

OPEN

**OFFICE OF THE POLICE AND CRIME COMMISSIONER  
FOR HUMBERSIDE  
DECISION RECORD**

Decision Record Number: **9/2012**

Title: **Appointment of deputy police & crime commissioner**

**Executive Summary:** Following the confirmation hearing consideration now needs to be given to the panel's reasons for their recommendation not to support the appointment of Paul Robinson as deputy police and crime commissioner for Humberside and decide whether or not the appointment will be made,

**Recommendation(s):**

That Paul Robinson be appointed as the deputy police and crime commissioner.

**Police and Crime Commissioner for Humberside**

I confirm I have considered whether or not I have any personal or prejudicial interest in this matter and take the proposed decision in compliance with my code of conduct.

Any such interests are recorded below.

I know Paul Robinson in a professional capacity. My decision to appoint him has been based on his suitability for the role.

The above request has my approval.

**Signature**



**Date 27.12.12**

**POLICE AND CRIME COMMISSIONER  
FOR HUMBERSIDE**

**DECISION RECORD:        SUPPORTING REPORT FOR DECISION**

**Title:                        APPOINTMENT OF DEPTUY POLICE AND CRIME  
                                     COMMISSIONER**

**Date:                         27th December 2012**

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**1.     Purpose:**

The purpose of the report is to promote consideration of the appointment of deputy police and crime commissioner, having received the formal report following the confirmation hearing by the police and crime panel.

**2.     Issue:**

Following the confirmation hearing, consideration now needs to be given to the findings of the police and crime panel.

**3.     Recommendations:**

- Consideration to be given to the appointment of Paul Robinson as the deputy police and crime commissioner.

**4.     Background:**

You will be aware of the report submitted to the police and crime panel seeking their support for the appointment of Paul Robinson as your deputy. This is on public record and provided:

- the background to the legislation,
- the scale of your functions,
- the role profile for deputy police and crime commissioner,
- the experiences, knowledge and skills of Paul Robinson,
- your reasons for wanting to appoint him, and
- the terms and conditions.

As you know following the confirmation hearing the panel announced their decision not to support the appointment. This was communicated first through a press release (see appendix 1) issued on the day of the hearing. Then a formal letter from the lead officer for the panel was forwarded on 27<sup>th</sup> December (see appendix 2) setting out the reasons for their recommendation.

Section 12 of schedule 1 of the Police Reform and Social Responsibility Act 2011 gives you the power to accept or reject this recommendation, but requires you to notify them of your decision.

**5.     Reasons for panel's recommendation not to support the appointment**

The formal reasons for not supporting the appointment of Paul Robinson were:

- lack of transparency, openness and competition in the process and not having taken account of the Nolan principle of selflessness,
- limited and lack of detail in the criteria,
- limited justification and to why the criteria was satisfied,
- he didn't complement your skills and experience, particularly as you are both East Riding Councillors,
- he didn't have appropriate knowledge of public finance,
- he didn't meet the minimum standards of the role profile,
- lack of understanding of the role,
- lack of appropriate experience.

It is essential that you fulfil your commitment to reflect upon the views of the panel and I now provide my assessment of each point raised by the panel.

***Selection process – lack of transparency etc***

Paragraph 5.2 of the report to the panel set out the legislation relating to the process of appointing a deputy, namely that the requirement to base it on merit does not apply. Therefore it is your choice as to whether you select on the basis of an open competition or not.

This issue was raised by members at the hearing and responded to by myself.

The panel's desire for a competitive process is not a legal requirement. Indeed the law has been designed for the appointment to be left to your judgement, due to the unique position of being a single elected police and crime commissioner.

The Policing Protocol Order 2011 requires you to abide by the Nolan principles, one of which is selflessness:

- holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for their friends.

One must assume that the panel has come to the conclusion that your proposed appointment is not in the public interest or is designed to give a benefit to a friend. Section 6.10 – 6.16 of the report to the panel sets out the rationale of your personal perspective, including that your relationship with Paul Robinson is professionally based.

***Criteria – lack of detail and failure to justify why it was satisfied***

Unfortunately the lack of detail behind the panel's assessment leaves little room for an evidenced based response. However, suffice to say the preparations for the role profile were commenced prior to the election and developed using the same approach as for every other member of staff in the office. It was specifically designed to complement the existing staffing structure.

Along with the HR adviser I cannot see any reason why this role profile lacks detail.

Section 6.3 – 6.9 sets out Paul Robinson's experience, knowledge and skill. It provides evidence including the positions he has held and the activities he has undertaken in both public and private sector. Paragraph 6.8 summarises the experience, skills and knowledge.

Having reviewed the panel's comments, I cannot find any reason why the profile lacks detail nor a lack of evidence to justify the appointment. Therefore once again it is my view this is a matter of judgement for you.

***Skills not complementary and you are both East Riding of Yorkshire councillors***

It would have been valuable to have received more detail as to why this concern was deemed relevant. One of the core functions of the deputy is to deputise for you, therefore it could be seen as positive if you both had similar skills.

However, the roles do diverge as the role profile highlights. The lead areas are very much aligned with working with stakeholders and improving efficiency and effectiveness of the 'back office'. Therefore the specific business and international exposure in Paul Robinson's experience appears to fit well with this aspect of the work of deputy.

It is clear that as East Riding Councillors you have both had similar experiences as community leaders. However, as highlighted in the report in section 6, this was only for the latter part of your careers as prior to becoming councillors you both had different experiences and careers.

Having assessed the entirety of Paul Robinson's working life it does seem significantly different to your own in many respects. I can see no evidence to suggest that the skills and experience of Paul Robinson do not equip him to meet the requirements of the role.

***Lack of knowledge of public finance, doesn't meet the minimum standards, lack of understanding of the role and lacks the appropriate experience.***

As the panel report does not provide detail of what evidence was used to bring them to their judgement of the lack of knowledge / understanding etc it is difficult to do anything other than repeat the evidence presented in section 6 of the original report to the panel.

Specific comments made at the hearing were linked to public finance e.g. short discussion around the budget. Evidence was given that Paul Robinson had significant financial management experience. This included working on various scrutiny committees. The point was also made that the two section 151 chief finance officers have the financial expertise and provide direct support and advice. The panel's judgement therefore appears to be unfounded.

What is clear is that members of the panel did not have confidence that Paul Robinson had the capability to perform the role.

**6. Other concerns raised in the media**

Prior to and immediately following the hearing a number of concerns were raised in the media by politicians and the public, which centred on the following:

- no representation on the south of the Humber,
- conflict of interest if Paul Robinson remains as a councillor,
- lack of capacity to perform the role,
- level of remuneration,
- lack of policing experience.

Although the legislation doesn't require you to take into consideration the views outside the panel's formal recommendation, it is appropriate to reflect upon these concerns.

***Representation for south bank of the Humber***

As you are well aware a number of politicians, including some on the panel have asked if you have considered appointing a deputy from northern Lincolnshire.

This is a matter for your judgement but issues you may wish to consider include:

- is representation simply about north and south bank as neither have a community identity in any event? What about representation for Hull, what about specific minority communities, gender, age and a whole host of other communities or groups whether they be geographic or not,
- as you are both from East Riding of Yorkshire it is inevitable that there is a risk of a perception of geographic bias.

***Conflict in remaining a councillor***

As monitoring officer for your office, I do not see there being a legal reason why any conflict of interest would preclude you appointing Paul Robinson if he remains as a councillor. The same view has been offered by the monitoring officer for East Riding of Yorkshire Council with regard to any conflicts arising if Paul Robinson remains as one of their councillors.

Therefore it is clear that any perceived conflict of interest is of a political nature and a judgement for you to make.

***Lack of capacity***

This concern was raised consistently, often linked to the work as a councillor. However, as a director of the business, this has also created the concern over capacity to perform all roles adequately.

Paul Robinson has given reassurance that the demands of his business will reduce as a consequence of staff / family taking more responsibility. In terms

of the role of councillor he has indicated that he will continue to work on evenings and at weekends as is the normal workload. He will also relinquish roles on various panels / committees to free up capacity.

As with other concerns this is a matter of judgement alongside active management to minimise the risks.

### ***Level of remuneration***

The proposed terms and conditions were referred to by members of the panel (before and during the hearing), but did not form part of the formal response.

The report to the panel provided the rationale behind the salary (paragraphs 7.4 to 7.7) highlighting that as the deputy is a member of staff the same process of evaluation was applied. As head of paid service it would in my view be inappropriate to adopt a different methodology as it would make the decision open to legal challenge.

You chose to accept a lower level of remuneration by using the benchmark of that applied to deputy leaders of local councils.

Therefore although members of the panel raised the concern of the level of salary in a period of austerity, from an employment law perspective, the approach used to define the salary is the right one.

### ***Lack of policing experience***

A number of commentators, including some members of the panel raised concern of the lack of policing experience. When set against the role profile and knowledge / experience required, this is not a requirement of the post.

However, Paul Robinson does have experience of policing from his role of chair of the East Riding of Yorkshire safer and stronger community safety scrutiny committee.

Furthermore as you raised in public on many occasions there are more than sufficient policing 'advisers' available for yourself and the deputy to call upon.

## **7. Risks/Implications:**

If you do not properly consider the concerns, which have been raised you will not have discharged your responsibilities legally (in terms of the panel) or properly. The above narrative seeks to help you manage this risk by setting each concern into context.

However, ultimately the primary issue is does Paul Robinson have the professional competence to perform the role of deputy police and crime commissioner? This is a judgement call only you can make having taken all the information into account, but particularly the formal view of the panel.

Should you decide that Paul Robinson is professionally competent and you choose to appoint him as your deputy, it will create a number of risks

associated with the concerns raised by the panel, local people and politicians. These can be managed through a variety of means such as:

- Public engagement, stakeholder and media plan to demonstrate your access and availability to engage with all communities irrespective of geography, interest or belief,
- Induction plan and associated performance development review process to assure yourself of Paul Robinson's knowledge and understanding of areas of concern such as public finance, role and responsibilities,
- review the list of his councillor responsibilities to remove any of concern. This then to be reviewed by myself in six months to assess any conflicts of interest (real or perceived),
- Paul Robinson required to complete staff 'time sheet' to monitor time spent working as deputy,
- Performance development review in 12 months (as with all staff).

**8. Financial Comments:**

The financial remuneration and conditions of service were dealt with in the earlier report. However, I would remind you that should you decide to make the appointment a contract of employment will be required, along with a signed declaration and these will be completed in line with your decision taken on the 28<sup>th</sup> November, to have immediate effect.

**9. Legal Comments:**

There are no legal issues other than those highlighted above.

**10. Equality Comments:**

There are no equalities implications.

**11. Next steps:**

The next steps have been referred to above, specifically:

- your need to reflect and consider all the information and decide whether to appoint Paul Robinson,
- I will then arrange for contract of employment and declaration along with the usual staff induction issues e.g. time sheet, payroll etc,
- various plans to mitigate risks (section 7 above).

**12. Background/Supporting Papers**

Police Reform and Social Responsibility Act 2011

Policing Protocol, Order 2011,

Submission report 26<sup>th</sup> November 2012

Submission notes 28<sup>th</sup> November 2012

Report to Police and Crime Panel 21<sup>st</sup> December 2012

**Press release**

**Police and Crime Panel conformation hearing 21<sup>st</sup> December 2012**

Councillor David Rudd, Chairman of the Police and Crime panel, said members had voted 8:1 not to support the nomination of Councillor Paul Robinson as Deputy Police and Crime Commissioner.

He added: "This has not been an easy decision to make, but the panel is there to scrutinise and challenge issues on behalf of all communities in Humberside and all members bring different skills and expertise to the table.

"As such, we have discussed carefully what we believe are legitimate concerns over the proposed appointment, particularly with regard to the current capacity and experience of the nominated person to be able to dedicate the time required to fill this important public role the commissioner says it is.

"This is about ensuring we get the best appointment for the entire area and while we were very grateful to the Police Commissioner and Cllr Robinson for coming along today to discuss the proposal with us and answer questions, ultimately we cannot support the nomination.

"We recognise that it remains the Commissioner's decision whether to accept or reject our recommendation, but it is our role to scrutinise in line with the powers we have, and voice what we believe are legitimate concerns.

"We have spoken with the Commissioner's office this afternoon to inform them of our recommendation and we will be writing to them in due course with further details on how we came to reach our decision. As such, it would be inappropriate to comment further at this point."



Your ref:  
Our ref: EMC/

If telephoning or calling please ask for: Mrs Conolly  
Tel (01472) 324016  
e-mail: Liz.conolly@nelincs.gov.uk



Mr Matthew Grove,  
Humberside Police and Crime Commissioner,  
Pacific Exchange  
40 High Street  
Hull  
HU11PS

27th December 2012

Dear Mr Grove,

**CONFIRMATION HEARING: PROPOSED APPOINTMENT OF COUNCILLOR  
PAUL ROBINSON TO THE OFFICE OF DEPUTY POLICE AND CRIME  
COMMISSIONER**

In accordance with Schedule 1 to the Police Reform and Social Responsibility Act 2011, I write to inform you of the Humberside Police and Crime Panel's recommendation with regard to your proposed appointment of Councillor Paul Robinson to the office of Deputy Police and Crime Commissioner (Deputy PCC).

The Panel held a public Confirmation Hearing on 21st December 2012 and had the opportunity to ask questions of you, your Chief Executive Officer and of Councillor Robinson in relation to the proposed appointment to the office of Deputy PCC. The Panel was grateful that you made yourself available for questions and that you indicated you were willing to take the Panel's views into account when considering the proposed appointment.

The Panel reviewed the proposed senior appointment. It was recognised that it was within your discretion as to whether or not you appointed a Deputy PCC, but there was disappointment that you had not made it known during the election campaign that your intention was to appoint a Deputy PCC and that your appointee would be Councillor Robinson, although you indicated your intent to make this appointment shortly after your election. In addition there was some concern that the post of Deputy PCC might be full-time.

**The Panel agreed to recommend that you do not appoint Councillor Paul Robinson to the office of Deputy PCC.**

The reasons for this recommendation are as follows:

- (a) Whilst recognising that Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) does not apply to the post of Deputy PCC, the Panel did not have confidence in the appointment process undertaken. The Panel expressed disappointment and dissatisfaction at the lack of transparency and openness in the selection

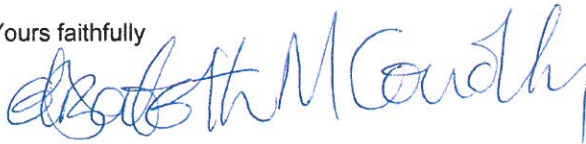
process undertaken, and that you had not gone through a competitive process to select a Deputy PCC, and not taken account of the 'Nolan' principle of 'selflessness'.

- (b) The criteria you applied to assess the suitability of the candidate were limited and lacked detail. Limited justification was put forward as to why the candidate satisfied those criteria. Of the criteria specified, the Panel considered that the proposed appointee did not complement your skills and experience as PCC, particularly given that you both have similar backgrounds as Councillors of the East Riding. The Panel was concerned that the proposed appointee did not demonstrate an appropriate knowledge of public finance which would be advantageous for the Deputy PCC post.
- (c) The Panel considered that Councillor Paul Robinson did not meet the minimum standards as set out in the role profile.
- (d) The panel felt that Councillor Paul Robinson demonstrated during the questioning a lack of understanding of the role.
- (e) The Panel also considered that Councillor Paul Robinson lacked the appropriate experience in order to fulfil the roles and responsibilities.

The Panel recognised that it was your decision whether to accept or reject its recommendation as to Councillor Robinson's appointment.

I look forward to receiving your decision.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Robert M. Conolly', written in a cursive style.

for Strategic Director Governance & Transformation