

North Yorkshire County Council

Police, Fire and Crime Panel

Minutes of the meeting held on Thursday 15 November 2018, commencing at 11:00 am in the Hudson Room at City of York Council West Offices, York.

Present:-

Councillors: Val Arnold (Ryedale District Council), Michael Chambers MBE (Harrogate Borough Council), Mel Hobson (Selby District Council), Carl Les (North Yorkshire County Council, in the Chair), Ashley Mason (City of York Council), Chris Steward (City of York Council) and Peter Wilkinson (Hambleton District Council).

Community Co-opted Members: Paula Stott.

Julia Mulligan (Police, Fire and Crime Commissioner).

Officers from the Office of the Police, Fire and Crime Commissioner: Fraser Sampson (Interim Chief Executive Officer), Michael Porter (Chief Financial Officer), Will Naylor (Deputy Police, Fire and Crime Commissioner) and Jenni Newberry (Head of Commissioning and Partnerships).

Officers from NYCC: Barry Khan (Asst Chief Executive and Monitoring Officer), Suzanne Truman (Senior Accountant) and Diane Parsons (Panel Secretariat).

Copies of all documents considered are in the Minute Book

318. Chair's announcements

The Chair opened the meeting by highlighting that the Statutory Instrument which gives the Police and Crime Commissioner ("the Commissioner") oversight of the governance of the Fire and Rescue Service was thought to have come into effect that same day. This means that scrutiny of the Commissioner in this role will now be done through a Police, Fire and Crime Panel ("the Panel"). The Panel will be looking to develop its role in this respect going forward. The Chair acknowledged the Panel's gratitude to the two former observer Members from the Fire Authority, Councillors Backhouse and Richardson, who had provided support the Panel prior to its transition.

319. Apologies

Apologies had been received, and were noted, from Councillor Russell Lord, Councillor Sandra Turner and Santokh Sidhu.

320. Minutes

Resolved –

That the Minutes of the meeting held on 15 August 2018, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

321. Declarations of Interest

For Item 6 (Progress on Issues Raised) - Councillor Peter Wilkinson declared a non-pecuniary interest in terms of the planning application by PGL for Newby Wiske Hall as a Councillor and Cabinet Member of the planning authority, Hambleton District Council. Councillor Carl Les declared an interest in the same matter as Chair of the trustee Board of North Yorkshire Youth.

322. To consider the exclusion of the public and press from the meeting during consideration of Item 11(a) on the grounds that this involves the likely disclosure of exempt information as defined in the paragraph specified in column 2 of Part 1 of Schedule A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006.

Councillor Mason proposed that Item 11(a) be deferred to the next full Panel meeting as it was felt that the matter should be considered by the Panel in the public domain. Deferral would afford the Commissioner time to consider how the paper may be redacted to bring it into public forum. Councillor Val Arnold seconded the proposal. Members voted unanimously in favour of the proposal.

Resolved –

That Item 11(a) will be deferred until the next full Panel meeting and will be taken in public session.

323. Public Questions or Statements to the Panel

The Panel were advised that none had been received.

324. Progress on Issues Raised by the Panel

Newby Wiske Hall

The Commissioner informed the Panel that she had fed back to North Yorkshire Police (“NYP”) the concerns of the residents about the use of the Hall and grounds for firearms and dog training. Fraser Sampson advised the Panel that there is no further update as regards progress on the planning application for the Hall and that this matter is progressing slowly.

PCSO numbers on the NYP website

The Deputy Commissioner updated that due to the NYP website being linked to that of Police.uk and the latter being the ‘dominant’ website, this renders it very difficult, technically, to place updates on the NYP site. It would similarly be difficult to deploy a holding page updating on PCSO numbers for this reason. He will advise the Panel when further progress can be made.

Members accessing webcasts and recordings of other Panel meetings

Details have been circulated to the Panel of how to access webcasted/recorded meetings for South and West Yorkshire. The Commissioner acknowledged that she would be supportive of the Panel if it moved to webcasting its meetings.

Cybercrime briefing

This is planned to take place in Northallerton on 4th December 2018.

325. Members' Questions

The Commissioner was asked about the recent Daily Telegraph article which highlighted that fewer than 1 in 100 thefts are being solved and which also highlighted that in North Yorkshire, the proportion of thefts where a perpetrator was charged has dropped to 0.6%. The Commissioner advised that she would be happy to look at this through her Public Accountability Meetings. The PCC reflected around the role PCC's have in relation to the Crown Prosecution Service and being unable to hold them to account. Police and Courts activity is monitored through the Local Criminal Justice Board. Further to a supplementary question the PCC advised that NYP does not have a specific target for 'screening' of particular crimes.

326. Report of the Complaints Sub-Committee

Considered -

The report of the Complaints Sub-Committee Chair, Councillor Peter Wilkinson, regarding the recent publication of the Sub-Committee's report on its findings in respect of complaints notified to Panel about the conduct of the Commissioner.

Councillor Wilkinson noted his thanks to his fellow Sub-Committee members and the supporting officers from NYCC. He also acknowledged that the Commissioner and her supporting officers had co-operated fully throughout this process.

Councillor Wilkinson then outlined the level of detailed consideration given by the Sub-Committee and supporting officers to ensuring that the process was as thorough and robust as possible, and that this commitment extended to the secure handling of the documentation and correspondence. He noted that the Panel's powers are limited due to the inability to investigate complaints and that the Sub-Committee's concerns on this point have been highlighted in a letter to the Home Office.

Councillor Wilkinson highlighted the key conclusions and recommendations of the Sub-Committee's report. In so doing he also emphasised that no complaint had been notified alleging the criminal act of harassment. The Sub-Committee has agreed that informal resolution had not been an appropriate pathway for the complaint and had instead drawn on the Panel's powers under the Police Reform and Social Responsibility Act 2011 to produce a report and make recommendations regarding a matter concerning the Commissioner's conduct.

Councillor Wilkinson advised that the Panel had been disappointed with the Commissioner's initial press release to the report (24th October 2018) and he did not accept the Commissioner's claim that she had no right of appeal as this could be done through bringing a judicial review. The Panel Chair has advised the Conservative Party of the issues contained within the report.

Paula Stott conveyed that the task had not been a pleasant one for the Sub-Committee to discharge but that its members had worked hard to ensure fairness for all involved. As such she had been upset by the Commissioner's original statement of response. Paula referred to "AB's" response to the Sub-Committee on receiving the finalised report, expressing relief that things would change at the Commissioner's office.

Paula Stott indicated that the recommended staff survey should incorporate not only current staff but those who have left their roles in the last 24 months, to give a broader baseline. The Commissioner was also advised that the recommendation around mentoring was concerned with a one-to-one approach rather than purely drawing on a broader peer support network via the Association of Police and Crime Commissioners. The Commissioner advised that she would be concerned that this approach may be too expensive for the taxpayer.

The Commissioner reiterated her offer for the Sub-Committee to speak to her staff directly. Councillor Wilkinson advised that clear legal guidance has been given to the Sub-Committee that this would have been inappropriate due to the lack of power for investigation. Barry Khan advised that as the Sub-Committee report has been included and an offer has been made by the Commissioner, this offer could be taken up. The Panel agreed to give this further consideration.

The Commissioner sought to clarify for the Panel that she has no line management responsibility for staff, including within the Fire and Rescue Service. It was acknowledged that a lot has gone wrong in respect of line management at her office and a failure of support for the complainant. A lot of work has been put in place around this and duty of care. Members sought to convey to the Commissioner the responsibilities of elected officials, regardless of a lack of line management responsibilities, akin to matters of conduct which would be reviewed by a Standards Board.

Members highlighted for the Commissioner the difference in tone between the original statement released on 24th October and the more recent statement of response by the Commissioner to the recommendations. The Commissioner felt the statements to be consistent but further to supplementary questions, highlighted that she felt there to have been a substantial amount of information provided to the Sub-Committee which was not referenced within the report. The Commissioner agreed to work with the Sub-Committee on Terms of Reference for the staff survey and highlighted that it had not been her intention to omit reference to undertaking a leadership development programme; this is being explored currently through HR at NYP.

The Panel agreed the recommendations within the report as proposed by the Sub-Committee and it was agreed that the Sub-Committee will keep the Panel updated on progress made against these.

Resolved –

That the Panel:

- (a) will consider the merits of engaging directly with staff at the Commissioner's office in the context of the findings of the report;
- (b) agrees the recommendations as proposed within the report be taken forward with the Commissioner, via the Sub-Committee;
- (c) will receive update reports from the Sub-Committee on the PCC's progress against the recommendations.

327. Mid-Year Budget Review

Considered -

The report of the Commissioner's Chief Financial Officer updating the Panel on the mid-year budget position.

Members acknowledged that the shortfall in pensions would be a considerable budgetary challenge for the Commissioner resulting in significant increases in the employer's contribution, with an impact of around an additional £4m per year required, going forward. While the Panel has expressed concerns at the low levels of general reserves previously, it was acknowledged that these would need to diminish in order to meet these unexpected costs.

Members asked about confidence levels in achieving the planned outturn position and impacts of potential overspends on overtime and agency costs. Michael Porter felt there has been a step change within NYP in understanding budgets in the last 9 to 12 months. He anticipates some fluctuations as NYP goes through the T2020 programme but feels comfortable that overtime will come in as expected.

The Commissioner was asked to provide more detail around the success criteria for the Specific Grants highlighted within the report, such as the Alcohol Campaign Grant. It was agreed that the Commissioner would provide a further briefing to Panel on some of these activities in the New Year.

Members considered the role of non-warranted officers in NYP. NYP are still working through the numbers of non-warranted going forward and this will form a key part of the workforce and skills planning.

The Commissioner was asked about past performance on capital expenditure and whether further significant slippage on projects is likely in 2018/19. Michael Porter advised that he expects to see slippage being driven out over the next few months and unspent monies recouped.

The Commissioner was also asked about the 'Plan B' for tackling the pension increase if only part-funding is received for Year 2 and beyond. The Commissioner felt confident that the T2020 programme will deliver a range of savings and help to provide a robust response.

Resolved -

That the Panel:

- (a) notes the report provided; and
- (b) agrees to take a further briefing on the Specific Grants initiatives in the New Year.

328. Transform 2020

Considered -

The report of the Police, Fire and Crime Commissioner providing an overview of the Commissioner's rationale for embarking on the Transform 2020 programme, its objectives and progress to date.

Members expressed disappointment at the scant level of detail within the report in view of its significance. The Commissioner conveyed that it is too early currently to provide the level of detail that the Panel is seeking. The programme has just gone through the Assess phase and priorities have been identified. Members noted that the timescales suggested that the programme would now be within the Design phase, in which opportunities and initiatives identified during Assess will be developed into full business cases. Members expressed that they would be keen to learn more about these plans as they evolve. It was agreed that the Commissioner will return to Panel with further detail on this in the New Year.

Further to a suggestion from the Commissioner, the Panel also agreed to create a T2020 sub-group to ensure a small group of Members is able to focus in more detail on the evolving programme and report back to Panel.

Resolved -

That the Panel:

- (a) will take a report on the Design phase in January 2019;
- (b) will form a T2020 sub-group, with input from the Commissioner's office.

329. Panel Lead Officer on complaints: to agree a new designation

Considered -

The report of the Panel Secretariat proposing that Daniel Harry assume the formal designation of Lead Officer to the Panel.

Diane Parsons gave context to the proposal, focussing on the change in management oversight of the Panel at NYCC and it moving into Legal and Democratic Services. Daniel Harry was proposed as the new Lead Officer within this directorate. The role centres around the initial handling and review of complaints.

Councillor Wilkinson wished to register his particular thanks to the outgoing Lead Officer, Neil Irving, for all his support to the Panel on complaints work since 2012.

Resolved -

That Daniel Harry be formally delegated the role of Lead Officer to the Panel in respect of complaints handling.

330. Proposed changes to the Panel's Arrangements and Rules of Procedure

Considered -

The report of the Panel Secretariat inviting the Panel to consider the merits of reducing its quorum requirement and introducing substitute Members.

The Panel considered that they would only wish to consider a reduction in the quorum and not the introduction of substitutes.

Resolved -

- (a) That the Panel will reduce its quorum to a third of its full membership (4 members); and
- (b) That the Panel's Rules of Procedure will be revised accordingly and brought for ratification by the Panel in January 2019.

331. Yorkshire and Humberside Police and Crime Panels network meeting of 17th September 2018

Considered -

The verbal update of Councillor Peter Wilkinson on the outcomes of the regional Panel network meeting held on 17th September 2018.

Councillor Wilkinson and Paula Stott have attended two of these meetings since the Panel joined this network earlier this year. Councillor Wilkinson finds the network to be a useful opportunity to get mentoring from local Panel colleagues. He urged other Panel members to attend if they are interested and highlighted the option to view webcasts of meetings of neighbouring Panels.

Resolved -

That the update be noted.

332. Update report from the National Police and Crime Panel conference on 12th November 2018

The Panel were advised that unfortunately, due to a combination of unforeseen circumstances following publication of the meeting papers, North Yorkshire was not represented at this event and as such no update could be provided.

Resolved -

The Panel Secretariat will circulate notes from the national PCP conference when these are available.

333. Work Programme

Diane Parsons highlighted the provisional addition of a Panel meeting on 4th December 2018 to hold a confirmation hearing for a proposed s151 officer for the Fire and Rescue Service. This will be combined with a presentation on the fire service from Dave Etheridge, a consultant currently working for the PCC.

Resolved –

That the report be noted.

The meeting concluded at 12:30pm.

DP