

North Yorkshire Police, Fire and Crime Panel

4 November 2021

Proposed Appointment of an Acting Police, Fire and Crime Commissioner: Guidance Note for the Police, Fire and Crime Panel

1 Purpose of Report

- 1.1 To assist the Panel to appoint an Acting Police, Fire and Crime Commissioner under section 62(1)(a) of the Police Reform and Social Responsibility Act 2011.

- 2 The Police, Fire and Crime Commissioner for North Yorkshire (“the PFCC”), Philip Allott, gave notice of his resignation on Thursday 14th October 2021, and stood down from the role on Friday 15th October 2021. The office was accordingly declared vacant.
- 3 Section 62(1)(a) of the Police Reform and Social Responsibility Act 2011 provides that “the police and crime panel for a police area must appoint a person to act as police and crime commissioner for that area (“the acting commissioner”) if no person holds the office of police and crime commissioner for that area.”
- 4 The Act provides that the Panel may only appoint a person to the office of Acting PFCC if that person is a member of the PFCC’s staff at the time of the appointment.
- 5 Once appointed, the Acting PFCC can exercise all of the functions of the PFCC except the issuing or variation of the Police and Crime Plan.
- 6 The appointment of the Acting PFCC will continue until a new PFCC is elected or the appointment is terminated by the Panel or the Acting PFCC.
- 7 The election for the office of PFCC is scheduled to take place on Thursday, 25th November 2021.

Executive stewardship model and business continuity

- 8 In the report provided at Item 6(b) Simon Dennis, Chief Executive and Monitoring Officer to the PFCC sets out a proposal for a model of executive stewardship during this period of vacancy to the role of PFCC, to ensure continued resilience and good governance. This model is based upon a portfolio leadership approach for the senior management team, and the portfolios to be attributed to each member of the team are outlined in paragraph 6 of the enclosed report. The premiss of this executive stewardship model is that, pending approval by Panel of an Acting PFCC, the Executive Management Team will act collectively to ensure existing statutory

plans remain enacted and in delivery as well as providing full support the proposed appointee for Acting PFCC.

- 9 The Panel is invited to consider the proposal for the model of executive stewardship as outlined at Item 6(b), in ensuring business continuity and resilience.

Proposed Appointee for Acting PFCC

- 10 The paper at Item 6(b) also outlines consideration given by the Executive Management Team at the OPFCC to a proposed appointee for the role of Acting PFCC and how this process has been approached in a way that is fair, balanced and on the presumption that the proposed appointee will be drawn from a member of the Executive Management Team.
- 11 Further to these considerations, the Chief Executive and Monitoring Officer would like to propose to the Panel that Jennifer Newberry is appointed as Acting PFCC, until a substantive PFCC is elected and in place.
- 12 Mrs Newberry is a well-established member of the senior leadership team at the OPFCC as Head of Commissioning and Partnerships, with responsibility for the strategic planning and execution of the OPFCC commissioned service programme. Within this role, she has given particular focus to delivery of services for victims and vulnerable people. She also took up a cross-corporate role of Programme Director for the Transform 2020 transformation programme in 2018. As such, the Chief Executive and Monitoring Officer outlines that Mrs Newberry's skills, aptitudes and professional accomplishments would make her a particularly apt appointment for Acting PFCC.
- 13 Mrs Newberry has provided a personal statement for the Panel's consideration at Appendix A to the report for Item 6(b).
- 14 Members are invited to review the reports provided, including the proposed appointee's personal statement, and ask questions appropriate to the proposed appointment, in order to be satisfied that Mrs Newberry is fully able to discharge the role of Acting PFCC during the vacancy period.
- 15 In so doing, it is important to clarify that the legal role for the Panel in this respect is not akin to the confirmation hearings that Panel often undertakes for some other senior appointments to the PFCC's office (such as Chief Executive), where ultimately, the PFCC is the decision-maker, taking into account the Panel's views and recommendations. In the scenario of appointing an Acting PFCC, it is the Panel who is ultimately the decision-maker. As such there is no power of veto nor legal specification around making recommendations to the proposed appointment. The Panel's role is strictly to consider the proposal put before them and make a decision as to the appointment.

16 Recommendations

That the Panel:

- 16.1 considers the executive stewardship model outlined at Item 6(b) and provides its endorsement of this approach;
- 16.2 formally approves the appointment of Mrs Jennifer Newberry as Acting PFCC during the vacancy period for this role.

Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council

25th October 2021

Background Documents: None.