



Avon and Somerset Police and Crime Panel

Hosted by Somerset County Council Democratic Services



Minutes of the Police and Crime Panel

23rd April 2020 (10.30) - Confirmatory Hearing ('Remote' meeting held under the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020)

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), Afzal Shah (Bristol City Council), Andrew Sharman (Vice-Chair/Independent Member), Heather Shearer (Mendip Council), Alastair Singleton (Bath and North East Somerset), 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
Jamie Jackson - Strategic Manager, Democratic Services
Andrew Randell - Senior Democratic Services Officer
Peter Stiles - Senior Democratic Services Officer

Police and Crime Commissioner and Support Staff:

Sue Mountstevens - Police and Crime Commissioner
Mark Simmonds - OPCC Interim Chief Executive Officer
Niamh Byrne - OPCC Communications and Engagement

1. Apologies for absence

None.

2. Public Question Time

The Chair reported, and the Panel noted, the receipt of a statement from Mr T Mealhams representing the collective view of the Lloyds Bank Victims group that the preferred candidate should not be appointed to the post of Deputy Police and Crime Commissioner.

3. Declarations of Interest

None.

4. Confirmatory Hearing - Deputy Police and Crime Commissioner

(1) The meeting was convened to undertake a confirmatory hearing following notification of the appointment of a Deputy Police and Crime Commissioner by the Avon and Somerset Police and Crime Commissioner, Sue Mountstevens, in line with the Panel's statutory obligations under Schedule 1 to The Police Reform and Social Responsibility Act, 2011.

(2) The Panel considered a report by the Police and Crime Panel (PCP) Lead Officer outlining the confirmatory hearing process. This would allow the Panel to conduct a remote public confirmation hearing under the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 that came into force on 4 April 2020 and thereby fulfil its statutory obligation to review the appointment and make a recommendation to the Commissioner. The Monitoring Officer, Scott Wooldridge, gave advice on process and procedure

(3) The report indicated that following the Government's decision to defer the Police and Crime Commissioner elections for twelve months as a result of the Coronavirus (Covid-19) crisis, the Commissioner had confirmed that she would remain in post until May 2021. In order to provide additional capacity within the Office of the Police and Crime Commissioner (OPCC) in response to the current crisis and to deal with a further unexpected year in office, the Commissioner had decided to appoint a Deputy.

(4) The Panel was recommended to:

- consider the information which had been submitted by the OPCC in accordance with its statutory responsibilities and attached as Appendices A to F to the PCP Lead Officer's report
- conduct a confirmatory hearing process as a means of confirming the preferred candidate's suitability for the role in accordance with the Panel's statutory duty and with due regard to the 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.

(5) Appendices A to F of the report comprised the following:

- criteria summary - statement of why the candidate satisfied the criteria and terms and conditions of appointment
- role profile
- terms of appointment
- advertisement
- letter of support from Chief Constable, Andy Marsh
- independent member report.

(6) The Chair welcomed the Police and Crime Commissioner and the preferred candidate for appointment as Deputy Police and Crime Commissioner, John Smith, former Chief Executive of the OPCC. The Commissioner outlined the process which had been followed for the appointment of a Deputy Commissioner, and the Commissioner and the OPCC's Interim Chief Executive Officer, Mark Simmonds summarised the rationale/business case for the position. The responses made by the Commissioner to questions from Panel members are summarised below:

Q1. In terms of the business case, has the Commissioner previously considered the need for a Deputy Commissioner and what, if any, would she view as the extra duties that justify this appointment?

SM replied by referring to the business case, roles and activities which had been identified for the Deputy Commissioner (covered in the agenda papers and below), and gave examples of meetings etc that he could attend.

Q2. Why is it now necessary to appoint a Deputy PCC when PCCs across the country are stepping back their activities and no other PCC without a Deputy has begun a recruitment process and the CC today admits that the workload is significantly down?

SM replied by referring to the urgent need for support particularly with managing the significantly increased workload and volume and frequency of meetings in community reassurance, scrutiny and partnership working arising from the Covid-19 (Coronavirus) pandemic.

Q3. "In view of the rapidly changing circumstances and emerging public safety advice". What was this advice and what reference did it make to appointing Deputies?

SM replied that advice on Covid-19 (Coronavirus) did not refer to appointing Deputy Commissioners. There was a need for greater community engagement by the Commissioner as the response to the emergency evolved but capacity was a significant issue.

Q4. What are other PCCs doing in regards to their work and appointing Deputies?

SM replied that a number of other Commissioners were considering appointing Deputy Commissioners in view of increasing workloads.

Q5. "In order to share an increased workload, and to honour commitments that I have made in good faith beyond the postponed elections in May 2020, I intend to appoint John Smith

as Deputy PCC as soon as practicable on a 3 day per week basis". What are these commitments?

SM replied that she wished to give greater priority to working with local Police commanders on maintaining social cohesion and developing greater engagement with the diverse communities and vulnerable groups in the PCP area, particularly in the light of the Covid-19 (Coronavirus) emergency. The Deputy Commissioner would assist her with all aspects of her work, help her manage the increased workload and number of meetings etc arising from the emergency, and lead on engagement. SM identified areas of work she herself intended to focus on, including Criminal Justice, reoffending, and collaboration with the Probation and Prison Services and other partner agencies.

Q6. What remuneration is the Commissioner receiving for these commitments?

SM replied that her involvement in voluntary activities - chairing a community foundation and serving as a school governor - was on a pro bono basis.

Q7. Is the Commissioner working reduced hours because of these commitments?

SM replied that due to their timing and limited frequency these voluntary activities did not impinge on her role as Commissioner.

Q8. What elements of the Police and Crime Plan does the Commissioner consider she is currently unable to deliver because of the commitments that she needs a Deputy for?

SM replied by referring to the previously mentioned need - particularly during the present health emergency - for greater community engagement to identify people's views and concerns and ensure that these were reflected in the Police response.

Q9. What risk assessments have been conducted for reputational impacts on the PCC, OPCC, Constabulary, etc?

SM replied that the issue was not one of reputation but instead the ability to properly fulfil statutory duties. Mark Simmonds added that the biggest risk was not delivering the Police and Crime Plan.

Q10. Can the Commissioner or OPCC explain how the preferred candidate completed the initial selection stage when it appears he failed to complete the application form correctly? Were any other candidates disqualified for not completing the applications correctly?

SM replied that one candidate had submitted their application outside the specified timescale due to IT issues compounded by the Covid-19 (Coronavirus) emergency. However, the Appointment Panel agreed, having taken into account the circumstances, that the application should be considered and the candidate involved was subsequently selected for assessment (shortlisted). This was the only case where an exception was made and showed how the Panel had gone out of its way to be reasonable. Mark Simmonds confirmed that the shortlisting process was based entirely on the evidence provided in the application form. SM and Mark Simmonds confirmed that no candidate had been disqualified for failing

to complete the application form correctly. SM added that the independent member on the Appointment Panel was confident that the Panel had performed its duty to challenge and assess the candidates in a manner that was fair, transparent and merit-based.

Q11. Why is the Commissioner seeking to appoint someone who has declared themselves a candidate in the PCC elections?

SM replied that JS was not a candidate in the elections as the elections had been postponed. The process, followed on advice, for appointing a Deputy Commissioner was open and transparent, and all those persons who had expressed an interest in the role had applied and were considered.

Q12. What have you learned about the selection processes required for the appointment of such a high-profile role? What would you do differently with the benefit of hindsight on this selection process?

SM replied by referring to the difficulty of making an appointment to a high profile role during a national emergency, and acknowledging that earlier communication with the Panel regarding the recruitment process would have been helpful. In response to supplementary remarks that the selection process was politicised and had lacked independence, the Chair commented that - having been involved as an observer - the interviews were not a 'charade' and that every candidate was given an equal and fair opportunity and properly assessed. SM commented that the position of Deputy Commissioner was not a politically restricted appointment and that it was the practice where Deputy Commissioners had been appointed for appointments to be made on party lines. She had wanted the best person available for the job during her remaining tenure and was satisfied that she had appointed the best candidate.

The Chair thanked SM for her answers.

(7) The responses made by the preferred candidate to questions from Panel members are summarised below:

Q1. I note that the appointment is for a fixed term of 13 months, expiring in May 2021. I also note that there is a contractual four-week notice period on either side. Given that it would clearly be very disruptive to the OPCC, and injurious to public perception, if the appointment were to be terminated prematurely, can you give us a firm and public undertaking to serve the full contractual term if confirmed? Further, would you be content to write a letter confirming this to the Chair of the Police and Crime Panel?

JS replied that, except in the event of unforeseen and exceptional circumstances, he was committed to serving his full term as Deputy Commissioner and thereby fulfilling the entirety of his contract. He was willing to confirm this in writing. JS pointed out that several other Deputy Commissioners had been intending to stand as candidates for Police and Crime Commissioner at the May 2020 election. He confirmed that if he stood for Commissioner in May 2021 he would follow all the relevant rules and guidelines.

Q2. What is the current financial position of the preferred candidate?

JS replied that he had no other paid employment and would not be seeking any, and referred to his intention - of which the Commissioner was aware - to continue and possibly expand his voluntary work. He had no concerns about his financial position.

(8) Mark Simmonds spoke to confirm his support for the appointment of a Deputy Commissioner, the appointment process and the preferred candidate.

(9) JS spoke to clarify his answers, and further to Q10 to the Commissioner pointed out that he had sought and received advice from the OPCC that he did not need to include the names of SM and MS - his chosen referees - in his application form, and to confirm: his professional background and experience; and his understanding and appreciation of the role of Deputy Commissioner and working relationships with key partners.

The Chair thanked JS for his answers.

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

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the press and 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 Deputy Police and Crime Commissioner

All Panel Members gave their respective opinions on the Commissioner's preferred choice of candidate. It was agreed that: both the business case for the position and the credentials of the preferred candidate met the required standard; and that John Smith had demonstrated both the professional competence to deliver the role of Deputy Police and Crime Commissioner 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 agreed by 9 votes for and 6 against, to endorse and support the Commissioner's decision to appoint John Smith as Deputy Police and Crime Commissioner. However, the Panel as a whole expressed significant concerns about the appointment process and made recommendations to avoid difficulties in the future (which are set out in the published report to the Commissioner appended to these Minutes).

The Commissioner returned to the meeting and was advised of the Panel's decisions.

6. Date of Next Meeting

Noted as Tuesday 23 June 2020 (10.30am) - Annual General Meeting.

(The meeting ended at 12.54)

Chair