

Reference Number: 2021/CEO Emergency Powers/033

NORTH YORKSHIRE COUNTY COUNCIL

DECISION RECORD

**Re: Appointment of Interim Chief Fire Officer, North Yorkshire Fire and Rescue Service**

This record is produced in accordance with the Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012

This form should be used to record:

- EXECUTIVE decisions (key or otherwise) taken by an individual Executive MEMBER; and
- EXECUTIVE decisions (key or otherwise) taken by an OFFICER (either alone or in consultation with an Executive Member)
- A non-Executive decision taken by an OFFICER which falls into one of the following descriptions:-
  - (i) under a specific express authorisation; or
  - (ii) under a general authorisation to officers to take such decisions and, the effect of the decision is to
    - grant a permission or licence;
    - affect the rights of an individual; or
    - award a contract or incur expenditure which, in either case, materially affects that relevant local government body's financial position.

The following decision has been taken: -

The Chief Executive Officer noted that the Members of the North Yorkshire Police, Fire and Crime Panel held an informal meeting on 22<sup>nd</sup> July 2021, at which they considered the suitability of the Police, Fire and Crime Commissioner's preferred candidate for the role of Interim Chief Fire Officer (North Yorkshire Fire and Rescue Service). Following an assessment of the candidate's professional competence and personal independence and taking into account the supporting information provided by the Commissioner and the candidate, the Panel agreed to recommend that Jonathan Foster be approved as Interim Chief Fire Officer to the North Yorkshire Fire and Rescue Service.

**By whom:** Richard Flinton, Chief Executive Officer, under his emergency delegated powers and after consultation with the Members of the North Yorkshire Police, Fire and Crime Panel.

**On:** 22 July 2021

*Was this an executive decision?*

~~YES~~/NO

*If an executive decision, was it also a key decision?*

~~YES~~/NO

**Please note that as a non-executive decision by an officer, this decision is not open to call-in.**

**Reasons for decision: -**

Under his delegated decision making powers in the Officers' Delegation Scheme in the Council's Constitution, the Chief Executive Officer has power, in cases of emergency, to take any decision which could be taken by the Council, the Executive or a committee.

Following on from the expiry of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ("the 2020 Regulations"), which allowed for committee meetings to be held remotely, the County Council resolved at its meeting on 5 May 2021 that, for the present time, in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, as informal meetings of the committee members, with any formal decisions required being taken by the Chief Executive Officer under his emergency decision making powers and after consultation with other Officers and Members as appropriate and after taking into account any views of the relevant Committee Members. This approach will be reviewed by full Council at its July meeting.

The Chief Executive Officer has taken all relevant information into account in exercising his emergency delegated powers in this matter, including considering the views of the North Yorkshire Police, Fire and Crime Panel Members.

The reasons for the decision in this matter are as follows:

- The Chief Executive reviewed the supporting information provided within the Police, Fire and Crime Commissioner's submission, setting out the suitability of Jonathan Foster as his preferred candidate for the role.
- The Chief Executive also noted Mr Foster's personal statement and the report provided by the independent member to the selection process, which underlined the rigour applied to the recruitment process.
- The Chief Executive noted the comments of the Police, Fire and Crime Panel Members in assessing Mr Foster's suitability at their informal meeting held on 22<sup>nd</sup> July 2021, during which time the Panel asked Mr Foster a series of questions aimed at evidencing an assessment against his professional competence to undertake the role and his ability to exercise personal independence of judgment.
- Having taken into account the background material provided and the assessment made by the Panel Members, the Chief Executive agreed the recommendation of the North Yorkshire Police, Fire and Crime Panel that Jonathan Foster be appointed as Interim Chief Fire Officer.

**Details of any alternative options considered and rejected: -**

N/A

**Conflicts of Interest**

Please record below details of any conflict of interest declared by a Member or Officer regarding the decision and any dispensation granted by the Standards Committee or Monitoring Officer in respect of that conflict.

Conflict	Dispensation?
None	

**Background Papers** – see [Agenda for North Yorkshire Police, Fire and Crime Panel on Thursday, 22nd July, 2021, 10.30 am | North Yorkshire County Council](#)

Please attach to this decision notice, for publication, the background papers that disclose any facts or matters on which this decision, or an important part of the decision, was based and which were relied on to a material extent in making the decision, but this does not include published works or those which disclose exempt or confidential information (as defined in Rule 10).

Signed  
RICHARD FLINTON, Chief Executive Officer

22 July 2021

Directorate – Central Services

***Note 1 regarding Executive decisions only:  
This decision will come into force, and may then be implemented, on the expiry of 5 clear working days after publication, unless any 6 members of the Council object to it and call it in by notice in writing (including e-mail) to The Assistant Chief Executive (Legal and Democratic Services).***

***Note 2: non-executive and non-key executive decisions by Officers are not subject to call in.***

**Contact for further information:** [diane.parsons@northyorks.gov.uk](mailto:diane.parsons@northyorks.gov.uk)

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To: The PA to the Assistant Chief Executive (Legal and Democratic Services) - for onward circulation to:

All Members of the Council; All Management Board; All Management Board Secretaries; All Senior Managers; All Democratic Services Officers; All Corporate Development Officers; Senior Press Officer; Communications Officer