

Devon and Cornwall Police and Crime Panel

Friday 19 July 2024

PRESENT:

Councillor Haydon, in the Chair.

Councillor Worth, Vice Chair.

Councillors Alvey, Chopak, Croad, Ewings, Hackett, Leaver, Loudoun, Penberthy, Thomas, Toms, Tyerman and Wright.

Apologies for absence: Councillors Goodman-Bradbury and Kennedy.

Also in attendance: Nicola Allen (Treasurer/Chief Finance Officer), Liz Bryant (Monitoring Officer), Hayley Denham (Policy and Projects Officer), Alison Hernandez (Devon, Cornwall and the Isles of Scilly Police and Crime Commissioner), Frances Hughes (Chief Executive Officer of the Office and the Police and Crime Commissioner), and Mark Kingscote (Deputy Police and Crime Commissioner Candidate).

The meeting started at 10.33 am and finished at 1.07 pm.

Note: At a future meeting, the Panel will consider the accuracy of these draft minutes, so they may be subject to change. Please check the minutes of that meeting to confirm whether these minutes have been amended.

1. **Appointment of the Chair for Municipal Year 2024 - 2025**

Councillor Croad nominated Councillor Haydon for the Chair of the Police and Crime Panel for the municipal year 2024/25, which was seconded by Councillor Penberthy.

Following the vote, Councillor Haydon was appointed Chair of the Police and Crime Panel for the municipal year 2024/25.

For Councillor Haydon (12)

Councillors, Alvey, Chopak, Croad, Ewings, Hackett, Loudoun, Penberthy, Thomas, Toms, Tyerman, Worth, Wright.

Abstain (0)

Against (0)

Councillor Haydon thanked Councillor Towill for sitting as Chair for the Police and Crime Panel for the municipal year 2023/24.

2. **Appointment of the Vice-Chair for Municipal Year 2024 - 2025**

Councillor Alvey nominated Councillor Worth for the Vice-Chair of the Police and Crime Panel for the municipal year 2024/25, which was seconded by Councillor Ewings.

Following the vote, Councillor Worth was appointed Vice-Chair of the Police and Crime Panel for the municipal year 2024/25.

For Councillor Worth (12)
Councillors, Alvey, Chopak, Croad, Ewings, Hackett, Loudoun, Penberthy, Thomas, Toms, Tyerman, Worth, Wright.

Abstain (0)

Against (0)

3. **Minutes**

The minutes from the meeting held 2 February 2024 were agreed as a true and accurate record.

4. **Declarations of Interest**

There were no declarations of interest.

5. **Public Questions**

There were no public questions.

6. **Confirmation Hearing for Deputy Commissioner**

Councillor Loudoun proposed to move item 9 to item 7 on the agenda. This was seconded by Councillor Hackett.

After a vote, the Panel agreed to move item 9, Confirmation Hearing for Deputy Commissioner, to item 7.

The Chair welcomed Mr Mark Kingscote (the preferred candidate for the post of Deputy Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly) to the meeting and outlined the procedure for the confirmation hearing. After the hearing the Panel would adjourn to consider the appointment in private. The Commissioner would then be advised of the Panel's decision.

Alison Hernandez (Police and Crime Commissioner) introduced the hearing, and outlined the following reasons for choosing Mr Kingscote as her preferred candidate:

- a) Around half of the Police and Crime Commissioners in the country had Deputy Police and Crime Commissioners;

- b) The position was not open for recruitment and was the decision of the Police and Crime Commissioner to appoint;
- c) During her terms, the Commissioner had recruited record numbers of police officers, reopened Police Enquiry Offices and had offered projects to the community such as Prisoners Building Homes;
- d) There had been challenges with the performance of the police force, meaning the force was engaged with His Majesty's Inspectorate of Constabulary to monitor the situation with the suspended Chief Constable;
- e) Devon and Cornwall police force were struggling with phone answering times and responding to incidents which is why a Deputy Police and Crime Commissioner was needed;
- f) Having the Chief Constable suspended had caused challenges;
- g) The Commissioner needed specific help in relation to the Estates function, as it was difficult to get planning applications through Exeter Council, and Mr Kingscote's background would help scrutinise the planning applications and the approach the Estates team in the Office of the Police and Crime Commissioner (OPCC) took;
- h) The OPCC wanted to be focussed on the challenges of the community in a different way in the new term of office;
- i) Funding had been given to Local Authorities to tackle specific problems, but no matter the cost they were not getting to the root cause of the issues affecting communities;
- j) The main issues affecting communities were anti-social behaviour, drug dealing and street homelessness;
- k) Although the responsibility for street homelessness did not lie with the OPCC, supporting Local Authorities was a priority;
- l) Torbay was a priority area in Devon, and the Commissioner was hoping to create a blueprint for the rest of Devon and Cornwall;
- m) Mr Kingscote's background made him a good candidate for Deputy Commissioner due to his knowledge of scrutinising Local Authorities, chairing the Planning Committee and dealing with contentious planning applications;
- n) Mr Kingscote was a strong-minded individual who was able to cope with pressure, in particular due to his background in dealing and supporting people with mental health challenges who had diagnosed disorders;
- o) A big issue was the State of Policing Report which had been produced by, and released, by His Majesty's Inspectorate of Constabulary which showed Devon

and Cornwall Police in a poor light;

- p) The Commissioner had worked with Lord Bernard Hogan-Howe and His Majesty's Inspectorate of Constabulary;
- q) Leadership capability and capacity had been a major challenge and the focus would be on the street rather than the police organisation as a whole;
- r) Focussing on the street would make a difference to people who were deeply affected by issues such as anti-social behaviour, drug dealing and street homelessness;
- s) Assistance was needed with regards to the governance of the force in terms of their overall performance, in particular estate challenges;
- t) Although Exmouth Police Station was not in a good state, it could not be knocked down due to bats potentially residing there, and a bat survey was being carried out;
- u) The report outlined the process in terms of appointing the Deputy Police and Crime Commissioner;
- v) The Deputy needed to be someone The Commissioner could trust and who had aligned views to be able to act on the behalf of The Commissioner.

In response to questions, it was explained:

- w) Appendix C of the report outlined the role profile for the Deputy Police and Crime Commissioner, and it highlighted the specific areas of responsibility, qualifications and skills as well as key responsibilities, personal qualities and an overview of the role;
- x) As an elected Police and Crime Commissioner, it was The Commissioners responsibility to ensure the appointed deputy was able to provide proper support;
- y) Mr Kingscote had been an elected Councillor and so understood how to act on behalf of communities. He also had the ability to represent residents who were active in the community;
- z) Due to Mr Kingscote's former role as Chair of Planning Committee, he was good at delivering within a policy framework. This would aid The Commissioner in creating the policy framework within the Police and Crime Plan;
- aa) Mr Kingscote's background in mental health would help in the challenges faced in getting partners to step up and support communities with mental health needs;

- bb) Mr Kingscote had been a champion of young people in relation to the Prince's Trust, supporting young entrepreneurs in Torbay;
- cc) Mr Kingscote was well networked in Torbay, and focussing on it as one of the most deprived areas in Devon and Cornwall would create a blueprint for other areas of deprivation;
- dd) The role in Torbay would be tested for 12 months and then the focus might change to other areas;
- ee) Other individuals were considered but the candidates did not have enough experience in governance in scrutiny of Estates;
- ff) Elected Councillors were considered but as this was not part-time and they would not have had the time to dedicate to the role;
- gg) Mr Kingscote stood out in terms of what the OPCC would focus on within the first 12 months;
- hh) The Deputy Police and Crime Commissioner role was added to the budget in February 2024, and so had been added to office costs;
- ii) The Annual Report was a look back on what had been done in the past year, and the Police and Crime Plan was yet to be finalised;
- jj) There was a great working relationship between the police and the Councils in Plymouth and Exeter;
- kk) Torbay, like Plymouth, was a Basic Command Unit in its own right, however lacked the policing resources;
- ll) Through the Clear – Hold – Build approach, Torbay had been identified as having serious organised crime;
- mm) Clear – Hold – Build was about cleaning an area of the problem, holding it so the problem did not come back, and building sustainability into the future. It was a national initiative;
- nn) People in Torbay did not report a lot of the problems that were happening which meant there was not a reliable data set to understand the serious and organised criminality in Torbay and South Devon;
- oo) There were other areas which needed assistance, however a blueprint that worked at street level was necessary, and this would be created in Torbay;
- pp) The Commissioner and Mr Kingscote were both determined people and had achieved a lot in the past when they were Councillors together;
- qq) The Deputy Police and Crime Commissioner would be a member of the staff of the OPCC, and therefore the Fran Hughes (Chief Executive of the Office of

the Police and Crime Commissioner) had a copy of Mr Kingscote's CV and helped with the recruitment process;

- rr) Fran Hughes (Chief Executive of the Office of the Police and Crime Commissioner) was also the Monitoring Officer for complaints against the Police and Crime Commissioner;
- ss) The law did not require the CV of the candidate to be brought before the Devon and Cornwall Police and Crime Panel;
- tt) Mr Kingscote had two excellent references and had passed the vetting process;
- uu) Mr Kingscote provided a detailed summary of his career, including the following:
 - i) Over 30 years of experience working in the NHS in mental health, dealing and working with patients with long-term and enduring mental health issues;
 - ii) Being a local Councillor;
 - iii) Chairing Planning Committee for many years, overseeing multi-million pound applications;
 - iv) Working with the Prince's Trust supporting young people;
 - v) Had sat on the Scrutiny Board at Torbay Council;
 - vi) Had experience working within community building, including a peer review carried out in the Planning Committee;
 - vii) Had a plethora of contacts within Local Government, associations, MPs Offices and Chief Executives;
- vv) Hotspot Policing Funding had been secured from the Government which had provided £5 million over the past 18 months;
- ww) Plymouth was one of the areas that would have extra policing patrols to tackle anti-social behaviour and violent crime on the streets;
- xx) Barnstaple, Exeter, Newquay, Torquay and Truro had also received extra policing patrols in 2024;
- yy) Reserves not spent the previous year had been used to support communities that hadn't received Hotspot Policing funding with Street Marshals. Areas which hadn't received the funding were as follows: St Austell, Penzance, Camborne, Biddeford, Newton Abbot and Paignton;
- zz) The role of Deputy would aid The Commissioner in the leadership challenges that were being faced due to having a suspended Chief Constable and an acting Chief Constable, and the major performance issues with the police force;

- aaa) The Commissioner had been spending time walking the streets looking at individual buildings and streets to establish who owned what and where street homelessness was prevalent at a local level;
- bbb) The Commissioner had used her Power of Convening to bring together operational workers, senior leaders and agencies to start work at an operational level;
- ccc) The confirmation hearing for the Deputy Police and Crime Commissioner had been delayed due to the General Election;
- ddd) Due to having no Deputy, if The Commissioner fell ill, the OPCC Chief Executive would have to step into her role;
- eee) South Hams and West Devon had neighbourhood support teams which had come into play in South Torbay and South Devon's Basic Command Units;
- fff) Tavistock Police Station would be opening in the next year;
- ggg) The former MP for South Hams had worked closely with the police to create policing drop off points with key fobs to get into community buildings. This enabled the police to be able to get out on the patch;
- hhh) Mr Kingscote had developed his skills even more since the last time he was brought before the Devon and Cornwall Police and Crime Panel seven years prior;
- iii) More scrutiny was needed in the absence of a substantive Chief Constable;
- jjj) Mr Kingscote had been knocking on doors since December 2023 to speak to the community about what issues meant the most to them, and anti-social behaviour was highlighted;
- kkk) The Deputy role was a political appointment and so the candidate needed to have a political background and be able to act on behalf of The Commissioner;
- lll) The Commissioner had no concerns that Mr Kingscote was in anyway prejudice or discriminatory;
- mmm) The Commissioner was happy to take on any potential challenges of appointing Mr Kingscote as her focus was on building capacity and the capability to oversee the force with its performance;
- nnn) Mr Kingscote took early retirement from the NHS at the end of March 2024;
- ooo) The Deputy salary was two-thirds of The Commissioners salary;
- ppp) The Commissioner agreed to bring a report to the Devon and Cornwall Police and Crime Panel after the Deputy had been appointed for 12

months to outline the success of the role;

qqq) Mr Kingscote was a member of the Conservative Party;

rrr) Mr Kingscote was involved in The Commissioner's most recent re-election and had acted as a volunteer campaigner in every election he had ever worked in;

sss) Mr Kingscote had not contributed financially to The Commissioners campaign, and had only contributed in time and energy;

ttt) Mr Kingscote was the Chairman of Devon Historic Buildings Trust.

The Panel agreed to pass a resolution under Section 100(4) of the Local Government Act, 1972 to exclude the press and public from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

The panel adjourned at 12.01pm to consider the suitability of the candidate for the post of the Deputy Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly.

Following the adjournment, the Panel reconvened at 12.42pm and the Chair advised that the panel had had the opportunity, in private session, to consider and review -

- The Police and Crime Commissioner's recruitment and selection process;
- Details about the candidate;
- The criteria used to assess the candidate;
- How the candidate satisfied the criteria and their terms and conditions of employment;
- In order to satisfy themselves as to whether or not Mr Kingscote was a suitable appointment.

The panel reached a decision in respect of the Police and Crime Commissioner's proposed appointment of Mr Mark Kingscote as Deputy Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly, and the OPCC Chief Executive had been informed.

After a lengthy discussion where Panel Members considered Mr Kingscote's suitability against the criteria provided, the Panel formed the view that the candidate did not have sufficient experience that he would be unable to work on behalf of all residents of Devon, Cornwall and the Isles of Scilly.

The Panel agreed that the candidate did not meet the minimum requirements of the post. In accordance with Schedule 1, Para 10 (4) of the Police Reform and Social Responsibility Act the Panel recommended that the candidate should not be appointed.

A separate letter outlining the Panel's concerns would be provided to the Office of the Police and Crime Commissioner on the next working day after this meeting.

(Councillors Croad and Thomas left the meeting at the conclusion of this item).

7. **Draft Annual Report 2023-2024**

Alison Hernandez (Devon, Cornwall and the Isles of Scilly Police and Crime Commissioner), introduced the report and highlighted the following points:

- a) £46.5 million had been agreed in a the budget which would maintain 3,610 police officers;
- b) Police Enquiry Offices had been opened in Ilfracombe, Devonport, Okehampton, Kingsbridge, Looe and Honiton, with four more due to open in the next 12 months;
- c) Plymouth now had three Police Enquiry Offices, whereas Exeter and Truro only had one each;
- d) The Police, Fire and Ambulance Tri Service in Cornwall was the first in the country and had been difficult to deliver;
- e) Cornwall Fire was hosted by Cornwall Council and the Tri Service had been seconded to Holsworthy in Devon;
- f) The Panel would meet with the Tri Service Officer during their two-year trial period with the aim to understand how the service could be expanded further into Devon;
- g) The Government had appointed Timpson to oversee the prisoners probation for the Prisoners Building Homes Scheme;
- h) The aim was the role out the Prisoners Building Homes Scheme nationally;
- i) The Director of the Prisoners Building Homes Scheme had been invited by the Bishop of Gloucestershire to give a presentation in at an event in October in the House of Lords;
- j) Criminal Justice and You should be promoted to any victim of crime, and helped victims of crime through the criminal justice process as it outlined which organisations can help, and what to expect, at every stage of the process;
- k) Devon and Cornwall were the first in the country to produce the Criminal Justice and You website, and it had been promoted nationally;
- l) The biggest challenge for the OPCC was getting the force into a position of good performance.

In response to questions, it was explained:

- m) Hate crime scrutiny had been highlighted but was not strengthened within the report;
- n) Violence Against Women and Girls (VAWG) had been mentioned in the Deputy Prime Minister's speech;
- o) If Panel Members had recommendations for Prisoners Building Homes sites, they could feed them back to the Scheme Chair.

The Panel agreed to note the report.

8. **Draft Police and Crime Plan 2024-2029**

The Panel agreed to take the report as read.

In response to questions, it was explained:

- a) The partners involved in the four-week public consultation outlines in the report were charitable, voluntary and community sector;
- b) The Commissioner would write to leaders of Local Councils to ensure they were aware of the consultation;
- c) The file for the suspended Chief Constable had been passed over to the Public Prosecution Service;
- d) There were mechanisms the Government could use to aid The Commissioner including the Strategic Policing Requirement and possibly strengthening the VAWG element;
- e) There was upcoming legislation regarding the Police and Crime Plan, ensuring that experience in Devon and Cornwall in terms of remote and peripheral urbanity was taken into consideration;
- f) New MPs would have to be educated around the specific challenges that Devon and Cornwall face;
- g) It was clear in the Police and Crime Plan that a case for policing in Devon, Cornwall and the Isles of Scilly regarding summer challenges would be made.

The panel agreed to note the report.

At 13.07pm the Chair advised there were insufficient members for the meeting to be quorate and advised no formal decisions would be taken.

