



Police and Crime Panel Meeting

7 July 2017

Report of the Police and Crime Commissioner

APPOINTMENT OF DEPUTY POLICE AND CRIME COMMISSIONER FOR DEVON, CORNWALL AND THE ISLES OF SCILLY

1. BACKGROUND

- 1.1 Part 1, Chapter 3, Section 18 of the Police Reform and Social Responsibility Act 2011 (“the Act”) provides Police and Crime Commissioner’s with the statutory power to appoint a Deputy.
- 1.2 Under the Act, the Police and Crime Commissioner (“the PCC”) may appoint a person as the Deputy Police and Crime Commissioner (“the DPCC”) and arrange for the deputy to exercise any function of the PCC, with the exemption of issuing a Police and Crime Plan; appointing the Chief Constable, suspending the Chief Constable, or calling upon the Chief Constable to retire or resign; or calculating a budget requirement.
- 1.3 The PCC proposes to appoint Mark Kingscote as the Deputy PCC for Devon, Cornwall and Isles of the Scilly.

2. NOTIFICATION

- 2.1 The PCC is obliged under the Act (Schedule 1, paragraph 9) to notify the Police and Crime Panel (“the Panel”) of his proposed appointment of a DPCC, and to include the following details:
 - a) The name of the person who the PCC is proposing to appoint as Deputy PCC.
 - b) The criteria used to assess the suitability of the candidate for the appointment.
 - c) Why the candidate satisfies those criteria.
 - d) The terms and conditions on which the candidate is to be appointed.
- 2.2 The Panel must review the proposed appointment and make a report to the PCC on the proposed appointment, including a recommendation to the PCC as to whether or not the candidate should be appointed, within a period of three weeks beginning with the day on which the Panel receives notification from the PCC of the proposed appointment.
- 2.3 The PCC must notify the Panel of her decision whether to accept or reject the recommendation of the Panel.

3. ROLE AND RESPONSIBILITIES OF THE DEPUTY PCC

- 3.1 The Deputy PCC will support and deputise for the PCC across the spectrum of the Commissioner's responsibilities, as required, and will take the lead in a number of areas.
- 3.2 The outline roles and responsibilities for the Deputy PCC are summarised below and are attached in full at Annex A to this report.

1. Scrutiny of policing

The Deputy PCC will support the PCC in her duty to hold the Chief Constable to account. In doing so the Deputy PCC will work closely with the OPCC Customer Service and Performance Manager to deliver the PCC's formal scrutiny programme and to work with the OPCC management team on broader scrutiny across the full range of business areas and the transformational change programme.

2. Mental Health

The Deputy PCC will work closely with the OPCC Criminal Justice, Commissioning and Partnerships Manager to drive forward the Police and Crime Plan commitments relating to mental health and to contribute to wider national PCC activity.

3. Sexual offences

The Deputy PCC will work closely with the OPCC CJ, Commissioning and Partnerships Manager to drive forward the Police and Crime Plan commitments relating to sexual offences and to contribute to wider national PCC activity.

4. Estates

The Deputy PCC will work closely with the OPCC Chief Executive to steer and shape the Estates Strategy in line with the Commissioner's Police and Crime Plan and reflecting the operational advice received from the Chief Constable.

5. Ethics and Equality, Diversity and Human Rights Portfolio Lead for the PCC

The Deputy PCC will lead for the PCC on scrutiny of the police delivery of the Ethics Framework and Equality, Diversity and Human Rights issues and will steer and develop the PCC's broader policy in these areas.

6. Wider roles and responsibilities

The Deputy PCC will also have a broad representational role on behalf of the PCC. This will include:

- attending public meetings, events and engagement opportunities to discuss policing issues and hear the views of the public
- representing the PCC with MPs, councillors and key stakeholders across the peninsula, working with and supporting the PCC's Community Link Officers and the Councillor Advocate Scheme

4. CRITERIA

4.1 The criteria used to assess the suitability of the candidate for appointment as Deputy PCC are:

- a. Have a mixture of public sector skills and experience gained over a number of years.
- b. Experience of scrutinising public services, including performance, finance and estates, to deliver value for money
- c. A strong and proven understanding of vulnerability, the challenges caused by mental ill health and the provision of mental health services.
- d. Expertise in the area of strategic estate management and planning
- e. Ability to effectively engage with local communities and work in a collegiate way with partners and politicians.
- f. Desire and ability to support the PCC in delivering the best possible outcomes for Devon, Cornwall and the Isles of Scilly.
- g. Able to commit to flexible hours of working including weekends and evenings as the role requires.

4.2 The following statement from the PCC provides evidence as to how Mr Kingscote meets the above criteria and will be able to effectively deliver on the listed responsibilities for the Deputy PCC:

Statement from the Police and Crime Commissioner

Policing is entering a period of unprecedented challenge and change. We have uncertainties over the future funding settlement and no agreed way that money should be circulated. Across England and Wales, the Home Office and Chief Constables are grappling with the best ways of convening the national policing assets to best address the threats our communities face.

We need to get to grips with the ballooning threats from cybercrime, fraud and modern slavery. We are yet to understand the full picture of child sexual exploitation and long standing offences such as domestic violence remain stubbornly resistant to reduce. The complexities of organised crime are becoming increasingly sophisticated. We are making steady progress but Her Majesty's Inspectorate of Constabulary has challenged the way we deliver some services so we need to continue to improve the way we work.

I have chosen to invest in additional police officers in Devon and Cornwall but we have little leverage over our own resourcing levels and everyone recognises that policing is stretched. That is unlikely to change significantly anytime soon unless there is a shift in direction in Government policy. We are adjusting local processes and refining our working practices to ensure we are as efficient and effective as possible. We have entered into a deep operational alliance with Dorset Police to ensure policing is more effective and efficient.

It is less than five years since the change in police governance that brought in police and crime commissioners. We have had some great successes. A Victim Care Unit for the first time, a network of support services for the vulnerable, the largest consultation on policing matters ever seen in Devon and Cornwall - as well as playing a major part in the shelving of not one but potentially two Government funding formulae that would have seen cuts to Devon and Cornwall Police funding,

Now, more than ever, policing needs strong leadership. The Police and Crime Plan that I published earlier this year sets out an ambitious programme of work that I am determined to deliver. The Chief Constable is leading Devon and Cornwall police well and delivering an effective alliance with Dorset Police. As Police and Crime Commissioner I am the only elected representative with responsibility spanning Devon, Cornwall and the Isles of Scilly. This brings with it real opportunities to work collectively with local partners to work in the best interests of policing and the south west. This is a big task.

The Police and Crime Panel will be aware that I have been considering the appointment of a Deputy Police and Crime Commissioner for some time now. In the first twelve months of my term I have met thousands of members of the public, police officers, staff and community representatives. On top of this I have provided the strategic oversight and leadership required from the PCC and held the Chief Constable to account.

I have now concluded that the time is right to appoint a Deputy PCC. I am convinced it is necessary for the delivery of my Police and Crime Plan and ensuring an efficient and effective police service given the enormous and growing challenges and that the public will come to see the benefits of this role.

I am proposing to the Police and Crime Panel that Mark Kingscote is appointed Deputy Police and Crime Commissioner for Devon, Cornwall and the Isles of Scilly.

I have every confidence that Mark is the right person for this role. He is a strong individual who will represent me well, is committed to building safe, resilient and connected communities with a track record in the areas that I wish to enhance efforts on, these include:

- *Seven years' experience of scrutinising the work of a unitary authority across a wide range of services.*
 - *(Torbay Council Overview and Scrutiny Panel 2000-03 and 2011-15)*
- *Ten years' experience of planning and development including leading a unitary authority's development planning committee and securing multi-million pound investments through positive and active engagement with developers, residents and wider stakeholders. Also, securing positive feedback from an external peer review for his strong and clear leadership of the planning committee. This will be particularly helpful for delivering the emerging Estates Strategy.*
 - *(Chairman of Torbay Development Management Committee 2014-2017, Chairman of Torbay Central Planning Committee 2000-03)*
- *Vast experience in representing public concerns to local authorities, aiding and assisting residents to voice their concerns through the channels open to them. This has achieved a high level of respect from the local community he represents in Torquay by being re-elected.*
 - *(Elected Councillor Torbay 2011-2017)*
- *Interested in the quality of the built environment and the conservation of historic buildings and the effect this has on how a community feels about their area. I feel his interest in this area will help ensure that the new build at Middlemoor is not compromised.*
 - *(Trustee of Devon Historic Buildings Trust 2000-03 and 2011-17)*

- *Not afraid to put his head above the parapet if he believes what he is calling for is right and just. He has been a whistle-blower about unsafe working practices and environments affecting vulnerable homeless people in our community.*
- *Twenty-six years of experience within the NHS most which have been within the mental health sector. This has enabled him to deal with difficult situations and individuals in a non-judgemental and supportive way. He has high levels of experience of working with people who are vulnerable or have complex needs and can relate to and communicate well with them.*
 - *(Auxiliary Nurse, Patient Transport, Mental Health Community Support Worker NHS 1991-2017)*
- *Vast experience of implementing policies within legal frameworks whether it be spatial planning in his role as Chairman of Planning or health policy as a mental health practitioner. This will be helpful in carrying out the role day to day but specifically ensuring a strong focus on delivering the Police and Crime Plan.*
- *Stands up for those who are exploited or abused from tackling bullying within the workplace to championing the support for male victims of domestic abuse.*
- *Having a public service background both as an elected member and as a health practitioner Mark is used to being publicly held to account for his work. He has high levels of integrity, is non-partisan and has a great sense of humour with a duty to serve our whole community.*

I would welcome the support of the Panel for the appointment of Mark Kingscote as the Deputy PCC to help increase the leadership capacity within Devon, Cornwall and the Isles of Scilly.

*Alison Hernandez
Police and Crime Commissioner*

5. TERMS AND CONDITIONS

- 5.1 A summary of the terms and conditions relating to the proposed appointment to the post of DPCC are attached at Annex B. This is a full time appointment for 37 hours on equivalent terms to those for OPCC staff. The annual salary is £30,000.
- 5.2 The terms and conditions relate to this appointment and for this term only and may not be the same terms and conditions agreed for any future appointment of a Deputy PCC.
- 5.3 Unlike all other members staff employed within the Office of the PCC who are required to be in politically restricted posts (under the Act and Section 2(2) of the Local Government and Housing Act 1989), the Deputy PCC is not a politically restricted post.
- 5.4 Due to the overtly political nature of this role, Parliament has granted PCCs exemption to Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) for this appointment. This means that the PCC can appoint a Deputy PCC of their personal choosing, without a competitive appointment process or interview.

5.5 The Deputy PCC is required as a condition of their appointment to make a declaration of eligibility. A copy of the declaration form is attached at Annex C.

6. NEXT STEPS

6.1 The Panel is asked to review the proposed appointment of Mark Kingscote as DeputyPCC and to make a report to the PCC on the proposal, including a recommendation as to whether or not the candidate should be appointed.

6.2 The PCC will consider the report and decide whether to accept or reject the Panel's recommendation on the proposed appointment. Should the PCC decide to appoint Mark Kingscote it will take effect on the day on which the PCC notifies the Panel of her decision.

Contact for further information

Duncan Walton, Acting Chief Executive

Office of the Police and Crime Commissioner for Devon and Cornwall

chiefexecutivesupport@devonandcornwall.pnn.police.uk

22 June 2017

Responsibilities of the Deputy PCC

The Deputy PCC will support and deputise for the Devon and Cornwall PCC across the spectrum of the Commissioner's responsibilities, as required, and will take the lead role in the areas detailed below.

Areas where the Deputy PCC will lead for the PCC

1. Scrutiny of policing

The Deputy PCC will support the PCC in her duty to hold the Chief Constable to account. In doing so the Deputy PCC will work closely with the OPCC Customer Service and Performance Manager to deliver the PCC's formal scrutiny programme and to work with the OPCC management team on broader scrutiny across the full range of business areas and the transformational change programme.

Key responsibilities:

- Working with the OPCC Customer Service and Performance Manager to steer and lead scrutiny activity on behalf of the PCC, with particular focus:
 - o Devon and Cornwall Police delivery against the strategic priorities in the PCC's Police and Crime Plan
 - o Performance monitoring against the strategic indicators.
 - o Force performance improvement.
 - o Force progress in response to areas of concern highlighted in external inspections and reports.
- Working with Dorset OPCC on the development of a joint scrutiny programme across the two policing areas

2. Mental Health

The Deputy PCC will work closely with the OPCC Criminal Justice, Commissioning and Partnerships Manager to drive forward the Police and Crime Plan commitments relating to mental health and to contribute to wider national PCC activity.

Key responsibilities will include:

- National and local influencing, engagement and lobbying on mental health service provision (covering victims, offenders and those at risk of becoming an offender or victim) and associated health funding
- Scrutiny of police performance and partnership activity with regard to mental health
- Commissioning and partnership working to secure and deliver effective and vfm services

3. Sexual offences

The Deputy PCC will work closely with the OPCC CJ, Commissioning and Partnerships Manager to drive forward the Police and Crime Plan commitments relating to sexual offences and to contribute to wider national PCC activity.

Key responsibilities will include:

- National and local influencing, engagement and lobbying on an effective and victim centred end to end system approach to tackling sexual offences
- Scrutiny of police and wider CJS performance and activity with regard to sexual offences
- Partnership working to secure and deliver effective and vfm services

4. Estates

The Deputy PCC will work closely with the OPCC Chief Executive to steer and shape the Estates Strategy in line with the Commissioner's Police and Crime Plan and reflecting the operational advice received from the Chief Constable.

5. Ethics and Equality, Diversity and Human Rights Portfolio Lead for the PCC

The Deputy PCC will lead for the PCC on scrutiny of the police delivery of the Ethics Framework and Equality, Diversity and Human Rights issues and will steer and develop the PCC's broader policy in these areas.

Wider key activities

The Deputy PCC will also play a key role in the following areas:

- Public engagement – attending public meetings, events and engagement opportunities to discuss policing issues and hear the views of the public
- Representing the PCC with MPs, councillors and key stakeholders across the peninsula, working with and supporting the PCC's Community Link Officers and the Councillor Advocate Scheme
- Attending Police and Crime Panel meetings, together with Council Overview and Scrutiny Meetings alongside, or on behalf of, the PCC
- Representing the PCC at key regional and national boards and groups, as required, such as SW Criminal Justice Board, SW Regional Collaboration and the Association of PCCs.

Deputy Police and Crime Commissioner - summary of terms and conditions of appointment

Under Section 18(10) of the Police Reform and Social Responsibility Act 2011 ("the Act") the deputy police and crime commissioner (DPCC) is a member of the PCC's staff.

The DPCC will be employed by the PCC and be subject to a contract of employment which will generally reflect the terms and conditions applying to the PCC's staff.

The main terms and conditions of appointment are:-

1. The DPCC will be required as a condition of appointment to make a declaration of eligibility that the appointment is held subject to the requirements of the Act and is not subject to a relevant disqualification¹.
2. The DPCC will be required to clear security vetting at an appropriate level.
3. Allowances - travelling and subsistence allowance will be paid at the rates applicable to the PCC's staff. Allowances paid will be disclosed quarterly under the Elected Local Policing Bodies (Specified Information) Order 2012 (as amended) and in accordance with the Home Secretary's determination, attached as an appendix to this summary.
4. Hours of work and salary –37 hours per week for which the DPCC will be paid £30000 per annum, with provision for attendance on days and at times reasonably required by the PCC which will involve work outside normal office hours. No overtime will be paid. Salary reviews will be in line with those made to the Commissioner's salary which is set by the Home Secretary.
5. In accordance with employee rights, the DPCC will be allowed reasonable time off to attend meetings and / or attend to duties as a Councillor, and this will be unpaid.
6. Holiday entitlement – 31 days annual leave including public and bank holidays.
7. Sickness absence –

Year of service	Entitlement
1	1 month's full pay and (after completing 4 months' service) 2 months' half pay
2	2 months' full 2 months' half
3	4 months' full 4 months' half
4 and 5	5 months' full 5 months' half
More than 5	6 months' full 6 months' half

Please note: entitlements are calculated from the first full day of absence in any absence period. Absences are calculated on a rolling 12 months basis.

8. Pension - entitlement to join the LGPS.
9. Continuity of service- where eligible under the redundancy modification order, continuous service will be used for the purposes of calculating redundancy payments.
10. Termination - the appointment as DPCC may be terminated at any time by the PCC as she thinks appropriate, or by the DPCC, and will terminate in any event no later than the 6th day after the day of the poll at the next ordinary election of the PCC, and / or following an election held to fill a vacancy in the office of the appointing PCC, the newly elected PCC makes and delivers a declaration of acceptance of office. The appointment will end if the appointee becomes disqualified in law. A notice period of 3 months is required by either party if the termination is initiated by the PCC or DPCC.
11. Conduct – the DPCC will be subject to the PCC Code of Conduct. The Policing Protocol code of conduct will also apply and in addition the DPCC will be subject to the complaints process under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. In Devon and Cornwall, this means that whilst the PCP is responsible for the complaint the initial consideration and recording of the complaint has been delegated to the PCC’s CEO, who makes a recommendation to the panel. Complaints of such a nature as to require an investigation will be handled by the IPCC.
12. Disciplinary and Grievance – the DPCC will be required to adhere to all of the OPCC’s relevant policies and procedures. Failure to do so may result in disciplinary action being taken, including termination of employment without notice.
13. Performance – the DPCC will be required to undertake an annual performance and development review and will be subject to the OPCCs capability policy.
14. The DPCC will be subject to the Official Secrets Act 1989.
15. The post is not politically restricted.
16. The DPCC will be required to declare pecuniary interests.

¹ Defined in para. 8(6) of Schedule 1 to the Act as amended



Deputy Police and Crime Commissioner for Devon and Cornwall

Declaration

I

declare that I am aware of the provisions of the Police Reform and Social Responsibility Act 2011 and to the best of my knowledge and belief I am eligible for appointment as Deputy Police and Crime Commissioner for Lincolnshire and I am not subject to a relevant disqualification.

I acknowledge that I hold office subject to the requirements of paragraph 8 of Schedule 1 to the Police Reform and Social Responsibility Act 2011.

Signed:

Date:

Signature witnessed by:

.....

Duncan Walton
Acting Chief Executive and Monitoring Officer

Enc: relevant extracts of the Police Reform and Social Responsibility Act 2011

(a) Section 18 to the Police Reform and Social Responsibility Act 2011 (18)

Delegation of functions by Police and Crime Commissioners (3) But a

police and crime commissioner may not—

(a) appoint a person listed in subsection (6) as the deputy police and crime commissioner;

The persons referred to in subsections (3) (a) are—

- a) a Constable (whether or not in England and Wales)
- b) a Police and Crime Commissioner
- c) the Mayor's Office for Policing and Crime
- d) the Deputy Mayor for Policing and Crime appointed by the Mayor's Office for Policing and Crime
- e) the Mayor of London
- f) the Common Council of the City of London
- g) any other person or body which maintains a police force
- h) a member of the staff of a person falling within any of paragraphs (a) to (g).

(b) Paragraph 8 of Schedule 1 to the Police Reform and Social Responsibility Act 2011

Deputy Police and Crime Commissioner

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 person who has not attained the age of 18 on the day of the appointment
- a person who is subject to a relevant disqualification
- a Member of the House of Commons
- a member of the European Parliament
- a member of the National Assembly for Wales
- a member of the Scottish Parliament
- 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 commissioner’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).

(c) Relevant Disqualification (Section 65(1) Police Reform and Social Responsibility Act 2011)

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

(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 member of staff, of—

- (i) the British Transport Police Authority;
 - (ii) the Civil Nuclear Police Authority;
 - (iii) the Independent Police Complaints Commission;
 - (iv) the Serious Organised 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).

**(d) Section 66 Police Reform and Social Responsibility Act 2011
(relevant parts)**

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

(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).

(3) A person is disqualified from being elected as, or being, a police and crime commissioner if—

(a) the person is the subject of—

(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).

(e) Citizenship Condition (Section 68 Police Reform and Social Responsibility Act 2011)

(68) Citizenship condition

(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.