

# **Devon and Cornwall Police and Crime Panel**

**Friday 7 July 2017**

## **PRESENT:**

Councillor Croad, in the Chair.

Councillor Batters, Vice Chair.

Councillors Atherfold, Brimble (substitute for Councillor Sutton), Sam Davey (substitute for Councillor Philippa Davey), Downie, Excell, Fairman (substitute for Councillor James), Hackett, Mathews, Squires, Towill, and Wright.

Independent Members: Sarah Wakfer.

Apologies for absence: Councillors Philippa Davey, James, Nelhams, Rule, Sanders, Sutton and Wingate.

Also in attendance: Alison Hernandez (Devon and Cornwall Police and Crime Commissioner), Ross Jago (Senior Panel & Partnerships Adviser, Plymouth City Council), Dr Karen Mellodew (OPCC Performance Management and Customer Service Manager), Duncan Walton (OPCC Chief Executive and Monitoring Officer) and Lynn Young (Democratic Support Officer).

The meeting started at 10.00 am and finished at 1.05 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 Chair of the Devon and Cornwall Police and Crime Panel**

Having been proposed by Councillor Wright and seconded by Councillor Mathews, and in the absence of any other nominations, it was agreed that Councillor Croad is appointed Chair for the 2017-18 municipal year.

### **2. Appointment of Vice Chair of the Devon and Cornwall Police and Crime Panel**

Having been proposed by Councillor Fairman and seconded by Councillor Excell, and in the absence of any other nominations, it was agreed that Councillor Batters is appointed Vice-Chair for the 2017-18 municipal year.

### **3. Minutes**

Agreed the minutes of the meeting held on 3 February 2017.

#### 4. **Declarations of Interest**

The following declaration of interest was made in accordance with the code of conduct –

| <b>Name</b>       | <b>Minute Number and Item</b> | <b>Reason</b>   | <b>Interest</b> |
|-------------------|-------------------------------|---|-----------------|
| Councillor Excell | 6 – Confirmation Hearings     | Preferred candidate for the post of Deputy Police and Crime Commissioner is a fellow Councillor at Torbay Council | Personal        |

#### 5. **Public Questions**

There were no questions from members of the public.

#### 6. **Confirmation Hearings**

The Chair advised Panel members that only one confirmation hearing would in fact take place today, due to the preferred candidate for the role of Treasurer being out of the country and unable to attend today's meeting. A video conference call had been considered in order to conduct the confirmation hearing, but it was felt that the Panel would prefer to meet the preferred candidate in person. The Panel were advised that this particular confirmation hearing would therefore take place at a date in the near future.

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 PCC would then be advised of the Panel's decision and the Panel would seek to agree with the PCC how and when an announcement would be made.

The Chair gave the PCC the opportunity to address the Panel to outline her reasons and deliberations for choosing Mr Kingscote as her preferred candidate; Mr Kingscote was then invited to address the Panel in order to advise them how he met the criteria for the post.

Mr Kingscote responded to questions from Panel members on –

- (1) the use of derogatory language in a 'Tweet' in 2015;
- (2) his experience of equality and diversity;
- (3) possible time constraints restricting his ability to fulfil his obligations in the role;
- (4) improving police presence in rural communities.

Agreed that under Section 100(A)(4) of the Local Government Act, 1972, the press and public are excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act, as amended by the Freedom of Information Act 2000.

The Panel adjourned at 11.18 am 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 12.03 pm 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 that 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 and Monitoring Officer had been informed.

Following a vote,

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.

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.

## **7. Police and Crime Commissioner's Performance Report**

Alison Hernandez (Devon and Cornwall Police and Crime Commissioner), Duncan Walton (OPCC Chief Executive and Treasurer) and Dr Karen Mellodew (OPCC Performance Management and Customer Service Manager) provided the Panel with the Police and Crime Commissioner's Performance Report. The Panel were advised that –

- (a) this was the first Performance Report in the new format, and the Panel's comments and views would be welcome;
- (b) the report contained a number of additional measures;

- (c) the 101 Service had seen a significant improvement in performance over the last 12 months, however during May 2017 performance had been challenged by a series of issues which had resulted in an increase in waiting times to an average of seven minutes;
- (d) standards of crime recording had improved since the HMI report published in February that had indicated that the accuracy of crime recording in Devon & Cornwall was 'inadequate';
- (e) the Baseline Public Perception Survey took place in May and June 2017; the results are currently being analysed and will be presented to the Panel at the next meeting.

In response to questions, the Panel were advised that –

- (f) the standard of recorded crime has been consistent; however there has been an increase in recorded crime due to the way it is recorded;
- (g) the level of *recorded* crime is a small percentage of *actual* crime, as not all crime is reported;
- (h) the Baseline Public Perception Survey (BPPS) had been undertaken at a cost of £14,000. The Force Survey Team had been unable to resource the survey, and the National Procurement Framework had been used to procure the cheapest external company;
- (i) the external company had applied robust methods to ensure that the sample of 800 residents of Devon & Cornwall was statistically significant and representative of the demography of the area;
- (j) the PCC had been contacted by a number of Plymouth Councillors who were concerned about the proposals for the city's Sexual Assault Referral Centre (SARC) provision, and welcomed feedback or comments from Panel members on this issue.

The Panel noted the report.

## 8. **Police and Crime Plan**

The Police and Crime Commissioner (PCC) provided the Panel with an update on the Police and Crime Plan 2017 – 2020. The Panel were advised that -

- (a) this was the first Police and Crime Plan (the Plan) update in the new format;
- (b) Appendix B to the Plan set out the governance arrangements for delivery of the Plan;
- (c) highlights of the Plan included –
  - the launch of the £200,000 capital fund to support Local Authorities to

- increase their CCTV capacity and to encourage the development of monitoring 'hubs'
- the launch of the OPCC Community Link Officer Scheme
- the introduction of the Delayed Charging Scheme
- the operational Memorandum of Understanding that has been put in place with local fire and rescue services and the ambulance service to build a deep operational partnership to keep people safe in the local area (the highlight of which is the 'Collapsed Behind Closed Doors' regional initiative whereby the police used to respond first to an incident where a person had collapsed behind a locked door at their home or other location, however now Fire & Rescue Services respond on behalf of the Ambulance Service as the first responder response)
- a review of Watch Schemes was being undertaken and Panel members were being invited to feed into it.

The Panel noted the report.

9. **Police and Crime Commissioner's Update Report**

The Police and Crime Commissioner (PCC) presented the Police and Crime Commissioner's Update Report, which highlighted a number of issues including –

- (a) Project Genesis;
- (b) Pathfinder (Delayed Charge Scheme);
- (c) the appointment of a new OPCC Chief Executive (for which 62 applications had been received).

The Panel noted the report.

10. **Report from the Office of the Police and Crime Commissioner in respect of any non-criminal complaints about the Police and Crime Commissioner**

Duncan Walton (OPCC Chief Executive and Monitoring Officer) advised the Panel that one formal complaint against the Police and Crime Commissioner had been received during the period 24 January 2017 – 31 May 2017, and was currently being assessed in discussion with the Police and Crime Panel Secretariat.

Issues relating to election expenses for the 2015 General Election were referred to the Independent Police Complaints Commission (IPCC) as a 'serious conduct matter' not a 'complaint'. After a full investigation by West Mercia Police, the decision for no further action was taken by the Crown Prosecution Service (CPS). A report from the Independent Police Complaints Commission (IPCC) is still awaited.

The Panel noted the report.

The Chair advised the Panel that he had received a request from Plymouth City Council regarding a motion of no confidence in the Police and Crime Commissioner (PCC) whereby Plymouth City Council were extremely alarmed at recent comments from the PCC (on Radio Cornwall) about licensed firearm owners being allowed to act during terrorist incidents. He had been asked to propose a motion of no confidence in the PCC, however he advised Panel members that he was not prepared to do this, acknowledged that this matter was open for discussion by members, and asked the PCC for her comments on this issue.

In response, the PCC advised the Panel that she did not believe in vigilante-ism, and stressed that she had stated on a number of occasions that she did not believe in this. She admitted that this issue had been raised by the last caller during a radio phone-in which took the subject matter further than expected. She had spoken to the BBC following the show, issued statements to be clear about what she believed in, and stressed to Panel members that she believed in the Police's view of 'Run, Hide and Tell' if a terrorist incident happened. She apologised if anyone felt that she had a different view and would have been delighted if she had been personally asked by any of those (Plymouth City) Council members about it, and re-iterated that she did not believe in vigilante-ism.

Councillor Davey proposed and Councillor Brimble seconded a motion of no confidence as detailed below –

*'In light of the Commissioner's ill-judged comments on the radio on 12 June concerning the possible use of guns by members of the public in response to terrorist activity, this Panel no longer has confidence in her competence to represent the people of Devon, Cornwall and The Isles of Scilly in this role.'*

Following a vote, the motion was lost.

*(Councillor Atherfold left the meeting part-way through this agenda item)*

#### 11. **Police and Crime Panel Workplan**

Ross Jago discussed the work programme with the Panel and it was agreed to –

(I) add the Connectivity Plan to the workplan.

The Panel were reminded that the previously agreed approach of one proactive and one reactive in depth review each municipal year had not been abandoned; Panel members were encouraged to submit any topics they considered worthy of review.

The Chair reminded Panel members that a confirmation hearing for the preferred candidate for the post of OPCC Treasurer was still required, in addition to a confirmation hearing for the post of OPCC Chief Executive.

Agreed that the Democratic Support Officer contacts Panel members to establish their availability for an extraordinary meeting on 18 August to undertake confirmation hearings.

12. **Future meeting dates**

The following are the scheduled meeting dates for the municipal year 2017-18 –

- 6 October 2017
- 1 December 2017
- 2 February 2018 (Precept meeting)
- 16 February 2018 (only activated if Precept veto'd)

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