

**REPORT OF THE NORTH YORKSHIRE POLICE, FIRE
AND CRIME PANEL**

TO THE NORTH YORKSHIRE POLICE, FIRE AND CRIME COMMISSIONER

**CONFIRMATION HEARING FOR
INTERIM CHIEF FIRE OFFICER, NY FIRE & RESCUE SERVICE**

INTRODUCTION AND SUMMARY

1. On 13 July 2021, the Panel received formal notification from the North Yorkshire Police, Fire and Crime Commissioner of the proposed appointment to the role of Interim Chief Fire Officer to the North Yorkshire Fire and Rescue Service.
2. This report describes the recommendations of the North Yorkshire Police, Fire and Crime Panel (hereafter referred to as “the Panel”) in respect of the proposed appointment of Mr Jonathan Foster to the role of Interim Chief Fire Officer (hereafter referred to as “the Interim CFO”), and is submitted to Philip Allott, the North Yorkshire Police, Fire and Crime Commissioner (“the Commissioner”) in accordance with the requirements of paragraph 6 of the The Fire and Rescue Authority (Police and Crime Commissioner) (Application of Local Policing Provisions, Inspection, Powers to Trade and Consequential Amendments) Order 2017 (“the Order”).
3. The report recommends that Mr Jonathan Foster should be appointed to the role of Interim CFO to the North Yorkshire Fire and Rescue Service.
4. The Panel would like to thank Mr Foster for his attendance at the confirmation hearing on Thursday, 22 July 2021.

NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL

5. The Membership of the Panel for the Confirmation Hearing was as follows:

Craven District Council	Cllr Patrick Mulligan
Hambleton District Council	Cllr Peter Wilkinson
Harrogate Borough Council	Cllr Michael Chambers MBE
North Yorkshire County Council	Cllr Carl Les
Ryedale District Council	Cllr Lindsay Burr MBE
Scarborough Borough Council	Cllr Carl Maw
Selby District Council	Cllr Tim Grogan
City of York Council	Cllr Keith Aspden
City of York Council	Cllr Darryl Smalley

Also in attendance at the meeting were the following:

Office of the Police, Fire and Crime Commissioner – Philip Allott (the Commissioner); Simon Dennis (Chief Executive and Monitoring Officer), Michael Porter (Chief Financial Officer to the Commissioner), Caroline Blackburn (Interim Asst Chief Executive and Monitoring Officer), Tom Thorp (Interim Asst Chief Executive and Monitoring Officer), Jenni Newberry (Head of Commissioning and Partnerships).

North Yorkshire County Council - Diane Parsons (Panel Secretariat).

POWERS OF THE NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL

6. In accordance with paragraph 6 of the Order, the Panel is enabled to:

- review the proposed appointment of a Chief Fire Officer (including that on an interim basis), 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);
- make a report to the Commissioner on the proposed senior appointment;
- include a recommendation to the Commissioner as to whether or not the candidate should be appointed; and
- publish the report to the Commissioner made under this paragraph.

7. The Panel is also able to exercise a power of veto on the proposed appointment if two-thirds of the total Panel membership agree this.

8. Under the guidance provided by the LGA, Panels are required to review the proposed appointment, forming an assessment of whether the candidate meets the minimum standards expected in respect of both professional competence and personal independence. The Panel are cognisant that the Commissioner is the employing authority for a Chief Fire Officer and that there is no requirement for this postholder to retain operational independence from the Commissioner in the way that there is for say a Chief Constable. However, the Panel still need to ensure that the Interim CFO has the ability to advise the Commissioner effectively and to understand the need to respond constructively in situations when he might be held to account by the Panel.

9. This review was therefore done through scrutiny of the supporting documents provided by the Commissioner and by asking questions of the candidate relating to the two general principles of professional competence and personal independence.

10. Under the powers enabled by the Order, the Commissioner may accept or reject the Panel's recommendation as to whether or not the candidate should be appointed. The Commissioner must also notify the Panel of the decision whether to accept or reject the recommendation.

CONFIRMATION HEARING

11. The Confirmation Hearing was held on 22 July 2021 during an informal, remote meeting of the Panel, which was live broadcasted. The recording of the broadcast can be viewed at www.northyorks.gov.uk/live-meetings
12. The Chair reminded all those present at the meeting that, following the expiry of the legislation permitting remote committee meetings, all remote Panel meetings are held informally. Furthermore, that as the Panel is constituted as a committee of the County Council, any formal decisions required are therefore be taken by the Chief Executive Officer under his emergency delegated decision-making powers, after taking into account the views of the Panel Members and all relevant information. This approach has been agreed by full County Council and will be kept under review.
13. Drawing on the submission provided by the Commissioner and Mr Foster's own personal statement, the Panel asked Mr Foster a series of questions to assist them in establishing whether he met the minimum standards for the role relating to professional competence and personal independence.
14. The Panel asked Mr Foster about the key priorities for the service over the next twelve months and heard that there will be both challenges and opportunities to be met around resourcing following the development of the service risk profile. Mr Foster sought to provide reassurance to the Panel that this work will proceed with maximised opportunities for engagement with staff, unions and representative bodies. The Panel heard that a key priority for Mr Foster would also be around improvements to the estate, which are much needed to make it more accessible and more appealing to a diverse workforce. Indeed, the Panel were reassured that Mr Foster will continue the important work already begun within the service to fully embed new values around diversity and that this will be an issue of particular focus for him.
15. In relation to exercising independence of judgment, Mr Foster outlined for the Panel an example of where he had been involved in leading on a controversial issue for the service in recent years, which required careful discussion and negotiation with those senior to himself. He highlighted the importance of understanding differences in this scenario; of continuing to engage and coming up with an amicable solution.
16. Having asked Mr Foster a series of questions across a range of issues, the Panel determined that Mr Foster, in their view, adequately met the standards for professional competence and personal independence and put forward a recommendation to the Chief Executive Officer at the County Council that Mr Foster's proposed appointment be approved.

REVIEW BY THE CHIEF EXECUTIVE, NYCC

17. Using his emergency delegated decision-making powers, the Chief Executive Officer reviewed the Panel's recommendation on 22nd July 2021, by taking into account the background material provided and comments highlighted in the Panel meeting, and formally agreed the Panel's recommendation that Mr Foster be endorsed as Interim Chief Fire Officer.

RECOMMENDATION

18. On the basis of the information provided by the Commissioner; the discussions held in the Confirmation Hearing; and examination of the evidence in both the public meeting and the closed session, the Panel is delighted to endorse its recommendation of the appointment of Mr Jonathan Foster to the role of Interim Chief Fire Officer to the North Yorkshire Fire and Rescue Service.

Cllr Carl Les
CHAIRMAN

26 July 2021