



Avon and Somerset Police and Crime Panel

Hosted by Somerset County Council Democratic Services



Minutes of the Police and Crime Panel

8th January 2020 – Confirmatory Hearings

Present:

Local Authority and Independent Member Representatives:

Peter Abraham (Bristol City Council), Chris Booth (Somerset West and Taunton Council), Richard Brown (Chair/Independent Member), Asher Craig (Bristol City Council), Janet Keen (Sedgemoor District Council), Joseph Mullis (Independent Member), Franklin Owusu-Antwi (South Gloucestershire Council), Andrew Sharman (Vice-Chair/Independent Member), Heather Shearer (Mendip Council), Pat Trull (South Gloucestershire Council), Andy Wait (Bath and North East Somerset Council), Martin Wale (South Somerset Council), Richard Westwood (North Somerset Council), *Josh Williams (Somerset County Council) ??*

Host Authority Support Staff

Scott Wooldridge – Monitoring Officer
Patricia Jones – Lead Officer

Police and Crime Commissioner and Support Staff:

Sue Mountstevens - Police and Crime Commissioner
Mark Simmonds – OPCC Section 151 Officer
Nick Adams – Constabulary Section 151 Officer
Joanna Coulon - Criminal Justice and Commissioning Officer

1. Apologies for absence

Alastair Singleton (Bath and North East Somerset), Afzal Shah (Bristol City Council) and Roz Willis (North Somerset),

2. Membership

It was noted that Councillor Martin Wale was now the appointed member for South Somerset, effective from 19th December 2019.

3. Confirmatory Hearing – Interim Chief Executive Officer

The Chair outlined the Panel's responsibilities to review Senior Staff Appointments in accordance with Schedule 1 Part 10 of the Police Reform and Social Responsibility Act 2011. At the request of the Chair, the Commissioner provided an overview of the recruitment process.

The Panel noted the steps taken in relation to:-

- the advert which was placed on an interim basis due to the PCC elections in May 2020. Four applicants were shortlisted
- the main Appointments Panel consisting of the Commissioner, Mark Simmonds (OPCC Section 151 Officer) and SCC Leader David Fothergill - responsible for the formal evaluation of candidates and decision-making process
- the Stakeholder Panel made up of officers from the Constabulary's Chief Officer Group and members of the Police and Crime Panel to provide extra assurance and feedback on the candidates.

The Commissioner advised the Panel that the candidates demonstrated aptitude and skills in a range of individual areas, but ultimately there was no one candidate suitable for appointment to the position. Following discussions with Mark Simmonds (MS), it was felt a pragmatic approach was to offer the role of Interim Chief Executive Officer (CEO) to him on an interim basis subject to endorsement from the Panel. The Commissioner stated that she had full confidence in his ability to carry out the role.

As notified in advance of the meeting, the Panel noted that the transition would be facilitated by the appointment of Nick Adams to the vacant role of OPCC Section 151, this to be undertaken on an interim basis and in tandem with his current role as Section 151 Officer for the Constabulary.

In response to Panel Member questions, the Commissioner gave the following responses:-

Q: How did the appointment of MS come about?

The Commissioner stated that this choice was the smarter solution for an interim period and the likelihood was that he would go back to his substantive position as OPCC Section 151 Officer.

Q: I have a concern about transparency. What was the sequence of events on 19th December that led to MS agreeing to take the role? Are there any legal implications?

The Commissioner explained that whilst the candidates were strong on paper, the evaluation scores demonstrated that none were appointable to the role. It was therefore necessary to think again and only then did the discussions with MS take place. HR was consulted and the Commissioner was satisfied there were no legal repercussions. It was confirmed that there had been no challenges from the shortlisted candidates following the decision to offer MS the position.

The Chair welcomed MS to the meeting. Below is a summary of the questions put to MS by members of the Panel and the responses provided:-

Q: What skills can you bring to the role of Chief Executive Officer and how can you contribute to the success of the Office of the Police and Crime Commissioner?

MS referred to his experience gained over ten years working at a senior level in the OPCC, and the valuable knowledge this had brought in the context of OPCC systems and relationships. He then outlined his ability to draw on a previous role as CEO for a private sector IT company. The Panel heard that whilst MS's background was in financial management and budgeting, he had worked closely with the former CEO building the current team and deputising for him on a number of occasions in a number of work areas including partnerships and collaborations.

Q: How would your skills support the successful delivery of the Police and Crime Plan?

MS stated that the role of the team was critical as the Constabulary underwent continuing change and a new PCC took up office. For this reason, time would be spent nurturing and supporting the team and ensuring that OPCC priorities were allocated to the right staff.

Q: What would you do if you became aware that the Commissioner was about to undertake an unwise action? Can you provide an example of where you have challenged the course of action set out by a superior?

MS referred to an example involving his former employment and the CEO who was about to undertake a course of action involving a venture capital company. When the risks outlined to him were not acted upon, MS was reluctantly forced to take the matter further, an Independent review took place and ruled in favour of MS who then became the CEO.

Q: How would you demonstrate that you are achieving value for taxpayers' money?

MS reported that he had been required to make £80m in savings during the course of his current role and had attempted to do so with the least impact on delivery of service. It was noted that he had led on major contracts and provided advice and guidance to the Commissioner to assist her decisions. A £1.5m saving had been made in reletting the SAP contracts because of his knowledge of IT and how systems worked. The focus was to ensure minimal effect on front line delivery. MS had also been successful in resetting the bar in respect of the use of the force helicopter.

Q: What do you see as the single most significant change or challenge that will need to be addressed within the next twelve months and why?

MS stated that over the nine month interim appointment period, the election of a new PCC and keeping the team match fit for supporting candidates and the new PCC was a priority. The focus would be to understand the mandate of the successful candidate and translate it into delivery. MS informed the Panel that the Constabulary recruitment process would receive similar focus. Given the impact of additional officer numbers would be seen over time and not immediately, it was anticipated that managing the expectations of the public and ensuring value for money would be important issues for the new PCC.

Q: How can the organisation make savings, ensure value for money and avoid duplication by working with neighbouring forces?

MS stated that collaboration arrangements were a moving feast and financial pressures often dictated the pace of change. The point was made that not all forces were willing partners. Black Rock, Major Crime and Forensic Services were already multi force shared services but other opportunities existed across different forces and there was scope for multi-emergency services collaboration.

The Commissioner added that not all PCCs were proponents of collaboration and the political will of the new PCC or a mandate from the Home Office would drive the agenda.

Q: What would you identify as the key challenges in maintaining effective engagement with the residents of Avon and Somerset? How would you seek to overcome these barriers?

MS informed the Panel that the PCC elections and the focus this required made for a distinct nine month period. The Commissioner would continue to engage until the successful candidate took up office. Post-election, the work would start in earnest with stakeholder partners, ensuring the PCC remained accessible to the public and raising the profile of the office on social media. It was emphasised that the scale of this task should not be under-estimated with working families and young people being the hardest to reach.

The Chair thanked MS for his answers.

4. Confirmatory Hearing – Interim Section 151 Officer

The Chair welcomed Nick Adams (NA) to the meeting. Below is a summary of the responses provided by NA to questions put by Panel Members:-

Q: Can you provide your thoughts on the role of CFO within OPCC and what skills you can bring to make a success of the role?

NA drew attention to the Section 151 Officer's specific duties to the tax payer and the clear governance framework which provided the basis for advice provided to the Commissioner when she was required to make decisions. NA outlined his skill set and the value he brought to the role developed over a 12 year period working for the Constabulary and the experience gained as a chartered accountant bound by ethics and a statutory code of conduct. It was noted that NA's experience included the production of the Constabulary's Medium Term Financial Plan (MTFP) for 11 years.

Q: How would you ensure sound financial planning in the medium and long term to support the new PCC and the Police and Crime Plan and how would you ensure continuity following the election?

Referencing the precarious financial position of the organisation back in 2008, NA explained that making savings and prudence in terms of financial planning had been a key focus for a long time. It was noted that a forward planning horizon over 5 years was now routinely produced for both revenue and capital. NA stated that planning had to be closely linked to workforce plans to ensure the right number of police officers were delivered at the right time.

NA reported that the Budget for the new financial year would already be set on 1st April 2020 so the new PCC would effectively inherit the budget and changes to reflect the new PCC priorities were open to consideration. Some preparation in advance of this was possible based on their manifesto, however, the fundamental building blocks of the plan would be largely the same. Delivery of the Government's agenda and the increase in officer numbers would mean a significant amount of planning. The allocation of officers and any structural changes to required to the Budget would have to be worked through.

Q: Who do you see as being the key external partners in this role and how would you set about developing structures and relationships?

NA informed the Panel that he had worked closely with the PCC and CEO over the last decade. Along with the Chief Officer Group, they were the key partners for the role. Undertaking the role on a day to day basis meant an understanding of the landscape was essential. NA stated that he needed to give more thought to the mechanisms around external partners. He provided an overview of his close connections with counterpart 151 officers in other areas and his responsibility to work closely with the Association of Police and Crime Commissioners (APCC). He highlighted the development of relationships with Local Authority counterparts as a priority as these contacts did not fall naturally within his current role and responsibilities. It was recognised that an existing relationship with MS was very helpful.

Q: What is your understanding of the accountability relationship between the Chief Constable, the Commissioner and the Panel?

NA explained that the Chief Constable retained operational independence but was accountable to the Commissioner. The Commissioner was accountable to electorate and the Panel maintained checks and balances on her decisions and activities.

Q: Can you give an example when a decision you made led to a negative outcome. How did you respond and learn?

NA stated that delivering savings at pace inevitably meant swift decisions, some of which required revision and reframe later. He added that he was constantly learning but there were several incidences when he had to draw back from a plan to ensure the continued delivery of another service. He outlined how he had restructured the finance function within the constabulary and worked through internal challenges of distributing workloads across the team, reviewing the original rationale and enlisting the support on the processes and people changes required.

A decision to move a speed enforcement unit to another site vacated by a team in Portishead was described as having negative consequences. It had not been foreseen that the salary level of staff within this particular team made property prices in Portishead cost prohibitive.

Q: What is your view on your personal ability to be the diplomat and reach a final outcome that is acceptable to all parties involved without getting blood on the carpet?

NA stated that diplomacy was his strength and conflict with colleagues required a specific set of skills to overcome. He informed the Panel that his track record demonstrated an ability to work through challenging situations, make hard choices and lead the charge to find savings. NA talked about the difficulties associated with putting an organisation into reverse and the relentless nature of demand. As a group of people working for the same organisation, the team had navigated its way through evidence and fact and found solutions and a shared focus.

The Chair thanked NA for answers.

The Panel resolved to go into closed session to consider its decisions.

RESOLVED - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of the following item on the grounds that it

involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act (as amended).

5. Panel Decision on the Proposed Appointment to the Position of Interim Chief Executive Officer

All Panel Members gave their respective opinions on the Commissioner's preferred choice of candidate. There was general agreement that Mark Simmonds had demonstrated both the professional competence to deliver the role of Interim Chief Executive Officer and the personal independence necessary to exercise that role.

RESOLVED - that following full and comprehensive discussion and on being put to the vote, the Panel unanimously agreed to endorse and support the Commissioner's decision to appoint Mark Simmonds to the position of Interim Chief Executive Officer.

6. Panel Decision on the Proposed Appointment to the Position of Interim Section 151 Officer

All Panel Members gave their respective opinions on the Commissioner's preferred choice of candidate. There was general agreement that Nick Adams had demonstrated both the professional competence to deliver the role of Interim Section 151 Officer and the personal independence necessary to exercise that role.

RESOLVED - that following full and comprehensive discussion and on being put to the vote, the Panel unanimously agrees to endorse and support the Commissioner's decision to appoint Nick Adams to the position of Interim Section 151 Officer.

The Commissioner and her staff returned to the room and were advised that the Panel unanimously supported the Commissioner's decisions.

(The meeting ended at 12 noon)

Chair