

NORTHAMPTONSHIRE POLICE, FIRE AND CRIME PANEL
REPORT TO THE POLICE, FIRE AND CRIME COMMISSIONER
FOR NORTHAMPTONSHIRE

16 JULY 2024

Report Title	Review of the proposed appointment by the Police, Fire and Crime Commissioner for Northamptonshire of a Deputy Commissioner
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1. Purpose of Report

- 1.1. The report is intended to set out the results of the review by the Northamptonshire Police, Fire and Crime Panel of the Police, Fire and Crime Commissioner for Northamptonshire’s proposed appointment of a Deputy Commissioner.

2. Executive Summary

- 2.1 The Police, Fire and Crime Commissioner (PFCC) for Northamptonshire may appoint a Deputy Commissioner to exercise functions delegated to them by the Commissioner. When the Commissioner proposes to make an appointment to this role the Police, Fire and Crime Panel must hold a confirmation hearing to review the proposed appointment in order to make a recommendation on it. This report sets out the result of a confirmation hearing held by the Panel on 12 July 2024 concerning the proposed appointment of Ms Marianne Kimani as Deputy Commissioner.

3. Recommendations

- 3.1 The Northamptonshire Police, Fire and Crime Panel recommends:
- a) That the Police, Fire and Crime Commissioner for Northamptonshire does not appoint Ms Marianne Kimani as Deputy Police, Fire and Crime Commissioner.
 - b) That the Police, Fire and Crime Commissioner notifies the Panel of her decision whether to accept or reject its recommendation in accordance with the Police Reform and Social Responsibility Act 2011 schedule 1 paragraph 12(2).

- 3.2 Reasons for Recommendation(s) – The recommendations are required to complete the Panel’s review of the proposed appointment by the Police, Fire and Crime Commissioner of a Deputy Commissioner, in accordance with the Panel’s statutory responsibilities.

4. Report Background

- 4.1 The Police Reform and Social Responsibility Act 2011 paragraph 18 specifies that a Police and Crime Commissioner (PCC) may:
- a) appoint a person as the deputy police and crime commissioner for that police area, and
 - b) arrange for the deputy police and crime commissioner to exercise any function of the PCC.
- 4.2 The 2011 Act specifies that a PCC may not appoint as a deputy commissioner a person who is under the age of 18 years; who holds specified national elected offices; who holds specified police or police staff positions; or who is disqualified from serving as a PCC on specified grounds relating to citizenship, bankruptcy, criminal convictions and the consequences of corrupt or illegal election practices. The 2011 Act further identifies specific functions of the PCC that may not be exercised by a deputy commissioner.
- 4.3 The terms and conditions for a deputy commissioner must ensure that their term of office does not exceed that of the PCC who appointed them, although a deputy commissioner may be re-appointed to the role. A deputy commissioner is formally a member of the PCC's staff. Schedule 1 paragraph 8(4) of the 2011 Act specifies that the requirement in the Local Government and Housing Act 1989 paragraph 7 concerning the appointment of staff on merit does not apply to the appointment of a deputy commissioner.
- 4.4 The Policing and Crime Act 2017 makes provision for a PCC for an area to be the fire and rescue authority for that area. This position has applied in Northamptonshire since 1 January 2019. The Police, Fire and Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018 paragraph 4 enables the delegation of fire and rescue authority functions to a deputy police, fire and crime commissioner, excluding specified functions that may not be delegated.
- 4.5 Schedule 1 paragraph 9 of the 2011 Act requires that a PCC must notify the relevant Police and Crime Panel of the proposed appointment of a deputy commissioner. In such cases the PCC must also notify the Police and Crime panel of the following information:
- a) the name of the person whom the PCC is proposing to appoint (“the candidate”);
 - b) the criteria used to assess the suitability of the candidate for the appointment;
 - c) why the candidate satisfies those criteria; and
 - d) the terms and conditions on which the candidate is to be appointed.
- 4.6 The Police and Crime Panel must review the proposed appointment at a confirmation hearing. A confirmation hearing is defined as: “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.”

- 4.7 The Police and Crime Panel must make a report to the PCC on the review. The report must include a recommendation to the PCC as to whether or not the candidate should be appointed.
- 4.8 The PCC may accept or reject the Police and Crime Panel's recommendation as to whether or not the candidate should be appointed. The PCC must notify the Panel of their decision on the Panel's recommendation.
- 4.9 The Police and Crime Panel must publish its report to the PCC, although it is for the Panel to decide the manner in which the report is published.

5. Review of the proposed appointment of a Deputy Commissioner

- 5.1 The Northamptonshire Police, Fire and Crime Panel met in public on 12 July 2024 to hold a confirmation hearing for the proposed appointment of Ms Marianne Kimani as Deputy Commissioner.
- 5.2 The Panel was provided with information about the proposed appointment ahead of the confirmation hearing. This included the information referred to in paragraph 4.5 above.
- 5.3 At the confirmation hearing the Panel asked questions of Ms Kimani, intended to enable Panel members to evaluate her suitability for the role. In accordance with relevant guidance these questions focussed on the areas of professional competence (: the candidate's ability to carry out the role) and personal independence (: the need for the candidate to act in a manner that is operationally independent of the PFCC). The questions covered the following areas:
- Ms Kimani's interest in the role and perceptions of the main challenges facing the Office of the PFCC.
 - Perceptions of the key areas where the Deputy PFCC will be able to assist the PFCC in developing the Police, Fire and Crime Plan
 - Knowledge, skills and experience that would assist Ms Kimani to understand the geographic, social and economic nature of Northamptonshire and community safety in the county.
 - Experience of using critical analysis, reflection and problem-solving type skills to deal with tasks and challenges successfully.
 - Approaches to representing communities across the whole of Northamptonshire.
 - Experience of leading significant projects in a relevant field and ensuring successful delivery.
 - Approaches to building and maintaining good relationships with partner organisations.
 - Understanding of the relationship of accountability between the PFCC, the Chief Constable and the Chief Fire Officer.
 - Approaches to working effectively with the PFCC and with the Panel.
 - Ms Kimani's approach to delivering value for money in the Deputy PFCC role and perceptions of what would represent success in the role over a four-year term of office.

- 5.4 The confirmation hearing was webcast live and the recording is available to view at the following link: [West Northamptonshire Council - YouTube](#).

6. Outcome of the Review

- 6.1 After questioning Ms Kimani and taking account of the written information provided to the Panel, some Panel members commented that the overall information available did not give sufficient assurance about Ms Kimani's ability to carry out the role in question. It was emphasised that Deputy PFCC was a strategic leadership role, which could involve providing systems leadership to a range of partner organisations and acting on behalf of the PFCC. Panel members generally acknowledged Ms Kimani's experience in operational positions and felt that she was likely to work well with local community representatives at this level. However, some Panel members felt that the Panel was not in a position to conclude with confidence that Ms Kimani had the skills and experience to operate effectively in the senior role of Deputy PFCC.
- 6.2 Some Panel members gave the view that Ms Kimani had been disadvantaged by the fact that her CV had not been provided to the Panel, as this would have helped to inform the Panel of her capabilities. It was highlighted that the range of questions asked by the Panel at the confirmation hearing had given it a better understanding in this regard. However, some Panel members felt that some of Ms Kimani's responses could have been fuller. Ms Kimani's responses to particular questions had also reinforced the perception that her professional experience was focussed on working in operational roles for a manager rather than as a directly accountable strategic leader.
- 6.3 The Panel noted that as a result of the confirmation hearing it was required to make a recommendation to the PFCC as to whether or not Ms Kimani should be appointed. At the conclusion of discussion the Panel resolved, by majority, that based on the confirmation hearing and the information available to it the Panel was not satisfied that Ms Kimani met the standards to be appointable. From the options available to it, the Panel therefore resolved:

To recommend that the Police, Fire and Crime Commissioner for Northamptonshire does not appoint Ms Marianne Kimani as Deputy Police, Fire and Crime Commissioner.

7. Background Papers

Police Reform and Social Responsibility Act 2011

Police, Fire and Crime Commissioner for Northamptonshire (Fire and Rescue Authority) Order 2018

Police and Crime Panels Guidance on Confirmation Hearings Local Government Association and Centre for Public Scrutiny (August 2012)

Policing and Fire Governance Guidance for police and crime panels Local Government Association and Centre for Governance and Scrutiny (July 2019)