

# MOTION ON NOTICE

**Date of Council Meeting:** 22 November 2024

**Title of Motion:** The Commissioner's actions in response to a decision by the panel at its 19 July 2024 meeting.

**Motion Narrative and Action Required:**

In a letter dated 1 July 2024 the Panel was advised by the Commissioner of her *proposed appointment (of Mark Kingscote) to the post of 'Deputy Police and Crime Commissioner'*.

The Panel was further advised by the Commissioner that –

*“Under paragraph 10 of Schedule 1, the Police and Crime Panel must review my proposed appointment and make a report back to me as the Commissioner on the proposed appointment. This report must include a recommendation as to whether the candidate should be appointed, within a period of three weeks beginning with the day on which the Panel receives notification from the Commissioner of the proposed appointment”.*

In July 2017, at the request of the Commissioner, this proposed appointee, Mark Kingscote, had previously been considered by the Panel for the role of Deputy Commissioner. On 7 July 2017 the Panel determined –

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

In a response letter to the Panel the Commissioner accepted the Panel's recommendation.

Within the agenda for the Panel's 19 July 2024 meeting, it was invited by the Commissioner to once again endorse *“the appointment of Mr Mark Kingscote as the Deputy Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly”* and for this appointment to be *“for a one-year appointment with the option to extend to the end of the current electoral term”*.

The Panel gave lengthy and detailed consideration to this proposed appointment, which has been recorded as –

*“... After a lengthy discussion where Panel members considered Mr Kingscote's suitability against the criteria you provided, the Panel formed the view that the candidate did not have sufficient experience and 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 does 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 recommends that the candidate should not be appointed.*

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

On the next working day, 22 July 2024, the Commissioner was sent written confirmation of the Panel's decision. This written confirmation fulfilled its obligations, as drawn to its attention by the Commissioner that *"Under paragraph 10 of Schedule 1, the Police and Crime Panel" it "must review my proposed appointment and make a report back to me as the Commissioner on the proposed appointment"*.

Immediately after the Panel meeting had concluded the Commissioner spoke directly to the BBC journalist who had been covering the Panel meeting. In the BBC's report of 19 July which covered matters considered at the meeting it states –

*"...In a separate development, Ms Hernandez said she was making Mark Kingscote a Deputy Commissioner. Mr Kingscote is a retired NHS mental health support worker who used to be a Conservative councillor in the same ward as Ms Hernandez in Torbay. The panel voted to recommend the PCC did not appoint her chosen candidate as he did not meet the minimum requirements for the role, but Ms Hernandez said she would not accept the recommendation. The panel voted to recommend the PCC did not appoint her chosen candidate as he did not meet the minimum requirements for the role, but Ms Hernandez said she would not accept the recommendation. Defending her decision, Ms Hernandez said she felt it was the right move to bring in Mr Kingscote..."*

This BBC report is here – [Ex-Met chief advising Devon and Cornwall Police - BBC News](#).

The Commissioner's decision to appoint Mark Kingscote as Deputy Commissioner as explained to the BBC reporter was confirmed in a press release issued by her press office about 90 minutes after the conclusion of the Panel meeting. The press release is here – [Former mental health worker recruited to assist Commissioner in tackling antisocial behaviour · Devon & Cornwall Police & Crime Commissioner \(devonandcornwall-pcc.gov.uk\)](#).

The Commissioner did not advise the Panel that she was not accepting the Panel's recommendation for 17 working days after its report was sent to her. *Schedule 1, Para 12 (2) of the Police Reform and Social Responsibility Act* states that – *"The police and crime commissioner must notify the panel of the decision whether to accept or reject the recommendation"*.

This Panel notes with the utmost concern the Commissioner's actions which she took after its decision on 19 July in which it recommended *"that the candidate (for Deputy Commissioner) should not be appointed"*. These were that the Commissioner –

- (i) immediately informed the BBC that she would not accept the Panel's recommendation and was appointing Mark Kingscote as the Deputy Commissioner.
- (ii) issued a press release within hours of the Panel's decision which stated, *"Mark Kingscote will become Devon and Cornwall's Deputy Police and Crime Commissioner"*.
- (iii) failed to wait to receive the Panel's formal decision, which it is required to send to the Commissioner under *Schedule 1, Para 12 (2) of the Police Reform and Social Responsibility Act*, before advising the BBC and issuing a press release announcing her appointment of Mark Kingscote as the Deputy Commissioner.
- (iv) took 17 working days, from receiving formal confirmation of the Panel meeting's decision of 19 July, to advise it of her intention to appoint Mark Kingscote as the Deputy Commissioner. This was discourteous to the Panel and its important scrutiny role, particularly given that the Commissioner had by then already briefed the press of her decision.
- (v) by her actions has brought the office of the Commissioner into disrepute by showing total disrespect for this Panel and the decision it made on 19 July.

Having considered the commissioner's actions and their context the Panel calls upon the Commissioner to formally apologise to the Panel for her actions as referenced in (i) to (v) above.

**Proposer:** Councillor John Loudoun

**Seconder:** Councillors Mandy Ewings, Laura Wright, Philip Hackett, and Dan Thomas