

# North Yorkshire County Council

## Police and Crime Panel

Minutes of the meeting held on Thursday 14 September 2017, commencing at 11.30 am at County Hall, Northallerton.

### **Present:-**

Councillors: Val Arnold (Ryedale District Council), Peter Dew (City of York Council), Mel Hobson (Selby District Council), Ashley Mason (City of York Council), Sandra Turner (Scarborough Borough Council), Peter Wilkinson ((in the Chair) Hambleton District Council).

Community Co-opted Member: Santokh Singh Sidhu.

North Yorkshire Fire & Rescue Authority-appointed observer to Panel: Councillor Andrew Backhouse (Chair of NYFRA).

Julia Mulligan (Police and Crime Commissioner)

Officers from the Office of the Police and Crime Commissioner: Fraser Sampson (Interim Chief Executive Officer), Michael Porter (Chief Finance Officer), Tom Thorp (Policy and Scrutiny Manager).

Officers from NYCC: Barry Khan (Assistant Chief Executive and Monitoring Officer – for Items 5 and 7), Diane Parsons (Panel Secretariat).

### **Apologies:**

Councillors: Carl Les (North Yorkshire County Council), Philip Barrett (Craven District Council), Michael Chambers MBE (Harrogate Borough Council), Richmondshire District Council (awaiting appointment).

Community Co-opted Member: Paula Stott.

North Yorkshire Fire & Rescue Authority-appointed observer to Panel: Councillor Tony Richardson (Vice Chair to NYFRA).

Nominee for co-opted elected Member to the Panel: Councillor Tony Randerson.

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**Copies of all documents considered are in the Minute Book**

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### **233. Minutes**

#### **Resolved –**

That the Minutes of the meeting held on 20 July 2017, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

### **234. Declarations of Interest**

Santokh Sidhu notified of a personal and professional relationship with the Interim Chief Executive Officer to the Police and Crime Commissioner (the PCC) and that he would be

withdrawing from the meeting for Item 7 (review of arrangements for the interim Chief Executive Officer).

Councillor Val Arnold notified that as a Member of the North Yorkshire Fire and Rescue Authority she would be withdrawing from the meeting at Items 9 and 10 (consideration of the PCC's local business case).

**235. To consider the exclusion of the public and press from the meeting during consideration of items 7 and 9 on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.**

Considered -

Diane Parsons advised Members that since the publication of the meeting papers, the PCC's office had confirmed that Item 9 was not confidential and as such the data provided had been published on the NYCC website.

**Resolved –**

That the Chair would consider during Item 7 whether it will be necessary to move into closed session.

**236. Public Questions or Statements**

The Panel was advised that no notice had been received of any public questions or statements to be made at the meeting.

**237. Pre-sale process for Newby Wiske Hall**

Following concerns raised at the previous Panel meeting by members of the Newby Wiske Action Group (NWAG) regarding the PCC's handling of the pre-sale process for disposal of Newby Wiske Hall, the Panel had agreed to consider this matter further. Questions raised previously by the local community had been put to the PCC in advance of the meeting and the PCC's responses were provided with the paperwork at Item 5(a).

The Chair introduced the item by outlining the Panel's role in considering this matter. He explained that the Panel does not have the power to overturn a decision made by the PCC, or to intervene in a commercial process. However, the Panel does have the power to scrutinise the way in which the PCC's decisions have been made and make reports on any findings, where appropriate.

Mr David Stockport MBE of the NWAG was invited to address the Panel. Mr Stockport outlined the concerns of the local residents in Newby Wiske, which may be summarised as follows:

- a) achieving 'Best Value' in a sale should not mean a sale at the cost of the needs of the local community;
- b) the NWAG are still awaiting information from the PCC regarding the workings of the 'HQ17' group which has overseen the sale of Newby Wiske Hall;
- c) the NWAG feel that PGL Travel Ltd ("PGL") did not give an accurate picture to the residents at their Open Day earlier this year regarding their proposals for use of the site;
- d) the residents felt that the written response provided by the PCC indicated that she had been aware of the full extent of PGL's plans when they submitted their initial Expression of Interest, and that this went contrary to other communications made by the PCC to the local community; and

- e) the residents are in receipt of information which suggests that the PCC and her staff have been active participants of the planning process, not only seeing PGL's plans but taking a role in approving them before submission. This is an issue of concern to them.

The Chair invited the PCC to comment on the observations and concerns put forward by Mr Stockport. Michael Porter explained the PCC's obligations with regard to achieving Best Value for assets and that this focussed on a need to demonstrate to the public that market value had been achieved in sale. It would as such be very difficult to sell below market value.

The PCC clarified that the HQ17 group was convened to oversee the entire process for the move from Newby Wiske Hall to Alverton Court, not purely for the sale of Newby Wiske Hall. The PCC advised the Panel that she had met with local residents and explained further about HQ17. However, she was bound by commercial sensitivities in not being able to provide as much information surrounding the pre-sale process at this stage as the NWAG would have liked.

Members asked the PCC to comment on whether she felt satisfied with the process for engaging and communicating with the community. The PCC clarified that she had not consulted with the public prior to the sale being agreed and would not do this because of commercial risks and sensitivities while the proposal is still to go through the planning process.

Michael Porter explained that it would be standard practice for the vendor to be involved in the process prior to planning being agreed to ensure that the proposal which formed the basis for the agreement of sale does not change. Mr Stockport expressed concern that PGL appeared to have greatly increased the potential numbers of children to be accommodated on the Newby Wiske site in their planning application, versus what was described at their Open Day earlier in the year. The PCC responded that the number of children on the site does not materially change the bid that was accepted and that the scale of the development proposed is a matter for consideration by Hambleton District Council.

The Chair highlighted that there are, in summary, seven questions drawn from the concerns raised by the NWAG at the previous Panel meeting and subsequently, which the Panel would use in considering the matter further. The questions, which were put back to the PCC for her comment were as follows:

- 1) Does the Panel consider that the lack of consultation of the site was acceptable given the PCC's Annual Report states that listening and understanding the needs of people across North Yorkshire and the City of York is the PCC's first priority?
- 2) Due to the number of objections from local residents about the proposed use of the site, does the Panel accept that the views of the local residents have not been listened to?
- 3) Does the Panel accept that working with local residents and representatives, an alternative plan could be developed which will be mutually beneficial?
- 4) What consideration has been given by the PCC on due diligence on the potential purchaser and the effect on neighbouring land prices (in line with her duty for social responsibility)?
- 5) What other options for marketing the site were considered (e.g. obtaining outline planning permission prior to marketing the site)?

6) What consideration was given in accepting the proposal to be 'compatible with the local community', as stated following a recent FOI request, and in the assessment of PGL as being good neighbours for the village?

7) Was the PCC allegedly misled by the original proposal of PGL and the way it is now being advertised and would she wish to reconsider her decision?

The questions were considered in turn by the Members, who sought comment from the PCC and her team, as well as legal guidance on the PCC's responsibilities around this process from Fraser Sampson and Barry Khan. The following points summarise the key issues considered during this discussion:

- The PCC has a duty to get Best Value. The Local Government Act 1972 (s123) provides a statutory duty to sell land at best consideration, subject to certain exemptions. The Panel acknowledged the PCC's responsibility in this respect and its own role in ensuring that the Commissioner has achieved Best Value for the community at large.
- There is no statutory duty to consult the community on a potential sale although the broader duty as PCC to listen to the public is separate to the Best Value duty.
- The PCC acknowledged that communications with the community could possibly have been better during the pre-sale process but felt that some steps had been taken to communicate with them. Following the last Panel meeting in July 2017, the PCC had also met with a small number of the NWAG to further discuss their concerns and explain the process undertaken.
- The PCC reiterated that as she is bound by commercial sensitivities around the forthcoming planning process, she cannot disclose full details around the bids received and considerations of these. The PCC advised that any concerns regarding the proposed use of the site now need to be fed through the planning process via Hambleton District Council.
- The PCC clarified for the Panel that she is satisfied that PGL were the best bid on the table.
- The PCC had given some consideration to obtaining planning permission for options prior to marketing but it was determined that the effort and cost to undertake this would outweigh the benefits. The PCC had not had sight of an alternative proposal by the residents and as such could only deal with the bids received.
- The PCC advised that the potential for a sale to impact negatively on local house prices is not a factor that would be taken into detailed consideration and any fall in prices would be difficult to evidence or to link directly to a sale.
- The PCC as a public authority has a responsibility to make sure that PGL's offer remains compatible with their original offer as agreed for sale, hence the level of oversight of the Estates team in the process leading to submission of PGL's planning application.
- Members queried the legal position for the PCC where PGL has increased their proposal around the numbers of children to be accommodated on site. It was felt that this issue would need to be approved by the NYP Estates team but would not be material to the outcome for the PCC.

- Members expressed sympathy with the residents' concerns and suggested to the NWAG that they consider how to make best use of the planning process, potentially by approaching their local councillor to seek conditions on PGL's proposals for use of the site.

The Panel agreed that they were satisfied that the PCC had fulfilled all legal responsibilities surrounding the process for agreeing the sale of Newby Wiske Hall and that her duty was primarily to achieve Best Value.

The Panel reflected with the PCC on whether lessons could be learned from the process and further to a recommendation put forward by Councillor Mason, the Panel considered whether formal guidance should be developed to inform the PCC's approach to disposal of assets in the future. The PCC acknowledged that communications could have been better and indicated that she would be happy to discuss this broader issue at a future Panel meeting but had concerns about guidance being developed on the basis of one specific issue. Fraser Sampson suggested that there would also be risks inherent in setting an expectation for the public around early consultation on a sale and the PCC was clear that she would be unable to share information about commercial bids received and seek views on them from the public. These concerns were echoed by some of the Panel Members and as such the recommendation for development of formal guidance was discounted.

An alternative recommendation was put forward by the Chair, recommending that the PCC reflects carefully in future on how she communicates with residents affected by the disposal of an asset. This was agreed by the Panel.

The Chair thanked the representatives from the NWAG for attending the meeting and reiterated the suggestion that they seek to address their concerns on the proposed use of the site via the formal planning process.

#### **Resolved –**

- (a) That the Panel publish a short report recommending that the PCC reflects carefully on all future asset disposals in relation to her engagement with affected local residents.

#### **238. Members' Questions**

A Member highlighted concern at the call abandonment rate in recent months for the 101 non-emergency service and queried whether this had been due to factors other than staffing. The PCC summarised four key factors at play:

- a) staffing issues;
- b) a 20% increase in demand for the service nationally (the reasons for which are being analysed);
- c) austerity having an impact in terms of dealing more with safety and welfare;
- d) IT issues.

A specific piece of work is being undertaken at the OPCC around this and it was highlighted that the PCC will also be providing a substantive report to the Panel on 101 at the November 2017 meeting. Members highlighted an inherent tension as they perceived it in encouraging residents to contact the Police if they witness something of concern, but those residents having to call 999 due to the extensive 101 service waiting times, only for a 999 call handler to hang up on the call because it is deemed not to be an emergency. The PCC stressed the importance of not using the 999 service in non-urgent situations.

The PCC was asked to comment on a recent report published by the Police Federation following their annual pay and morale survey which highlighted that over 50% of officers in North Yorkshire have low morale. The PCC outlined that there had been comprehensive

investment in Occupational Health within the force and it was agreed that a further report would be brought by the PCC on this to a future meeting.

**239. Exclusion of the public**

**Resolved -**

That the public and press be excluded from the meeting during consideration of item 7 on the agenda on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

**240. Panel review of arrangements for interim Chief Executive Officer to the PCC**

Considered -

The report of the Panel Secretariat – and accompanying background papers – regarding the Panel's review of the extension to the collaboration agreement between the North and West Yorkshire PCCs for appointment of an interim Chief Executive Officer (CEO) to the PCC.

Having previously declared a personal and professional interest in this item, Santokh Sidhu left the room for this item.

The Chair then invited all parties, other than Panel Members and officers supporting the Panel, to leave and the Panel went into closed session.

After a period of time, the Chair then invited those who had left the room to re-join the meeting to move back into public session.

Members queried the length of extension to the current arrangement for Fraser Sampson. The PCC advised that this length of time was required to enable North Yorkshire to continue to engage the services of a CEO to cover the period this would be needed for, while enabling West Yorkshire to be able to attract a decent pool of candidates for their own interim CEO post.

**Resolved –**

That the Panel gives its approval to the arrangements in place to secure up to two years' extension for Fraser Sampson as interim CEO to the PCC.

**241. The Local Business Case: Working Better Together – Options to improve collaboration between Fire and Police services in North Yorkshire**

Considered –

The PCC's business case setting out a preferred option for governance of the Fire and Rescue Service (FRS), and the Panel's response to this.

The Chair proposed some changes to the running order of the agenda and at this point in proceedings the Panel moved to Item 10.

Further to declaring an interest in this item as a Member of the North Yorkshire Fire Authority (NYFRA), Councillor Val Arnold left the room for this item. Barry Khan left the meeting.

The Panel had taken an introductory discussion on the content of the business case at its previous meeting. The Chair therefore offered the PCC the opportunity to add further

comments if she so wished, which the PCC declined. The Chair then invited the Chair of the NYFRA to set out the NYFRA's alternative proposal for enabling collaboration.

Councillor Andrew Backhouse identified some key concerns for the NYFRA regarding the PCC's preferred option of adopting the 'Governance Model'. These included the point that a leap to the Governance Model would present an irreversible step and a concern at the lack of detailed business cases for each of the collaboration proposals highlighted by the PCC in her case. Councillor Backhouse also challenged the pace and timescales for pushing on the changes proposed. He emphasised that the NYFRA is not a failing authority and is well-respected. He similarly emphasised that the NYFRA is not opposed to enhancing collaboration. Their proposal is for the PCC to trial the 'Representation Model' and if this doesn't bring about the kind of improvements in collaboration that would be expected then the NYFRA would be supportive of a move to the next step towards a transfer of governance to the PCC.

The PCC challenged Councillor Backhouse's assertions that the NYFRA gives adequate oversight and is well-performing. The PCC highlighted that she has spoken to a number of fire officers in the course of undertaking the consultation and feels that morale is very low currently in the FRS. The PCC felt that the public and FRS would be dealt a great disservice if this were not to be halted now and tackled effectively. Councillor Backhouse expressed his surprise as the NYFRA have not been communicated with regarding the level of concern as raised by the PCC.

A Member asked the PCC about risk assessments being undertaken when fire officers arrive at the scene of an incident, and whether her proposed model would bypass this. The PCC responded that greater resilience is needed in responding to incidents than is currently in place in North Yorkshire. By way of follow-up, a Panel Member commented that validation is missing from the PCC's business case to help 'prove' that the model would work.

Members asked the PCC about the proposal to adopt the Representation Model and challenged why this could not be done prior to further consideration about moving to the Governance Model in future if needed. The PCC highlighted that the governing legislation does not allow for a stepped process and that there would have to be a full consultation process again to move from one model to another.

A Member asked Councillor Backhouse to explain how the recently-formed Collaboration Committee would help to impact on decision-making and bring about greater collaboration between the services. Councillor Backhouse described that the PCC is one of two voting members on this Committee and felt that progress was being made. The PCC explained that she is unable to vote on behalf of the Police at the Collaboration Committee so can only vote in relation to NYFRA business.

The Chair highlighted the Panel's concern that the 16 Members of the NYFRA would be replaced with one PCC. Additionally, that the Panel would be given no further resources to be able to undertake an extended scrutiny remit. He asked the PCC to comment on these concerns. The PCC advised that under her preferred option, she would ensure that councillors in local communities would have their say. Members highlighted that the key concern was the accountability of the PCC's role under this model and the ability of the Panel, with no greater powers or resources at its disposal, to discharge scrutiny over her performance in a robust way.

A Member challenged the PCC's assertions around morale in the FRS and also asked what proportion of officer time in the FRS is spent on fighting fires. Councillor Backhouse explained that the role of a fire officer has undergone a huge change in recent years; focussing more on prevention than reaction to incidents.

The Panel closed its consideration of the PCC's business case by underlining that it continued to be concerned by the irreversible nature of the Governance Model and the considerable impact on the Panel if this were to be adopted.

**Resolved –**

- (a) That the Panel recommends for the PCC to adopt the Representation Model.
- (b) That the Panel will provide a formal written response to the PCC on its recommendation.

**242. PCC's draft Annual Report 2016/17**

Considered –

The PCC's draft Annual report 2016/17.

Councillor Andrew Backhouse left the meeting on consideration of Item 8.

Members commented that the draft document was well-written, very accessible to members of the public and easy to read.

The PCC was asked whether the draft makes it clear that it can be provided in alternative formats. The PCC felt that it did but committed to check this and ensure that this is clear.

**Resolved –**

That the Panel confirms its support for the PCC's draft Annual Report 2016/17.

**243. Any other business**

No urgent business was identified through the Chair. Members were reminded that the date of the next Panel meeting will be Thursday, 16<sup>th</sup> November 2017 at York College.

The meeting concluded at 2:30pm.

DP