- 3.8 Where a candidate meets the standards expected by the Commissioner for the political appointment of Deputy Police and Crime Commissioner, but

¹ <http://www.legislation.gov.uk/ukpga/2011/13/schedule/1/enacted>

there is still cause for concern about his suitability, it may be appropriate to outline those concerns in the Panel's response to the Commissioner.

- 3.9 Where a candidate does not meet the minimum standards in the areas set out in paragraph 3.7, 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 Police and Crime Commissioner.

Following the Confirmation Hearing

- 3.10 The recommendations relating to the outcomes of the Confirmation Hearing will be communicated to the Commissioner in writing by the next working day.
- 3.11 It is suggested that a period of three working days should elapse before the embargo is lifted and the recommendations of the Panel are made public. This timeframe may, however, be varied through agreement between the Chairman of the Panel and the Commissioner, in accordance with the Panel's Confirmation Hearing protocol.

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HAMPSHIRE POLICE AND CRIME PANEL

Report

Date Considered:	2 July 2021		
Title:	Proposed appointment of Deputy Police and Crime Commissioner		
Contact name:	Richard Andrews – Head of Standards and Compliance		
Tel:	01962 871595	Email:	opcc@hampshire.pnn.police.uk

1. Executive Summary

- 1.1 The Police Reform and Social Responsibility Act 2011 ('the Act') provides, under section 18(1), that the Police and Crime Commissioner for a police area may appoint a person as the deputy police and crime commissioner for that area.
- 1.2 An outcome of Part 1 of the PCC Review conducted by the Home Office concluded that to enhance resilience and capacity of PCCs, legislation will come forward to mandate the appointment of a Deputy PCC. In the interim, PCCs should have a formal succession plan in the event of a vacancy or incapacitation.
- 1.2 Following the election in May 2021, and to address the recommendations of the PCC Review Part 1, Donna Jones, the new Police and Crime Commissioner, would like to appoint Luke Stubbs as her Deputy Police and Crime Commissioner. She has therefore notified the panel of her intention, in accordance with the Act.

2. Recommendation

- 2.1 That the Police and Crime Panel support the appointment of Luke Stubbs as Deputy Police and Crime Commissioner.

3. Background

- 3.1 The Police Reform and Social Responsibility Act 2011 (“the Act”) provides, under section 18(1), that the Police and Crime Commissioner (PCC) for a police area may appoint a person as the Deputy Police and Crime Commissioner (DPCC) for that area. The PCC can arrange for them to exercise any of their functions, except for the issuing of a Police and Crime Plan, appointing the Chief Constable, suspending the Chief Constable, or calling upon the Chief Constable to retire or resign, or calculating a budget requirement under section 43 of the Local Government Finance Act 1992.
- 3.2 There are multiple demands on a PCC’s time; the constant battle between inward facing responsibilities and outward engagement and visibility with the public. For a PCC that is focused on delivering change and increasing the visibility of the role, as well as reducing crime and making communities safer, having a Deputy PCC will assist hugely in balancing the needs of the role and serving the public. Time is also of the essence, with a shorter than normal term of office of just three years.
- 3.3 The exact functions and responsibilities to be taken on by the Deputy PCC will be finalised after the Confirmation Hearing. In general terms, the focus will be on performance and delivery monitoring in a variety of forums, enabling the PCC to focus on high visibility and public engagement functions. One area of focus for the Deputy PCC will be the engagement with health services. Mental health, and the impact on policing, are significant. The increased spend on mental health in the past six months by the Government indicates a reform of these services both nationally and in Hampshire and the Isle of Wight. The Deputy PCC will lead on the relationship management and project lead work with all health partners, local authorities and commissioned partners.
- 3.4 Community Safety Partnerships (CSPs) are vital to the future working of Hampshire Constabulary in order to reduce crime and harm in local communities. Much greater collaboration with CSPs and local authorities will be vital to the success of new initiatives from the PCC, but the number of CSPs and volume of meetings make it unmanageable for the PCC alone to attend them all, along with their other responsibilities. A Deputy PCC will assist in the attendance at and relationships with these important partners.

4. Legislative requirements for Confirmation Hearing

4.1 Name of candidate

The name of the person the PCC is proposing to appoint to the post of DPCC for Hampshire is Luke Stubbs.

4.2 **Criteria used to assess the suitability of the candidate for the appointment**

In selecting a preferred candidate, the PCC chose someone who can satisfy the following criteria:

- Forms excellent working relationships with partner organisations;
- Takes a co-operative approach to achieving priorities, including proposing effective collaboration initiatives with relevant organisations;
- Builds relationships, influence and negotiate with high ranking officials;
- Excellent awareness of political structures, procedures and policies at both a local and national level;
- Strong background in local government and other local public services;
- A skillset that complements that of the PCC;
- Available to begin in post with immediate effect.

4.3 **Why the candidate satisfies those criteria**

4.3.1 Although the DPCC is a member of the PCC's staff (s18(10) of the Act), under paragraph 8(4) of Schedule 1 of the Act the appointment of a DPCC is exempt from the requirement of Section 7 of the Local Government and Housing Act 1989, that all staff appointments should be made on merit. There is therefore no requirement for the open recruitment process that would normally apply when recruiting staff to the PCC's office.

4.3.2. The PCC has identified that a Deputy PCC as one of the most important roles in the office. In nominating Mr Stubbs for the position, the PCC has chosen someone who knows her approach, opinions and vision for Hampshire and the Isle of Wight. Knowledge of policing and criminal justice can be learnt, but the trust and ability to work very closely together is not something that can be learnt easily. The PCC has chosen an individual who has a complementary skillset and an excellent attention to detail. With a strong background in local government and health, Mr Stubbs will assist with a number of projects the PCC will be embarking on, and with a shortened term of just three years, and a lot of ground that needs covering, it is essential to have someone that can hit the ground running.

4.3.3. Mr Stubbs has declared that he is aware of the provisions of the Act as regards eligibility to be appointed. Attached at Appendix A are the relevant extracts from the Act concerning disqualification of a person from appointment to the post of DPCC which have been provided to Mr Stubbs.

4.3.4 Mr Stubbs has declared that, to the best of his knowledge and belief, he is eligible for appointment and is not subject to a relevant disqualification.

4.4 The terms and conditions on which the candidate is to be appointed

4.4.1 Under section 18(10) of the Act, the DPCC is a member of the PCC's staff. The DPCC for Hampshire will be subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC's staff. This is attached as appendix B.

4.4.2 The appointment of a Deputy PCC will not increase the budget of the office. A vacant position within the base budget of the organisation is being utilised.

5. Starting date

5.1 Mr Stubbs is able to begin in this position with immediate effect, should the PCC choose to confirm the appointment following receipt of the Panel's considerations.

Section 100 D - Local Government Act 1972 - background documents

The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)

<u>Document</u>	<u>Location</u>
Appendix A – Legislative extracts	Attached
Appendix B – Terms and Conditions	Attached

**DEPUTY POLICE AND CRIME COMMISSIONER
– DISQUALIFICATION CRITERIA**

Extracts from the Police Reform and Social Responsibility Act 2011

S18(3) The Deputy Police and Crime Commissioner

The Police and Crime Commissioner may not appoint a person listed in subsection 6 as the deputy police and crime commissioner.

- (6) 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).

Sch 1(8) Relevant extracts from paragraph 8, Schedule 1, of the 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 who is appointed as the deputy police and crime commissioner must provide for the appointment to end not later than the day when the current term of office of the appointing police and crime commissioner ends.

(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) In this paragraph “current term of office”, in relation to the appointment of a deputy police and crime commissioner by a police and crime commissioner, means the commissioner’s term of office which is running at the time the appointment is made.

(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)

S65 Disqualification from election or holding office as police and crime commissioner: police grounds

Relevant extracts from Section 65(1) of the Police Reform and Social Responsibility Act 2011

- 65 (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;
 - f) is the Mayor of London;

- g) 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 a member of staff, of-
 - (i) the British Transport Police;
 - (ii) the Civil Nuclear Police Authority;
 - (iii) the Independent Police Complaints Commission;
 - (iv) the Serious Crime Agency;
 - (v) The National Policing Improvement Agency;
- 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 (b).

S66 Disqualification from election or holding office as police and crime commissioner: other grounds

Relevant extracts from Section 66 of the Police Reform and Social Responsibility Act 2011

66

(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).

(3) A person is disqualified from being elected as, or being, a police and crime commissioner if-

- (a) the person is the subject of-
 - (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;
- (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).

S68 Citizenship condition

Relevant extract from Section 68 Police Reform and Social Responsibility Act 2011

- 68 (1) This section applies for the purposes of section 66.
- (2) A person satisfies the citizenship condition if the person is—
- (a) a qualifying Commonwealth citizen,
 - (b) a citizen of the Republic of Ireland, or
 - (c) a citizen of the Union.
- (3) For the purposes of this section, a person is a qualifying Commonwealth citizen if the person is a Commonwealth citizen and—
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
 - (b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (4) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (3)(a).
- (5) In this section the expression “citizen of the Union” is to be construed in accordance with Article 20(1) of the Treaty on the Functioning of the European Union.

Deputy Police and Crime Commissioner for Hampshire

Summary of Terms and Conditions of Appointment

Under Section 18(10) of the Police Reform and Social Responsibility Act 2011 (“the Act”) the deputy police and crime commissioner (DPCC) is a member of the PCC’s staff.

The DPCC will be employed by the PCC and be subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC’s staff.

The main terms and conditions of appointment are:

1. The DPCC will be required as a condition of appointment to make a declaration of eligibility that the appointment is held subject to the requirements of the Act and is not subject to a relevant disqualification, as defined in paragraph 8(6) of Schedule 1 to the Act.
2. Allowances – travelling and subsistence allowance will be paid at the rates applicable to the PCC’s staff. Allowances paid will be disclosed quarterly under the Elected Local Policing Bodies (Specified Information) Order 2012 (as amended) and in accordance with the Home Secretary’s determination.
3. Hours of work and salary – five days per week for which he will be paid £65,025 per annum with provision for attendance on days and at times reasonably required by the PCC which will involve work outside normal office hours. No overtime will be paid. Salary reviews will be in line with those made to the Commissioner’s salary which is set by the Home Secretary.
4. Holiday entitlement – 26 days annual leave pro rata plus public and bank holidays.
5. Pension – entitlement to join the LGPS.
6. Termination – the appointment as DPCC may be terminated at any time by the PCC and will terminate in any event upon a new PCC taking office for any reason, including the incumbent PCC reaching the end of the term of office under which the appointment is made. Three months’ notice is required by either party to terminate the contract of employment. The appointment will end if the appointee becomes disqualified under the Act.
7. Conduct – Any PCC code of conduct will apply and in addition the DPCC will be subject to the complaints process under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

8. Review – the necessity for the position and the performance of the post holder will be reviewed three months preceding the anniversary of the appointment on an annual basis.