



Reply to: Patricia Jones
Tel no: 07855 284504
Email: PLjones@somerset.gov.uk
Date: 24th April 2020

Sue Mountstevens,
Police and Crime Commissioner
for Avon and Somerset

Dear Commissioner

Confirmatory Hearing on appointment of Deputy Police and Crime Commissioner for Avon and Somerset Constabulary.

The Avon and Somerset Police and Crime Panel is lawfully required to confirm the appointment where it is satisfied that both the business case and credentials of the preferred candidate meet the required standard. The panel questioned both you and your candidate and recognised the candidate's intent to fulfil the entirety of his contract. By a majority vote of 9 votes for and 6 votes against the panel confirms your recommendation to the proposed appointment of Mr John Smith as Deputy Police and Crime Commissioner.

The panel as a whole expressed significant concerns; it was disappointed with the approach to this appointment from the outset and the risk of reputational damage resulting from the initial approaches. The panel has detailed below its account of the issues and has brought forward recommendations to avoid difficulties in the future. The panel is concerned enough that it will at an appropriate time write to the Home Office to seek improvements in the framework for recruitment of Deputy Police and Crime Commissioners.

The panel notes that it had been your intention to stand down from the role of Police and Crime commissioner to allow the election of new commissioner in May 2020. The advent of the COVID19 situation prevented the Police Crime Commissioner elections being held and the Panel commends you for staying in post for a further year in extraordinary circumstances.

You first made the Panel aware of your intention to appoint a Deputy Police and Crime Commissioner in a telephone call on 17th March 2020. At that time you stated that in view of the COVID 19 emergency you proposed to appoint Mr John Smith the former Chief Executive officer for the Office of Police and Crime Commissioner that you needed to extend your current Chief Executive's temporary contract and also needed to recruit an Interim Section 151 Officer. Your intention was that the deputy should be confirmed within 2 weeks.

I immediately recognised that the case for extension of the current CEO contract and the appointment of an interim Section 151 officer should meet with panel approval. However, I did counsel you as to the need to set out a clear case for appointing a deputy when you had not required one in the previous eight years. I also counselled you on the public perception of the proposed appointment. I questioned the validity of appointing a person who had until 4 months earlier been your CEO and friend, and had resigned with the intent to stand as a candidate in the Police and Crime Commissioner Elections of May 2020, when you had not considered any other of the intending candidates nor wider advertising of the role.

I counselled you on the appointment as it could be interpreted as putting John Smith in a strong position to be the next Police and Crime Commissioner which would provide a considerable advantage to him over other potential candidates. You confirmed that you were keen to appoint as soon as possible to ensure appropriate cover and support was in place throughout the COVID 19 emergency. You indicated that you had assessed the risks and in the emergency of the situation, needed someone who understood the role, was credible and could immediately work with the constabulary, and you indicated John Smith was immediately available. You later confirmed your intent in a letter of 17th March 2020 and outlined the broad terms of the CEO and Section 151 officer, together with the legal basis that enabled such an appointment of Deputy Police and Crime Commissioner.

On 20th March 2020 I wrote to advise that the business case for an appointed Deputy had not been substantially made out and also drew to your attention the report of the Committee for Standards in Public life entitled 'Tone from the Top' which clearly outlined recommendations that stated: 'When making appointments of Chief Constable, Deputy PCC or senior staff to your office, will you ensure open and transparent appointment processes and include an independent external member on the appointing Panel.'

On 23rd March you provided further documentation namely an advert for the role of Deputy PCC, role profile of the Deputy PCC, letter of support from Chief Constable Andy Marsh and a further letter indicating your intent to appoint a deputy PCC. The profile in particular was viewed as an enhanced business case. You also acknowledged the correspondence of 20th March and agreed to progress a recruitment process and

a three week time frame to appoint. The suggested panel included an independent member Councillor David Fothergill Leader of Somerset County Council.

On 25th March I spoke with the OPCC CEO Mark Simmonds to raise Panel concerns over the process during which a range of recommendations were presented including a minimum 3 week advertisement period and a wider circulation of that advert. These recommendations you accepted. The panel was further pleased with your agreement to permit two panel members to observe the interview process. Those panel members being Heather Shearer and myself. The panel representatives found the interview process to be fair and equitable to each of the candidates and reported our findings to Panel Members.

The panel recognises that it was able to persuade you to make a considerable shift in your recruitment approach from a direct appointment to a process that attracted nine applications, three of which were shortlisted for interview.

Whilst the panel appreciates the wider context of the COVID 19 emergency, the panel does feel that it was being rushed into making a decision to appoint and that communication on the business case and recruitment process could have been better. The panel would wish to recommend that there is an agreed protocol in place with the Office of the Police and Crime Commissioner should there be a future need to recruit to a role of such significant public importance.

The panel is also concerned that except for the advertisement of the role there has not been any public engagement, television or press interviews highlighting the need for a deputy. Given that such an appointment is considered 'a role of significant public interest' the panel feels that insufficient effort was put into making the public aware of the requirement for a deputy. Had such a campaign been put into place this would have made the citizens of Avon and Somerset more aware of the significant issues facing the wider public bodies and the constabulary and such a campaign may have attracted further high quality applicants.

The panel also recognises that the undue haste associated with this selection process was borne out of an emergency situation of COVID 19. However, at any stage in the last 8 years a similar emergency or other event might have required more resilience to be present within in the Office of the Police and Crime Commissioner. It seems reasonable therefore that whoever occupies the office of PCC should ensure there is a suitable deputy in place throughout the term of office, or that there is appropriate resilience within the employed officers if such a deputy is not appointed.

The panel wishes both you and your new deputy every success at this difficult time.
And looks forward to working with you both in the coming 13 months.

Yours sincerely,

A handwritten signature in cursive script that reads "Richard Brown". The signature is written in black ink and is positioned above a thin horizontal line.

Richard Brown
Chair – Avon & Somerset Police and Crime Panel