

APPENDIX 1

THE PANEL'S ROLE IN CONFIRMING THE APPOINTMENT OF A CHIEF CONSTABLE – STATUTORY REQUIREMENTS

The legal requirements relating to the process for the Panel's scrutiny of the Police and Crime Commissioner's (PCC) proposed appointment of a Chief Constable are set out in Schedule 8 to the Police Reform and Social Responsibility Act 2011 and Part 3 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012. Together these provide as follows:

- 1) A PCC must not appoint a person to be Chief Constable unless they are, or have been, a Constable in any part of the UK and, the end of the confirmation process has been reached.
- 2) A PCC must notify the relevant Police and Crime Panel of any proposed appointment of a Chief Constable and must also notify the relevant panel of the following information:
 - The name of the person proposed for appointment (the candidate)
 - The criteria used to assess their suitability
 - Why the candidate meets those criteria
 - The terms and conditions on which the candidate is to be appointed.
- 3) The panel must within 3 weeks of receiving notification of the proposed appointment:
 - Review the proposed appointment
 - Make a report to the PCC on the proposed appointment, which must include a recommendation as to whether or not the candidate should be appointed (unless the Panel vetoes the proposed appointment – see 5 below) and must publish its report in the way it sees fit.
 - Before making the report and recommendation or exercising any veto, the Panel must hold a Confirmation Hearing. This 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 (either by attending the meeting in person, or by participating in the proceedings at the meeting by any means that enable them to hear, and be heard in, the proceedings as they happen).

- 4) If the Panel does not veto the proposed appointment, the PCC may accept or reject its recommendation as to whether or not the candidate should be appointed and must notify the Panel of his decision.
- 5) A Panel may veto the proposed appointment of a Chief Constable if it votes to do so by a majority of at least 2/3 of the whole membership of the Panel.
- 6) If a Panel vetoes a proposed appointment, the PCC must not appoint the candidate concerned but must propose a reserve candidate and provide the Panel with the information in 2) above.
- 7) The Panel must then, within 3 weeks of receiving notification of the reserve candidate, repeat the process in 3) above. The Panel may make a recommendation as to whether or not the reserve candidate should be appointed but does not have the power to veto their appointment.
- 8) The PCC may accept or reject the Panel's recommendation and must notify the Panel of his decision.
- 9) Having notified the Panel of her decision, the PCC may then either:
 - appoint the reserve candidate; or
 - propose another person for appointment (in which case another confirmation process must take place).