

LEICESTER, LEICESTERSHIRE AND RUTLAND

POLICE AND CRIME PANEL – 6th March 2023

REPORT OF THE CITY BARRISTER – LEICESTER CITY COUNCIL

Confirmation Hearing Process for the role of Interim Chief Finance Officer

Purpose of Report

- 1.1. This document explains the process to be followed by the Leicester, Leicestershire & Rutland Police and Crime Panel (hereafter referred to as ‘the Panel’) in respect of the proposed appointment of the preferred candidate to the role of Interim Chief Finance Officer.
- 1.2. By way of assistance, the Local Government Association have provided guidance for the process for holding confirmation hearings which can be accessed here, [police-and-crime-panels-on-confirmation-hearings.pdf](https://www.cfgs.org.uk/policy-and-research/policy-and-research-reports/policy-and-crime-panels-on-confirmation-hearings.pdf) ([cfgs.org.uk](https://www.cfgs.org.uk))

Powers of the Leicester, Leicestershire & Rutland Police and Crime Panel

- 1.3. The Panel have the functions conferred by Schedule 1 of the Police Reform and Social Responsibility Act 2011 [Police Reform and Social Responsibility Act 2011](https://www.legislation.gov.uk/ukpga/2011/26/schedule-1) ([legislation.gov.uk](https://www.legislation.gov.uk)) (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).
- 1.4 Paragraph 6(4) of the Schedule states that the Chief Finance Officer of a Police and Crime Commissioner must meet the criteria set out in section 113 of the Local Government Finance Act 1988.

1.5 Under section 113, the person having responsibility for the administration of the financial affairs of a relevant authority shall fulfil the requirements in one (or the requirements in each) of the paragraphs in subsection (2)

(2) The requirements are that-

(a) They are a member of one or more of the bodies mentioned in subsection

(3) below:

(b) immediately before the commencement day they had responsibility for the administration of the financial affairs of any of the authorities mentioned in section 111(2)(a) to (k) above under section 151 of the 1972 Act or section 73 of the 1985 Act.

(3) The bodies are –

(a) the Institute of Chartered Accountants in England and Wales

(b) the Institute of Chartered Accountants of Scotland

(c) the Chartered Association of Certified Accountants

(d) the Chartered Institute of Public Finance and Accountancy

(e) the Institute of Chartered Accountants in Ireland

(f) the Chartered Institute of Management Accountants, and

(g) any other body of accountants established in the United Kingdom and for the time being approved by the Secretary of State for the purpose of this section.

Confirmation Hearing for the role of Interim Chief Finance Officer

1.4 On 22nd February 2023 the Panel received formal notification from the Police and Crime Commissioner (hereafter referred to as ‘the Commissioner’) of the proposed appointment to the role of Interim Chief Finance Officer. This appointment is an interim appointment, and 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 2011. In order to assist the Panel in reviewing the suitability of the preferred candidate, the Commissioner has provided the following documentation, which has been attached as an Appendix to this report:

- Name of the preferred candidate;

- Statement/report from the Commissioner stating why the preferred candidate meets the criteria of role;
- Job description
- Candidates CV (redacted)

At the Hearing

- 1.5 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 Panel will have the opportunity to ask questions of the Commissioner.
 - d. The candidate will have an opportunity to present to the Panel their understanding of the role.
 - e. The Panel will have the opportunity to ask questions of the candidate.
 - f. 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.
- 1.6 The Panel will ask questions of the candidate which relate to their professional competence and personal independence, the answers to which will enable the Members to evaluate their suitability for the role.
- 1.7 On the Close of the Hearing 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 Interim Chief Finance Officer.

At the end of the Confirmation Hearing session 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.

Where a candidate does not meet the minimum standards in the areas set out above the Panel may choose to not recommend the candidate to the role of Interim Chief Finance Officer. Where a candidate meets the standards but there is still cause for concern about their suitability, it may be appropriate to outline those concerns in the

Panel's response to the Commissioner. Where the candidate is deemed by the Panel to meet the minimum standards the Panel will recommend approval of the proposed appointment.

- 1.8 The recommendations relating to the outcomes of the Confirmation Hearing will be communicated to the Commissioner in writing by the next working day. The Panel's democratic support officer will, in consultation with the Chair of the Panel, send a report on the proposed appointment to the Commissioner confirming the Panel's recommendation as to whether or not the candidate should be appointed. Where the Panel is recommending refusal, a summary of the principal reasons will be included. The Panel will normally publish its decision and report five working days after the Confirmation Hearing has taken place. However, the Commissioner may request to the Chair that the Panel bring forward or delay publication of the decision.
- 1.9 In response to the Panel's report, the Commissioner must notify the Panel whether they will accept or reject the Panel's recommendation. The Panel possesses no power of veto over the eventual appointment:
- Where Panel has recommended approval, they will write to the Commissioner accordingly who will respond in accordance with the statutory process.
 - Where the Panel has recommended refusal and the PCC decides not to appoint, the Panel's report will normally be published alongside a statement by the PCC setting out a timetable and process to make a new appointment.
 - Where the PCC continues with the appointment, they will normally make a response at the same time as the publication of the Panel's report, focusing on why they felt that the candidate did in fact meet the minimum standards for the post.

Officer to Contact:

Kamal Adatia

City Barrister & Head of Standards

Monitoring Officer

Leicester City Council

E-mail: Kamal.Adatia@leicester.gov.uk