

# Public Document Pack



## A meeting of the Avon and Somerset Police and Crime Panel will be held on Thursday 23rd April 2020 at 10.30am.

It is intended this meeting will be conducted in a manner that will comply with the relevant statutory regulations relating to the conduct of “remote meetings”. In this respect, this Confirmation Hearing will be conducted virtually between Panel Members, the proposed candidate and officers from the Host Authority. A facility will be put in place to allow members of the public and press to observe the meeting, details of which will be made available online prior to the commencement of the meeting.

If wish to “attend” the remote Confirmation Hearing to observe proceedings, please email Patricia Jones ([PLjones@somerset.gov.uk](mailto:PLjones@somerset.gov.uk)) to register your interest. Details on how to join the “remote meeting” for observation purposes will be circulated to those who have registered prior to the meeting commencing.

### **Meeting Etiquette**

- Mute your microphone when you are not speaking
- Switch off the video unless it is needed for presentation purposes. Only speak when invited to do so by the Chair
- Speak clearly and please state your name
- If you’re referring to a specific page, please mention the page number

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Agenda Published: 15<sup>th</sup> April 2020  
Somerset County Council  
County Hall, Taunton  
TA1 4DY

<http://www.avonandsomersetpoliceandcrimepanel.org.uk/>



**RNID typetalk**

## Membership of the Police and Crime Panel

Bath & North East Somerset	Alastair Singleton
Bath & North East Somerset	Andy Wait
Bristol City Council	Asher Craig
Bristol City Council	Afzal Shah
Bristol City Council	Peter Abraham
Independent Member	Richard Brown
Independent Member	Joseph Mullis
Independent Member	Andrew Sharman
Independent Member	Vacancy
Mendip District Council	Heather Shearer
North Somerset Council	Roz Willis
North Somerset Council	Richard Westwood
Sedgemoor District Council	Janet Keen
Somerset County Council	Josh Williams
South Gloucestershire Council	Patricia Trull
South Gloucestershire Council	Franklin Owusu-Antwi
South Somerset District Council	Martin Wale
Somerset West and Taunton Council	Chris Booth

# Agenda

## Public Information Sheet

Guidance about procedures at the meeting follows the agenda. This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972. This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**\*\* Public Guidance notes contained in agenda annexe \*\***

### 1 **Apologies for Absence**

### 2 **Public Question Time**

Statements or questions should be e-mailed to [PLJones@somerset.gov.uk](mailto:PLJones@somerset.gov.uk), or sent to the Democratic Services Team, County Hall Taunton TA1 4DY (marked for the attention of Patricia Jones). Statements must be received no later than 12.00 noon on **Monday 22<sup>nd</sup> April 2020**. Questions must be received no later than 3 working days before the meeting - **5pm on Wednesday 17th April 2020**.

**Statements and questions must concern an area of business which falls within the Panel's remit. Please see the Public Information Sheet attached for further details and procedure at the meeting.**

### 3 **Declarations of Interest**

The Statutory Register of Member's Interests can be inspected by contacting Patricia Jones in the Democratic Services Team on Tel: 07855 284506 or [PLjones@somerset.gov.uk](mailto:PLjones@somerset.gov.uk).

### 4 **Confirmation Hearing - Deputy Police and Crime Commissioner (Pages 7 - 34)**

### 5 **Panel Recommendation on Appointment of Deputy Police and Crime Commissioner**

#### **Exclusion of the Press and Public**

Recommended – that under Section 100A(4) of the Local Government Act 1972, the public and press 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 1 of Schedule 12A to the Act (as amended).

### 6 **Date of Next Meeting**

Annual General Meeting - Tuesday 23rd June 2020 at 10.30am (The Deane House)

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# Avon & Somerset Police and Crime Panel

## Public Information Sheet

### Inspection of Papers/Register of Member Interests

You can find papers for all our meetings on our website at [www.somerset.gov.uk](http://www.somerset.gov.uk)

Please contact Patricia Jones, Senior Democratic Services Officer on telephone: 01275 885788 if you wish to inspect the papers or the Statutory Register of Member's Interests.

### Public Question Time

Members of the public may make a written statement to most meetings, provided that:

- the statement is received by the Democratic Services Team no later than **12.00 noon on the working day before the meeting**; and
- the statement is about a matter the Panel has responsibility for.

Statements should be e-mailed to [PLJones@somerset.gov.uk](mailto:PLJones@somerset.gov.uk) or sent to Somerset County Council, Democratic Services Team, County Hall, Taunton, TA1 4DY.

Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

**By participating in Public Question Time business, we will assume that you have consented to your name and the details of your submission being recorded in the papers circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record.**

**We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Statements will not be posted on the council's website.**

#### Process during the meeting:

- Public Question Time is normally one of the first items on the agenda. If a statement concerns a specific item on the agenda, it may be taken just before the item concerned.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- You may direct any questions or comments through the Chairman. You may not take direct part in the debate.
- Your time allocation may have to be strictly limited if there are a lot of submissions before the meeting.
- You do not have to speak or even attend the meeting at which your submission is being taken. However, if you do not present it, then it will not be read out. It will nevertheless be noted by Members.

## Emergency Evacuation Procedure

In the event of a fire alarm sounding, you are requested to leave the building via the nearest available signposted emergency exit and make your way to one of the assembly points around the building. Officers and councillors will be on hand to assist.

## Excluding the Press and Public

Occasionally, there will be items on the agenda that cannot be debated in public for legal reasons and these will be highlighted on the agenda as appropriate. In these circumstances, the public and press will be asked to leave the room and the Panel will go into Private Session.

## Recording of Meetings

Somerset County Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the clerk so that the Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public are not filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

## AVON AND SOMERSET POLICE AND CRIME PANEL

23rd April 2020

Report title: Confirmation Hearing Process for the role of Deputy Police and Crime Commissioner

### 1. Executive Summary

The purpose of this report is to outline the confirmatory hearing process following notification of the appointment of a Deputy Police and Crime Commissioner by the Avon and Somerset Police and Crime Commissioner. This process will allow the Panel to conduct a remote Confirmation Hearing and thereby fulfil its statutory obligation to review the proposed appointment and make a recommendation to the Commissioner.

### 2. Recommendation

The Panel is recommended to:-

- Consider the information which has been submitted by the Office of the Police and Crime Commissioner (OPCC) in accordance with its statutory responsibilities and now attached as Appendices A to F to this report.
- Conduct a confirmatory hearing process as a means of confirming the candidate's suitability for the role in accordance with the Panel's statutory duty and with due regard to guidance from the Home Office and Centre for Public Scrutiny.
- Agree a report incorporating the Panel's recommendation on the appointment to be submitted to the Commissioner as soon as possible thereafter.

### 3. Background

The Police Reform and Social Responsibility Act 2011 ("the 2011 Act") requires the Police and Crime Panel to conduct confirmatory hearings for specific key appointments under Schedules 1 and 8 to the Act.

The confirmation hearing scheduled for 23<sup>rd</sup> April 2020 has been arranged in accordance with Schedule 1 of the Act and relates to the proposed appointment of a Deputy Police and Crime Commissioner for Avon and Somerset.

Following the Government's decision to defer the PCC elections for twelve months as a result of the Covid-19 crisis, the Commissioner has confirmed that she will remain in post until May 2021. In order to provide additional capacity within the OPCC in response to the current crisis and to deal with a further unexpected year in office, the Commissioner has decided to appoint a Deputy.

### 4. Fulfilling the Panel's Responsibilities

The Panel's practical challenge was how best to facilitate the statutorily defined "Confirmation Hearing" process. The legislation is clear that this must be a public

meeting where the candidate needs to be present but not necessarily physically present. As it would be a meeting of the Panel, which is a Joint Committee under the terms of the Local Government Act 1972, this ordinarily would require the Panel Members to be physically present to be quorate.

In this respect, the Secretary of State for Housing, Communities and Local Government announced on Monday 16th March 2020 that the Government was considering legislation to allow "Council Committee Meetings" to be held "remotely". Additional provisions were added on 23rd March 2020 to the emergency Coronavirus Bill which allowed regulations to be issued to facilitate this. The Bill received Royal Assent on 26th March and the relevant regulations were subsequently issued.

In the current circumstances it was not possible for Panel Members to physically attend a meeting within the requisite 3 week statutory timeframe, and nor was it possible for the OPCC to provide the Panel with the statutory information required until 15<sup>th</sup> April 2020. The earliest possible date for the hearing to take place in compliance with access to information requirements was therefore 23<sup>rd</sup> April 2020. Accordingly the following approach was agreed by the PCP Chair, Monitoring Officer and Lead Officer of the Host Authority:-

- a remote confirmation hearing facilitated by the host authority, involving the publication of an agenda and requisite papers.
- a virtual Microsoft Teams meeting or dial in alternative which enables the Panel to ask a series of questions of the candidate to be recorded by the Panel's Lead Officer
- to satisfy the requirement for it to be a "public" meeting, both press and public will be permitted to participate in the meeting
- the Panel is required to review the proposed appointment and this deliberation takes place in private. The outcome is reported at the end of the confirmation hearing and the Panel is required to publish a report subsequently stating whether the Panel recommends the appointment or not.

## **5. Notification**

Under the 2011 Act, the Commissioner must provide the Panel with the following information:-

1. The name of the person whom the Commissioner is proposing to appoint;
2. The criteria used to assess the suitability of the candidate for the appointment;
3. Why the candidate satisfied those criteria; and
4. The terms and conditions on which the Candidate is to be appointed.

Attached to this report are the following Appendices A to F :-

- Criteria summary - statement of why the candidate satisfies the criteria and Terms and Conditions of appointment
- Role profile
- Terms of appointment
- Advert
- Letter of support from Chief Constable Andy Marsh



- Independent Member report

## **6. At the Hearing**

The first part of the meeting will be conducted in public and structured as follows:-

- a. The candidate will be welcomed to the meeting.
- b. The Commissioner and Interim Chief Executive Officer will be given the opportunity to summarise the rationale/business case for appointing a Deputy Police and Crime Commissioner and comment on the candidate and the proposed appointment.
- c. The candidate will be given an opportunity to present to the Panel his/her understanding of the role.
- d. The Panel will be invited to question the proposed candidate in order to confirm that he or she has the necessary professional competence and personal independence to carry out the role of Deputy Police and Crime Commissioner.
- e. The candidate will be given opportunity to clarify any answers given during the hearing.

## **7. Closed Session**

The Panel will enter closed session to deliberate on the suitability of the candidate for the role of Deputy Police and Crime Commissioner.

## **8. Panel Report and Recommendations**

In accordance with Schedule 1 to the Act, the Panel is obliged to submit a report to the Commissioner containing a recommendation on whether the candidate should or should not be appointed. The content of this report and the nature of the recommendation(s) will be decided during the Panel's deliberations.

In response to the Panel's report, the PCC must then notify the Panel whether they will accept or reject the recommendation.

The report will be published on the Panel's webpages following its submission to the Commissioner and any press releases will be issued in accordance with the agreed Communications Protocol.

Where a candidate meets the standards set out in 6(d), but there remains cause for concern about his or her suitability, it may be appropriate to outline those concerns in the Panel's report to the Police and Crime Commissioner.

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**DEPUTY PCC AVON AND SOMERSET**

**REPORT OF THE INTERVIEW PANEL 14<sup>th</sup> April 2020**

**Statement of why the interview panel agreed the candidate best met the required criteria**

The interview Panel selected John Smith as their chosen candidate for the new Deputy PCC role in Avon & Somerset based on their performance in the interview and presentation process.

The interview panel agreed:

- The candidate demonstrated the greatest depth of knowledge in a strategic approach to tackling the complex issues involved in police governance and commissioning services and a strong track record of converting strategy into measurable actions in these fields of work
- The candidate had the most robust understanding of the risks and issues and opportunities currently facing policing
- The candidate showed the greatest understanding of the diverse communities in the ASC area and has a track record of successfully engaging with such communities to seek solutions to local issues
- The candidate has a track record of seeking, leading and delivering collaborative solutions to deliver outcomes for victims of crime and other vulnerable groups with a range of relevant partner agencies
- The candidate demonstrated strong communication and presentation skills
- The candidate demonstrated a track record of successful engagement with senior leaders in policing and in relevant partner agencies
- The candidate has managed and overseen complex programs of change in the policing context
- The candidate has a strong track records of governance in a complex public sector environment
- The candidate has sound understanding of the regional and national political structures
- The candidate meets all the hygiene factors including residence, driving, degree level education and flexible working set out in the person specification
- The candidate satisfied the panel that he understands and embodies the Nolan Principles
- The candidate showed an ability to seek solutions, take or recommend decisions and a willingness to take personal responsibility for their actions

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### Deputy PCC Job Description

<b>Job Title:</b>	Deputy Police and Crime Commissioner (the Deputy) Avon & Somerset
<b>Salary:</b>	£39,015 for three days/week
<b>Term:</b>	Fixed term contract from April 2020 to May 2021
<b>Expenses:</b>	Rates set by OPCC policy
<b>Responsible to:</b>	Police and Crime Commissioner (“PCC”)
<b>Hours:</b>	3 days per week
<b>Location:</b>	Police Headquarters
<b>Travel:</b>	Extensive travel in Avon & Somerset therefore a driving licence is essential
<b>Security Vetting:</b>	It is a requirement for the role to have a National Security check.

#### Job Summary

The PCC proposes to appoint a Deputy PCC for Avon & Somerset subject to a Police & Crime Panel confirmatory hearing. This role will support the PCC who has agreed to extend her term of office for one year following the postponed PCC elections. The Deputy will assist the PCC in all aspects of her work and in particular to manage the increased workload during the current national emergency.

The appointment of a new deputy PCC is supported by the Chief Constable {see separate letter} and will focus on:

- Support the PCC with additional workload caused by Covid19 – increased number of partner meetings; increased meetings with community leaders; increased Constabulary briefings; ensure the voice of the public is reflected in the emergency responses from the Constabulary
- Support PCC and CEO with new scrutiny requirements resulting from the Constabulary response to Covid19
- Support PCC with new more frequent CJ Boards
- Support PCC with need for more frequent communication with Local Authority leaders
- Support PCC and CEO with new requirements to attend Local Resilience Forums
- To work with the PCC to support delivery of the Police and Crime Plan
- To support community engagement on behalf of the PCC and adopt a strategic approach to mapping and understanding the concerns of the diverse communities in the PCC area
- To support partner working on behalf of the PCC and support the OPCC team develop the PCC’s partner plan with clarity on how and why the PCC engages with partners and how outcomes are tracked
- To support the PCC engage and seek the views and concerns of the people in the PCC area
- To communicate these views to the PCC and their staff to ensure they are reflected in the work of the PCC
- To enable the PCC to honour her commitments made before the delay to the election

## **Overview of the role**

The Police Reform and Social Responsibility Act 2011 enables the PCC to appoint a Deputy and to delegate certain functions and responsibilities to that person. The Act also outlines certain functions which cannot be delegated.

The role of the Deputy, whilst working with the PCC's other staff, is to deputise and support the PCC in carrying out their functions including:-

- a. Acting as a senior local link between communities and the police
- b. Acting as a trusted, neutral, objective and balanced representative of the PCC across the diverse communities and range of political landscapes in the PCC area
- c. Assisting in the development of the Police and Crime Plan
- d. Holding the chief constable to account
- e. Working co-operatively with community safety and criminal justice partners

The Deputy Police and Crime Commissioner may not:-

- a. Issue a Police and Crime Plan
- b. Determine police objectives
- c. Attend Police and Crime Panel meetings on behalf of the PCC
- d. Prepare the Annual Report
- e. Appoint or suspend the chief constable or call upon the chief constable to retire or resign
- f. Set the precept

## **Key responsibilities**

1. Covid19 national emergency – support the PCC oversee the Constabulary and partner responses to the emergency health crisis.  
Support the PCC represent the voice of the public being reflected in this work  
Support the PCC cover the large increase in meetings being called and new scrutiny required
2. Local Resilience Forum – support the PCC and her team attend and contribute to these meetings
3. Support the PCC Chair CJ Board and drive improvements in the CJ systems and processes
4. To support the PCC engage with the diverse Partners in the PCC area
5. To lead on community engagement on behalf of the PCC, to understand better and engage with all communities in the PCC area to ensure that their views are heard

6. To proactively enhance relationships with a wide range of stakeholders in the community safety and criminal justice sectors, to identify blockages or identify opportunities to improve the delivery of programmes that secure improved outcomes for local people.
7. Support the PCC in leading collaborative initiatives with local partners and stakeholders to reduce crime, reduce re-offending and enhance community policing.
8. To support the PCC quality assure the Force Futures programme (uplift in officer numbers) and support the PCC in scrutinising the outcomes for the public from this uplift in capacity as well as support overall scrutiny of the effectiveness and efficiency of policing
9. To act as an ambassador for the PCC and engage with relevant community groups, public bodies, elected representatives and organisations to better understand the policing needs of the community.
10. To support the PCC in ensuring that the needs of the community are represented in policing and where appropriate translate the community needs into legitimate actions and outcomes.
11. Help to brief senior local stakeholders including: MPs, councillors, government officials and other voluntary and criminal justice partners on the PCC's policy.
12. Represent the authorised views of the PCC to the media where appropriate.
13. On behalf of the PCC, help to generate policy proposals and respond to national policy developments. This will include engaging with other Police and Crime Commissioners.
14. Assist the Commissioner to work with organisations and individuals at regional and national levels.

The post holder must be prepared to undertake additional duties arising from changing circumstances but which do not change the general character or level of responsibility of the post.

### **Person Specification**

#### **Personal qualities – the views of the Commissioner**

I am looking for someone in whom the Chief Constable and I have the utmost confidence, someone on whom we can depend and someone who has relevant experience, integrity and good judgement:

- Able to propose solutions to complex issues with the best interest of local people and vulnerable people always a priority
- Able to engage successfully and form effective working relationships with senior leaders
- Able to listen to diverse range of people and provide reassurance that their views will be heard
- Strong sense of independence
- Vision and an ability to think strategically and laterally
- Able to manage change and initiate innovation
- Able to give media interviews and presentations
- Strong understanding and knowledge of police and crime risks and issues and opportunities

## **Experience & qualifications**

- Deep experience of policing and crime issues
- Track record of governance in a complex public sector environment
- An excellent understanding and experience of the diverse geographic, social and economic nature of the area
- Sound experience of working with diverse communities and working to secure improved outcomes for local people
- Educated to degree level or equivalent professional/specialised qualification or have experience, which demonstrates their intellectual capacity to operate within a complex role
- A good understanding and experience of organisational challenges of managing change
- Experience of organisational governance and scrutiny, with a sound understanding of accountability
- Experience of working across different agencies at strategic and operational levels
- Experience in translating strategic objectives into action

## **Skills - Essential**

- High-level communication and presentation skills
- Ability to engage, listen and understand communities with differing needs
- Ability to deliver on strategic goals and vision
- Ability to take a co-operative approach to achieving priorities, including developing effective collaboration proposals with relevant organisations
- Ability to think and operate at a strategic level, identifying issues and setting priorities at an organisation-wide level and/or over a lengthy time period
- Ability to maintain good working relationships with partner organisations
- Ability to build senior level relationships, influence and negotiate with high ranking officials
- A flexible approach to working during weekends and evenings should this be necessary
- Must reside in the Force area of Avon & Somerset
- Evidence of an understanding political structures, procedures and policies at both a local and national level
- Qualified to drive

## **Qualities**

- Is able to secure credibility, respect and recognition from peers and stakeholders
- Shares the Commissioner's aspirations, values and commitments
- Is able and confident to take personal responsibility for decisions made and to be able to communicate these effectively
- Is committed to the seven principles of public life (see Appendix A)



## **Code of Conduct**

The Code of Conduct provides that the Commissioner and his Deputy will abide by the seven principles set out in Standards in Public Life: First Report of the Committee on Standards in Public Life known as — the Nolan Principles.

### **Selflessness:**

We will take decisions solely in terms of the public interest. We will not take decisions in order to gain financial or other material benefits for ourselves, our families, or friends.

### **Integrity:**

We will not place ourselves under any financial or other obligation to outside individuals or organisations that may influence our performance of our official duties.

### **Objectivity:**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, we will make choices on merit.

### **Accountability:**

We are accountable for our decisions and actions to the public and submit ourselves to whatever scrutiny is appropriate to our office.

### **Openness:**

We will be as open as possible about all decisions and action that we take. We will give reasons for our decisions and restrict information only when the wider public interest clearly demands.

### **Honesty:**

We have a duty to declare any private interests relating to our public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership:**

We will promote and support these principles through leadership and by our own example.

### **Statutory duties of the Police and Crime Commissioner**

The PCC's primary duty is to secure an efficient and effective police force, which demonstrates value for money, meets the needs of the communities of the PCC's area and cuts crime.

By:

- holding the Chief Constable to account for the delivery of the police service
- setting and updating the Police and Crime Plan ("the Plan") and holding the Chief Constable to account for the Plan's delivery
- setting the force budget and precept
- regularly engaging with the public and communities

The PCC will set direction. This involves:

#### **Setting the strategic direction and accountability for policing**

- setting strategic policing objectives
- holding the force to account through the Chief Constable
- consulting and involving the public
- being accountable to the electorate

#### **Working with partners to prevent and tackle crime and re-offending**

- ensuring that the police respond effectively to public concerns and threats to public safety
- promoting and enabling joined up working on community safety and criminal justice
- increasing public confidence in how crime is cut and policing delivered

#### **Invoking the voice of the public, the vulnerable and victims**

- ensuring that public priorities are acted upon, victims are consulted and that the most vulnerable individuals are not overlooked
- complying with the Equality Act
- contributing to resourcing of policing response to regional and national threats
- ensuring an effective policing contribution alongside other partners to national arrangements to protect the public from other cross-boundary threats in line with the strategic policing requirement

#### **Ensuring value for money**

- responsible for the distribution of policing grants from central government and setting the precept raised through council tax
- holding the Chief Constable to account for the efficient use of funds and budgets delegated to the Constabulary to deliver the policing services

## Eligibility and Disqualification Criteria

### Extracts from the [Police Reform and Social Responsibility Act 2011](#)

#### **S8 The Deputy Police and Crime Commissioner**

Relevant extracts from paragraph 8, Schedule 1, of the Police Reform and Social Responsibility Act 2011

- 8
- (1) This paragraph applies to a person appointed under section 18 by a Police and Crime Commissioner to be the deputy police and crime Commissioner.
  - (2) None of the following may be appointed as the deputy police and crime commissioner-
    - a) a person who has not attained the age of 18 on the day of the appointment;
    - b) a person who is subject to a relevant disqualification;
    - c) a Member of the House of Commons
    - d) a Member of the European Parliament
    - e) a Member of the National Assembly for Wales
    - f) a Member of the Scottish Parliament
    - g) a Member of the Northern Ireland Assembly
  - (3) The terms and conditions of a person who is appointed as the deputy police and crime commissioner must provide for the appointment to end not later than the day when the current term of Office of the appointing police and crime commissioner ends.
  - (4) Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the deputy police and crime commissioner.
  - (5) In this paragraph “current term of office”, in relation to the appointment of a deputy police and crime commissioner by a police and crime commissioner, means the PCC’s term of office which is running at the time the appointment is made.
  - (6) For the purposes of this paragraph, a person is subject to a relevant disqualification if the person is disqualified from being elected as, or being, a police and crime commissioner under-
    - a) section 65(1) (police officers, police-related employment etc), other than paragraph (e)(ii); or
    - b) section 66(1), 3(a)(iii) or (iv), 3(c) or 3(d) (citizenship, bankruptcy, criminal convictions & corrupt or illegal election practices)

#### **S65 Disqualification from election or holding office as police and crime commissioner: police grounds**

Relevant extracts from Section 65(1) of the Police Reform and Social Responsibility Act 2011

- 65
- (1) A person is disqualified from being elected as, or being, a Police and Crime Commissioner if the person-

- a) is disqualified from being a member of the House of Commons under section 1(1)(d) of the House of Commons Disqualification Act 1975 (members of police forces for police areas in the United Kingdom);
- b) is a member of-
  - (i) *the British Transport Police Force*
  - (ii) *the Civil Nuclear Constabulary*
- c) is a special constable appointed-
  - (i) *under section 27 of the Police Act 1996 for a police area or the City of London police area;*
  - (ii) *under section 25 of the Railways and Transport Safety Act 2003 (British Transport Police Force)*
- d) is a member of staff of the chief officer of police of any police force maintained for a police area;
- e) is a member of staff of-
  - (i) *a Police and Crime Commissioner;*
  - (ii) *the Mayor's Office for Policing and Crime;*
- f) is the Mayor of London;
- g) is a member of the Common Council of the City of London or a member of staff of that Council in its capacity as a police authority;
- h) is a member (including a member who is chairman or chief executive), or a member of staff, of-
  - (i) *the British Transport Police;*
  - (ii) *the Civil Nuclear Police Authority;*
  - (iii) *the Independent Police Complaints Commission;*
  - (iv) *the Serious Crime Agency;*
  - (v) *The National Policing Improvement Agency;*
- i) holds any employment in an entity which is under the control of-
  - (i) *a local policing body;*
  - (ii) *any body mentioned in paragraph (h);*
  - (iii) *the chief officer of police for any police force maintained for a police area or the City of London police area;*
  - (iv) *the chief officer of police for any police force mentioned in paragraph (b).*

**S66 Disqualification from election or holding office as police and crime commissioner: other grounds**

Relevant extracts from Section 66 of the Police Reform and Social Responsibility Act 2011

- 66 (1) A person is disqualified from being elected as, or being, a police and crime commissioner unless the person satisfies the citizenship condition (see section 68)
- (2) A person is disqualified from being elected as, or being, a police and crime commissioner if the person—
  - (a) is disqualified from being a member of the House of Commons under section 1(1)(a) to (c) of the House of Commons Disqualification Act 1975 (judges, civil servants, members of the armed forces), or
  - (b) is a member of the legislature of any country or territory outside the United Kingdom.
- (3) A person is disqualified from being elected as, or being, a police and crime commissioner if:-

- (a) the person is the subject of-
  - (i) *a debt relief restrictions order under paragraph 1 of Schedule 4ZB to the Insolvency Act 1986;* .
  - (ii) *an interim debt relief restrictions order under paragraph 5 of that Schedule;*
  - (iii) *a bankruptcy restrictions order under paragraph 1 of Schedule 4A to that Act;*
  - (iv) *a bankruptcy restrictions interim order under paragraph 5 of that Schedule;*
- (c) the person has been convicted in the United Kingdom, the Channel Islands, or the Isle of Man, of any imprisonable offence (whether or not sentenced to a term of imprisonment in respect of the offence); or
- (d) the person is incapable of being elected as a member of the House of Commons, or is required to vacate a seat in the House of Commons, under Part 3 of the Representation of the People Act 1983 (consequences of corrupt or illegal practices).

**S68     Citizenship condition**

Relevant extract from Section 68 Police Reform and Social Responsibility Act 2011

- 68     (1) This section applies for the purposes of section 66.
- (2) A person satisfies the citizenship condition if the person is—
- (a) a qualifying Commonwealth citizen,
  - (b) a citizen of the Republic of Ireland, or
  - (c) a citizen of the Union.
- (3) For the purposes of this section, a person is a qualifying Commonwealth citizen if the person is a Commonwealth citizen and—
- (a) is not a person who requires leave under the Immigration Act 1971 to enter or remain in the United Kingdom, or
  - (b) is a person who requires such leave but for the time being has (or is, by virtue of any enactment, to be treated as having) indefinite leave to remain within the meaning of that Act.
- (4) But a person who does not require leave to enter or remain in the United Kingdom by virtue only of section 8 of the Immigration Act 1971 (exceptions to requirement for leave in special cases) is not a qualifying Commonwealth citizen by virtue of subsection (3)(a).
- (5) In this section the expression “citizen of the Union” is to be construed in accordance with Article 20(1) of the Treaty on the Functioning of the European Union.

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**Avon & Somerset Police & Crime Commissioner  
Deputy Police & Crime Commissioner**

**Terms of Appointment**

**Appointment**

The appointment will be subject to satisfactory references and medical clearance.  
The appointment will also be subject to national security vetting clearance.  
The appointment is subject to a confirmation hearing with the Police & Crime Panel.

**Term**

The role is part time, 3 days per week, for a 13 month fixed term contract, from April 2020 to May 2021.

**Base salary**

The pro rata salary per annum will be £39,015.00 for part-time working, 3 days per week.

**The Post**

The post holder will be required to travel regularly across the Avon and Somerset region. The post holder should have access to a vehicle or be able to make alternative arrangements to meet the requirements of the post.

It is expected that the post holder support the Principles of Standards in Public Life. As such, the seven principles of conduct underpin the work of the PCC and are used as the basis for working practices.

**Place of Work**

The workplace will be the Office of the Police & Crime Commissioner, Valley Road, Portishead, Bristol or at such other place of employment in the service of Avon & Somerset Police & Crime Commissioner.

**Reporting Lines**

The post holder will report to the Police & Crime Commissioner.

**Hours of work**

Part-time, 3 days per week. Due to the nature of the role, the applicant will be required to be flexible in terms of the total number of hours worked each week and their availability. There may be a requirement for occasional evening and weekend working to fulfil the requirements of the role

**Notice period**

The appointment will be subject to a four week notice period in writing on either side.

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## Deputy Police & Crime Commissioner

for a thirteen month fixed term contract

Pro rata salary £39,015.00

The role is part-time, 3 days per week

Are you an experienced leader with a strong sense of civic duty?

Are you passionate about the importance of accountability, fairness and equality in policing and criminal justice services?

Come and join us and you could play a vital role in an organisation that provides a voice, on these key issues, to people living and working in our area.

The PCC proposes to appoint a Deputy PCC for Avon & Somerset subject to a Police & Crime confirmatory hearing. This role will support the PCC who has agreed to extend her term of office for one year following the postponed PCC elections. The Deputy will assist the PCC in all aspects of her work and in particular to manage the increased workload during the current national emergency.

The role will involve:

- Support the PCC with additional workload caused by Covid19 – increased number of partner meetings; increased meetings with community leaders; increased Constabulary briefings; ensure the voice of the public is reflected in the emergency responses from the Constabulary
- Support PCC and CEO with new scrutiny requirements resulting from the Constabulary response to Covid19
- Support PCC with need for more frequent communication with Local Authority leaders
- To support community engagement on behalf of the PCC and adopt a strategic approach to mapping and understanding the concerns of the diverse communities in the PCC area

You will be a dynamic, confident, leader who is not afraid to challenge and takes an analytical and problem solving approach to complex issues.

You will be adept at managing and maintaining essential relationships with key stakeholders at high levels across all public sector agencies and local, as well as central, government.

You will have strong influencing and advocacy skills and an abundance of experience in corporate governance strategy and legislation in the setting of a large and complex organisation.

You must be a person with the highest levels of integrity and the ability to make objective decisions in the public interest.

You will be professionally objective and neutral in the way you interact with our diverse communities and diverse political

If this sounds like you, and you relish a challenge, then we'd like to hear from you.

For details of how to apply for this post please visit our website

<https://www.avonandsomerset-pcc.gov.uk/Take-Part/Deputy-Police-and-Crime-Commissioner.aspx>

You can also e-mail [katel.watson@avonandsomerset.pnn.police.uk](mailto:katel.watson@avonandsomerset.pnn.police.uk) to request an application form.

The closing date for applications is 10am Thursday 9 April 2020.

The telephone interview will be held on 14 or 15 April 2020.



**Chief Constable Andy Marsh QPM**

Avon and Somerset Constabulary, Police and Fire HQ,  
PO Box 37, Valley Road, Portishead, Bristol BS20 8QJ  
Telephone: 01278 646321 Facsimile: 01278 646216

Sue Mountstevens  
Avon and Somerset Police and Crime Commissioner

Our ref: AM/GM

Date: 23<sup>rd</sup> March 2020

*Email Only*

Dear Sue

**RE: Appointment of a Deputy PCC**

Further to my letter of 19<sup>th</sup> March, I understand that there is now a plan to run a short open process over the next two weeks to appoint a Deputy Police and Crime Commissioner. I write to confirm that I am supportive of this plan and the appointment of a Deputy PCC.

I have faced many challenging times as a Chief Constable over the last eight years in two police forces and as a police officer over the past 33 years but this is an unprecedented time. During my time as Chief Constable I have worked closely with OPCCs and I have first-hand knowledge of the wide span of the work that needs to be undertaken. A PCC, however capable and experienced without a functioning and effective deputy would find it difficult if not impossible to keep pace with what needs to be done at the current time.

The situation around COVID-19 and the police's response to it, will test our resilience and resolve more than anything I have responded to professionally before. The UK's response to this crisis and how its public services work in partnership to protect its communities is of critical importance and significant benefits and consequences rest upon its effectiveness and the levels of public confidence in what we do to respond to their needs and keep them safe.

Therefore it vital for our civil contingency work to be overseen by an appropriate authority. The public require their police service to be effective and efficient and expect the OPCC to make sure there is public scrutiny, accountability, good governance and then effective communication.

This is not the time to stand still and wait for the storm to pass but a time to take swift action and make decisions which the public would expect their leaders to just get on and make. We must do our absolute best for our communities and protect the most vulnerable who are looking for their public services to work together seamlessly to deliver results. We are making decisions dynamically as the situation develops and if there is to be good governance and communication then it needs to be able to keep pace with our work whilst fulfilling its other functions associated with policing, this crisis and the response to it. In many respects we are moving much more quickly than historic processes would have allowed and we would benefit from similarly dynamic governance to help ensure and assure we are doing the best possibly at all times in the public interest.

Yours sincerely,

Andy Marsh QPM  
Chief Constable  
Avon and Somerset Constabulary

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**Deputy Police & Crime Commissioner  
Appointment Process**

**Independent Member Report**  
Councillor David Fothergill  
Leader of Somerset County Council

**14 April 2020**

## **1. Introduction**

1.1 This report provides information on the appointment process for the role of Deputy Police & Crime Commissioners for the Police and Crime Commissioner for Avon and Somerset and in particular, it will comment on:

- how the process met the principles of merit, fairness and openness and
- the extent to which the Appointment Panel were able to fulfil their purpose, to challenge and test the candidate against the stated criteria.

1.2 It is for the Police and Crime Commissioner to decide how they wish to run their appointment process and which candidate they wish to appoint. The PCC involved an Independent Member at the earliest practicable point in the process.

1.3 The purpose of the appointment is to provide support to the PCC during the extension to her tenure as PCC following the postponement of the election due CoVid 19. The urgency in this appointment comes with the increased workload for the PCC role in scrutiny, community reassurance and partnership working arising from the current national health emergency.

1.3 This report is the Independent Member's Report (David Fothergill), relating to the appointment process for the role of Deputy Police & Crime Commissioner for the Police & Crime Commissioner for Avon and Somerset.

## **2. Aim**

2.1 The aim of this report is to provide an assessment of the extent to which the appointment process has been conducted fairly, openly and based on merit. It will also comment on the extent to which the Appointment Panel fulfilled their responsibility to challenge and test the candidates' suitability against the requirements of the Deputy Police & Crime Commissioner role.

## **3. Independent Member initial involvement in the Deputy PCC Appointment Process for the Police & Crime Commissioner.**

3.1 I was invited to join the process by Sue Mountstevens, the Police and Crime Commissioner and the OPCC Interim Chief Executive Officer confirmed my appointment. I was sent the key documents for the post (role profile including job description and person specification). The OPCC demonstrated the good practice guidance by involving all Appointment Panel Members involved in all aspects for the process; this demonstrated an openness and transparency to the process.

## **4. Appointment panel**

4.1 The Appointment Panel was convened by the Police and Crime Commissioner.

4.2 The purpose of the Appointment Panel is to challenge and test that the candidate meets the necessary requirements to perform the role and that the Police and Crime

Commissioner should select an Appointment Panel capable of discharging this responsibility.

- 4.3 The Police and Crime Commissioner should ensure that Appointment Panel members are diverse and suitably experienced and competent in selection practices and that they adhere to the principles of merit, fairness and openness).
- 4.4 The Appointment Panel appointed by the Police and Crime Commissioner were selected to provide an expertise and experience to test potential candidates at a policing executive level. I confirmed that the Appointment Panel had previously been involved in senior recruitment and panel participation at the beginning of the process.
- 4.5 There were three Appointment Panel members comprising of two male and one female members; I was the Independent Member.
- 4.6 **APPOINTMENT PANEL:**
  - Sue Mountstevens, Avon and Somerset Police and Crime Commissioner;
  - Mark Simmonds, OPCC Interim Chief Executive Officer; and
  - Councillor David Fothergill, Leader of Somerset County Council and Independent Member.

## **5. Role profile and attraction strategy**

- 5.1 The role profile was based on the previous Deputy PCC roles provide by The Association of Policing & Crime Chief Executives (APACE) and with input from the PCC and the OPCC Interim CEO. The role profile reflects the PCC's priorities and local requirements.
- 5.2 The vacancy was advertised as follows:
  - OPCC website jobs section
  - Constabulary website jobs section
  - PCCs LinkedIn corporate page
  - Targeted advert on Facebook via our A&SPCC page
  - Business crime forum
  - APACE
  - APCC
  - Network of CEOs in Local Authorities
- 5.3 The post was advertised from 23 March to 9 April 2020 inclusive, which was exactly three weeks. The vacancy was advertised through a public website and other forms of publication that deal with policing and public sector matters'.
- 5.4 I am fully satisfied that the Police and Crime Commissioner advertised the vacancy openly to attract the best possible eligible candidate pool.

## **6. Shortlisting and Panel briefing**

- 6.1 By the closing date, 9 application forms had been received for the role.
- 6.2 The short listing meeting was scheduled for 9 April via Skype due to the working from home restrictions.
- 6.3 The short listing process was based on the evidence provided in the application form and not on previous knowledge. This was to ensure fairness and transparency throughout all stages of the assessment. I am confident at this stage that there was nothing that would make the process unfair in terms of bias.
- 6.4 It is noted that 3 candidates who applied were known by Panel members. I am satisfied this aspect of the process was fair, having re-affirmed that this process was to be based on merit and on the evidence provided in the application form.
- 6.5 The Appointment Panel members individually assessed the application forms against the set criteria using the agreed rating scale. To ensure a fair, merit based and transparent assessment of the candidates, the scores from each Panel member were sought seeking clarification and evidence for the score given. At the request of the PCC, we alternated who gave their score first to ensure fairness; the Panel then agreed overall score per competency area for each of the 9 candidates.
- 6.6 Three candidates demonstrated in their application form clear evidence to enable them to be selected for assessment on 14 April 2020.

## **7. Selection**

- 7.1 The Panel supported and agreed a robust and challenging process of:
- a presentation, where the brief was provided in advance;
  - a competency based interview.
- 7.2 Two members of the Police and Crime Panel observed the interviews via Skype.

## **8 Assessment delivery and Panel briefing**

- 8.1 On 14 April, the Appointment Panel met, via Skype, 20 minutes before the presentation and the interview to review and to confirm the questions and the process. Sue Mountstevens (PCC) reminded the Appointment Panel what she was looking for in the Deputy Police & Crime Commissioner.
- 8.2 The Appointment Panel was chaired by the PCC and the questions were evenly asked by the Panel members.
- 8.3 The selection day process consisted of:
- |            |                                      |
|------------|--------------------------------------|
| 10 minutes | Presentation delivery                |
| 5 minutes  | Questions from the Appointment Panel |



40 minutes Competency based interview, with flexibility to probe

#### 8.4 Assessment Decision Making

- 8.4.1 Each Appointment Panel were required to record and mark the presentation and the interview questions independently.
- 8.4.2 After the candidate had been assessed the PCC verbally gathered each Panel Members' individual scores. Collectively we ensured the consistency and justification of each score given.
- 8.4.3 To demonstrate a fair and transparent process, based on merit, the Panel agreed a score at which a candidate would be appointable.
- 8.4.4 The Appointment Panel unanimously supported Sue Mountstevens (PCC) in her recommendation to the Police and Crime Panel (PCP) scheduled for 23 April that John Smith, be the preferred Deputy Police & Crime Commissioner for the Avon and Somerset Police and Crime Commissioner.
- 8.4.5 I am confident that the Appointment Panel appointed, performed their duty to challenge and assess the candidate in a manner that was fair, transparent and merit based.



Councillor David Fothergill  
Leader of Somerset County Council  
Independent Member



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