

North Yorkshire County Council

Police, Fire and Crime Panel

Minutes of the meeting held on Tuesday 15 January 2019, commencing at 2:00pm in the Brierley Room at County Hall, Northallerton.

Present:-

Councillors: Val Arnold (Ryedale District Council), Michael Chambers MBE (Harrogate Borough Council), Carl Les (North Yorkshire County Council), Russell Lord (Richmondshire District Council), Peter Madeley (Craven District Council), Chris Steward (City of York Council), Peter Wilkinson (Hambleton District Council, in the Chair).

Community Co-opted Members: Santokh Singh Sidhu and Paula Stott.

Julia Mulligan (Police, Fire and Crime Commissioner).

Assistant Chief Fire Officer Andrew Brodie (Leicestershire Fire and Rescue Service – for Item 5).

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 and Crime Commissioner).

North Yorkshire Police: Caroline Blackburn (Interim Service Delivery Adviser).

Officers from NYCC: Suzanne Truman (NYCC Finance – for Item 12), Diane Parsons (Panel Secretariat).

Copies of all documents considered are in the Minute Book

339. Apologies

Apologies had been received, and were noted, from Councillor Ashley Mason and Councillor Sandra Turner.

340. Minutes

Resolved –

That the Minutes of the meeting held on 4 December 2018, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

341. Declarations of Interest

No declarations were made to the Panel.

342. Exclusion of the Public

Resolved –

That the public and press be excluded from the meeting during consideration of Item 6 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.

343. Confirmation hearing – Interim Chief Fire Officer/Chief Executive to the North Yorkshire Fire and Rescue Service

The Secretariat officer highlighted the Panel's role and remit in respect of the hearing for the proposed appointment of an Interim Chief Fire Officer/Chief Executive ("Interim CFO") to the North Yorkshire Fire and Rescue Service. The Panel were reminded that there is no requirement for a CFO to retain operational independence from the Police, Fire and Crime Commissioner ("the Commissioner"). However, it was considered that the Panel still need to ensure that the CFO has the ability to advise the Commissioner effectively and to exercise independence of thought in so doing. As such, it was considered that in the absence of any specific statutory guidance for Panels on this point, it would be legitimate to apply the principles of professional competence and ability to exercise independence of opinion.

The Commissioner advised the Panel that there were six candidates for the role of Interim CFO, three of whom were shortlisted. The Panel were advised that the secondment agreement between the Commissioner's Fire and Rescue Authority and Leicester, Leicestershire and Rutland Combined Fire Authority provided to them at Item 5(ii) was in draft and will be finalised in due course.

The Commissioner and the preferred candidate, Andrew Brodie, were asked a number of questions by the Panel, in order for the Panel to reassure themselves that the candidate would meet the standards required for the role, as advertised by the Commissioner.

Question 1: Councillor Chris Steward queried with the Commissioner that across much of the draft secondment agreement, it refers to employment issues being passed on directly to Leicestershire (LFRS), rather than being handled within North Yorkshire. There are also references to LFRS making "best endeavours" in relation to the agreement, which he felt did not seem to go far enough considering the nature of the agreement in place.

The Commissioner confirmed that the loan arrangement stays with LFRS in the same way as is currently in place, for example, with the West Yorkshire Police and Crime Commissioner in respect of the Interim CEO agreement.

Question 2: Councillor Steward followed up by seeking further clarity – and expressing concern - around the principle that LFRS could, at short notice, request Mr Brodie's immediate return to LFRS.

The Commissioner confirmed that LFRS could request Mr Brodie's return. The Commissioner then explained for the Panel that the appointment will be a secondment as there is presently a temporary staffing structure in place following the retirement of a number of senior officers, which is under review. Also, the Transform 2020 programme is currently looking at the role profiles of senior leadership across the Fire and Rescue Service ("the FRS"), the Commissioner's office and those staff operating under the Stage 2 transfer to the Commissioner within North Yorkshire Police. The Commissioner advised that the temporary nature of the appointment will therefore be reviewed once this work has been fully progressed.

Question 3: Councillor Steward asked a supplementary question to identify why the agreement was a secondment and not an interim position and asked the Commissioner "how interim is interim"?

The Commissioner clarified that only an internal candidate could be appointed or promoted into an interim or temporary contract. The Commissioner confirmed that she will be going out to market for certain roles across the revised staffing structure shortly and as this was sensitive she could not provide further information on when and how this will impact at this time.

Mr Brodie acknowledged the risk inherent within a loan agreement but sought to reassure the Panel of his commitment to North Yorkshire by highlighting that he has effectively undertaken three roles in this way previously and that he doesn't anticipate any concerns being raised by LFRS to precipitate his return there.

Question 4: Councillor Val Arnold asked Mr Brodie what he felt his personal and professional strengths are.

Mr Brodie referred to his personal strengths focussing around an ability to read and deal with people effectively, bringing fairness and equity, as well as recognising the importance of building trust. In terms of professional strengths, he made reference to his experience of devising strategy, having vision and achieving collaboration; driving change programmes forward and being able to bring staff with him on that journey.

Question 5: Santokh Sidhu asked the Commissioner what the financial implications would be for the taxpayer as a result of having to go through the CFO recruitment process twice (that is, for interim and permanent appointments).

In response, the Commissioner highlighted the savings which had been achieved as a result of reducing the CFO salary following the benchmarking exercise undertaken through Dave Etheridge's report into the North Yorkshire FRS (over £40k in salary alone). The Panel was advised that the recruitment costs had been relatively small and more around the time given by panel members but overall, the savings made on salary and car allowance would be of benefit to the taxpayer.

Question 6: Santokh Sidhu asked Mr Brodie how he will ensure that he is able to motivate and achieve the full confidence of those he would be leading through a difficult transformational period?

Mr Brodie referred to the criticality of good communication and ensuring all involved are brought up to the same level of understanding about changes underway. He felt it important to involve people in the change process and demonstrate the benefits that change will bring.

Question 7: Santokh Sidhu asked a supplementary question to seek an example of where Mr Brodie has led on an aspect of change within an organisation, what the challenges were and how we overcame them.

Mr Brodie described a workforce reduction plan he had led on, whereby he had been facing the first redundancies of whole-time firefighters. In engaging effectively with the workforce and union, a range of options were made available to people which resulted in no compulsory redundancies being made.

Question 8: Paula Stott asked Mr Brodie how he intended to make best use of the 12-month secondment, bearing in mind it would likely take a few months to get settled into the role and a few months to hand on.

Mr Brodie explained that he would not treat the posting as only for 12 months. He intends to achieve a solid understanding of the service and issues after a week, looking to quickly meet with key partners, the union and others. He sees the role as necessary to taking forward a seven-year vision and expects that in 12 months he will have been able to deliver the change needed to modernise the FRS.

Question 9: Paula Stott asked for clarity as to which authority would undertake Mr Brodie's appraisal.

It was confirmed that this would be set up with North Yorkshire. The Commissioner referred to the Fire and Rescue Plan, which will be reviewed and consultation on changes to this will feed into Mr Brodie's planning.

Question 10: Councillor Carl Les asked Mr Brodie what he felt the key priorities would be for North Yorkshire over the next 12 months.

Mr Brodie referred to the financial challenges facing the FRS and the need to protect front line service delivery. He felt that collaboration with North Yorkshire Police would be key.

Question 11: Councillor Chris Steward asked Mr Brodie if there are any (non-financial) challenges which he felt are unique to North Yorkshire and made particular reference to retained firefighters.

Mr Brodie acknowledged the difficulties inherent – more broadly - in paying a low wage to on-call firefighters while expecting a considerable commitment from them. He referred to having delivered models elsewhere which had helped to achieve full availability of on-call firefighters and also where these had been jointly funded between police and health.

Question 12: Councillor Russell Lord asked Mr Brodie about where he has worked collaboratively with partners to achieve a shared vision.

Mr Brodie outlined an initiative he had led on in Braunstone to bring together fire and rescue, police, ambulance service and others to help better manage high demand on these services. The initiative enhanced life skills for residents in that area and resulted in reductions in demand for fire and rescue and more appropriate calls to ambulance and police services.

Question 13: Councillor Peter Madeley referred to the need to have more funding in the FRS to be able to retain and value staff and asked Mr Brodie if achieving affordability was about saving money or working better with others.

Mr Brodie stated that he would advise and encourage those who can to assist in lobbying the position centrally for funding but equally acknowledged that the FRS is part of a wider public sector and that he will need to ensure the best service is provided within the envelope given.

Question 14: Councillor Michael Chambers asked Mr Brodie if he could provide an example of where he has had to give advice to a senior leader whose view was contrary to his own and how he dealt with this.

Mr Brodie referred to an issue which wasn't supported by his senior management team and he exemplified how he made it more difficult for the team to resist the desired change by lobbying them and gathering an evidence base to help prove his case.

At the conclusion of the Panel's questions, Councillor Carl Les conveyed to the Commissioner his disappointment that press releases which had gone out prior to the Panel's hearing appeared to suggest that Mr Brodie had already been confirmed in the appointment. The Commissioner responded that great care had been taken to ensure that coverage was clear about the Panel's role in the process.

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 of discussion, the Panel resolved that on the basis of the information provided by the Commissioner, the discussions held in the confirmation hearing and examination of the evidence in both the public meeting and closed session, the Panel is pleased to endorse the appointment of Mr Andrew Brodie as Interim Chief Fire Officer/Chief Executive of North Yorkshire Fire and Rescue Service.

The Chair added that the Panel had some concerns around the risk of Mr Brodie being called back to LFRS at short notice but the Panel recognised that this is a feature of secondment agreements. The Panel asked the Commissioner to report back following the formal review of the agreement in six months' time.

[Paula Stott left the meeting at the conclusion of this item on the agenda].

Resolved –

(a) On the basis of the information provided by the Commissioner; the discussions held in the Confirmation Hearing; and examination of the evidence in both the public meeting and the closed session; the Panel is pleased to endorse the appointment of Mr Andrew Brodie to the role of Interim Chief Fire Officer/Chief Executive of NYFRS;

(b) that the Panel will receive an update from the Commissioner in six months' time regarding the review of the secondment arrangements.

344. Public Questions or Statements to the Panel

A question had been received, and accepted, by the Panel Chair prior to the meeting from Mrs Carol Bowe, summarised as follows:

"Why do the Panel constantly discuss correspondence handling and receive reports from Julia when in reality it is clear that nothing is improving and FOIA requests are apparently ignored and constantly fail to receive answers within time limits, if at all."

Mrs Bowe's question to the Panel was accompanied by an Fol request she had submitted to the Commissioner dated 23rd November 2018 and on which she had yet to receive a response.

Councillor Wilkinson thanked Mrs Bowe for her question and suggested that consideration of this matter be deferred to Item 13 on the agenda. Councillor Wilkinson advised that the Panel has not substantively reviewed Fol compliance for over a year. It had been intended that a paper would be taken on correspondence handling in November 2018 but the Panel asked for this to be deferred so that it could be revised for public session.

345. Members' Questions

Diane Parsons read a question submitted by Councillor Ashley Mason, as follows:

Can the Commissioner please explain to the Panel how she is ensuring/will ensure that police and fire services will not be affected if we have a no-deal Brexit?

The Commissioner advised that she cannot make assurances on this point as there may be national implications for policing in the event of a no-deal Brexit. Two PCCs have taken the lead nationally to look at Brexit implications and are working with the National Police Chiefs Council and the Home Office. Will Naylor highlighted that the Assistant Chief Constable has also been involved in relevant work with the County Council and others on issues such as access to fuel.

Speedwatch

Councillor Steward referred to the popularity of the Community Speedwatch scheme in York and asked whether the number of kits available to communities is likely to increase. The Deputy Commissioner conveyed that it was important to ensure that additional kits are not being bought where not needed, for example once a community has benefited from a kit it can be moved on elsewhere rather than an additional kit paid for. However, it was acknowledged that some communities have been waiting too long to receive a kit.

CEO recruitment

Santokh Sidhu asked the Commissioner what preparations are in place for recruitment for a substantive CEO. The Commissioner advised that she will be looking to advertise this post in the next few weeks and that, linking back to earlier discussions around transformation, the permanent role will be different to that currently undertaken by the CEO.

346. Changes to the Panel's Rules of Procedure

Considered –

The report by the Panel Secretariat seeking agreement to amendments to the Panel's Rules of Procedure; reflecting the extended scrutiny remit for the Panel and members' verbal agreement in November 2018 to reducing the quorum requirement to one third of all Panel members.

Resolved –

That the Panel agree the updated Rules of Procedure.

347. Update report from Panel presentation to the Selby District Council Scrutiny Committee

Considered –

The report by the Panel Secretariat highlighting issues raised by the Selby District Council Scrutiny Committee on 22nd November 2018 following the presentation of the Panel's annual report. The Commissioner was invited to provide comments against the key issues raised.

Staffing in the OPFCC as a result of change in governance of the FRS

The Commissioner advised that she had factored into her business case for an additional member of staff to be recruited to support on fire and rescue work and this person is in place. However, she advised the Panel that in respect of handling police complaints in the future, along with the outcomes of the T2020 programme, there may be further changes to staffing.

Custody transport

Will Naylor confirmed that police officers do meet officers from stations with custody arrangements halfway on their route when taking people into custody, so as not to draw local officers away unduly from their duties. The issue of custody transport will be reviewed at a future Public Accountability Meeting. Panel members were also advised that there is an issue regarding those arrested for drink driving being below the legal limit when they arrive in custody due to the time taken. North Yorkshire Police continue to find ways to overcome practical and technical difficulties inherent in transporting individuals some distance, including out of the county.

Street Wardens

The Commissioner clarified that Night Marshals used to be funded by Performance Reward Grant (PRG). Following the introduction of Commissioners, the government cut PRG. The

Commissioner advised that she has no funding available to support a Night Marshals scheme and if she did she would prefer that this is directed to recruiting more police officers and PCSOs.

348. Baseline assessment report of North Yorkshire Fire and Rescue service

Considered –

The report authored by Dave Etheridge OBE on the baseline assessment of North Yorkshire Fire and Rescue Service (NYFRS), published in November 2018.

Further to comments from members the Commissioner clarified that the report was not intended to be an action plan but had been designed to set out the state of the fire service at the point at which the Commissioner had assumed governance and oversight for it. The Commissioner explained that following on from the report's assessment of the financial situation, detailed work is being taken forward through a Finance Working Group. The Commissioner confirmed for the Panel that she considered that NYFRS was in a worse financial position than she had appreciated when developing the business case.

The Commissioner highlighted that where savings plans are developed, staff will be involved in developing the solutions. The Panel were advised that there will be a need for formal staff consultation in certain areas of business; other areas are unlikely to require a very formal process in order to make some changes.

The Panel highlighted the feedback and suggestions communicated to the Commissioner from NYFRS staff during her roadshows, as outlined within the report. The Commissioner advised that the comments will be fed into the finance working group. She will continue to welcome feedback from staff and firefighters around savings and income generation and will continue to feed back to staff about their ideas.

Resolved –

That the Panel note the report provided.

349. Setting the precepts for 2019/20: policing and fire and rescue

Considered –

The report provided by the Commissioner's Chief Financial Officer, setting out the context for this year's forthcoming precept proposals for policing and fire and rescue, along with funding and planning assumptions for 2019/20.

The public consultation regarding options for this year's precepts is open until 18th January 2019 and full details of the responses will be provided to the Panel in February. However, the Commissioner highlighted that there had been a substantial increase already in the numbers of respondents to the survey in respect of fire precept, as compared with previous years' responses to the Fire Authority. The Commissioner acknowledged that she is still very much weighing up the benefits of being able to increase the policing precept to £24 against what the public want and a perceived waning enthusiasm from the public for increasing precepts.

Concerns were raised by a Member in respect of the £24 rise representing a 10.3% increase and that much of this would appear to be needed to cover a deficit in police pensions. The Commissioner advised that if she were to increase by this amount she would look to be very explicit for the public about how this would be spent.

Policing precept

Michael Porter set out the financial challenges facing North Yorkshire Police (NYP), including changes to the pensions arrangements, which have left a recurring extra cost to North Yorkshire of around £3.6m for at least the next three years. Mr Porter highlighted that a £12 increase to the precept in 2019/20 would effectively only enable NYP to 'stand still' by increasing funding to just over £3.6m per annum. A £24 increase would provide just over £7.2m per annum.

The Commissioner acknowledged the Panel's concerns that the taxpayer would need to understand how the different precept options (£12 or £24) would translate into a visible difference to policing and that she is liaising with NYP to identify requirements around officer numbers. The Commissioner was asked whether the £2.5m savings target was over-ambitious and responded that NYP has demonstrated a shift in outlook in recent months in respect of identifying inefficiencies and changing the way it operates as a service.

Concerns were raised from a Member about whether a significant increase in precept for more officers would enhance NYP's capacity to respond to and deal with crime. The Commissioner acknowledged some of these concerns but felt that improvements can only be made to local policing and multiple demands if more money is put into local teams.

[Councillor Steward left the meeting at this point in the agenda].

Fire precept

The Commissioner is proposing an increase of 2.99% (capped at this level by the government). However, Panel were advised that with changes to government funding and pensions this would mean that even with a 2.99% increase, the FRS would only see an a 1.6% increase in overall funding. There would also be a need to use reserves for the next two years to help balance the budget. The Commissioner highlighted that the savings that the FRS now need to make will be fundamental to service delivery. T2020 is expected to deliver some savings but these will not be enough.

In response to questions from members, Michael Porter advised that he was confident that drawing on reserves to balance the budget up to 2020/21 is sustainable but acknowledged that beyond that there would be no support available (for example for major incidents) if the reserves were to be drawn upon further.

Resolved –

That the Panel note the reports provided.

350. Correspondence handling within the OPFCC

Considered –

The report from the Commissioner regarding changes made to correspondence handling within her office.

Will Naylor explained for the Panel that issues had been identified in the handling of correspondence and levels of customer service within the (then) OPCC which led to a subsequent audit and review. As a result, a different approach to logging and handling correspondence has been adopted during the last twelve months and with a new database system to support this. Feedback from the public has indicated that systems are now working more effectively.

A Member expressed disappointment at the report, asking the Commissioner why the situation was allowed to deteriorate and felt that the report was "passing the buck" to the officers involved. The Commissioner advised that she would be unable to discuss

personnel in public session. The Chair concurred on this point but emphasised that the Panel were seeking reassurances that the situation had improved, particularly as the Panel continues to receive complaints about a lack of response to correspondence.

The Commissioner stressed that the report was not intended to “pass the buck” but that reassurances had been provided to her that the issues identified were being dealt with when it was later evident that they were not. The Panel were advised that a lot of resource has been directed into getting things right and putting more robust processes in place for line management arrangements. With the restructuring of the OPFCC and the introduction of a new police complaints handling function, further consideration will need to be given as to how the correspondence handling function will work within this.

It was agreed that the issue will be revisited by the Panel in the next six months and the Commissioner also agreed to update Panel on this once the new complaints team has been brought in.

Resolved –

That the Panel:

- (a) note the report provided; and
- (b) revisit correspondence handling in the OPFCC in six months' time.

351. Freedom of Information Act requests

Considered –

The report of the Commissioner regarding performance around the handling of Freedom of Information Act (FoIA) requests.

Members sought clarity from the Commissioner and her team about who ultimately has responsibility for the handling of FoIAs, particularly as it appeared from the report that some are handled by the OPFCC and some by the Civil Disclosure Unit (CDU) at NYP. Members expressed concern that they felt the lines of accountability are confusing and unclear both for them and the general public.

The Commissioner clarified that the CDU deals with FoIAs submitted to the OPFCC as well as those for NYP. Fraser Sampson clarified that the CDU are employed by the Commissioner but sit within NYP and that he is responsible for holding them to account on performance via the Executive Board. The Chief Constable will similarly hold them to account on performance for FoIAs to NYP.

Concern was expressed at the poor compliance rates and reassurance sought that the situation will improve. Fraser Sampson acknowledged the issues that are across both OPFCC and CDU FoIAs and also that the situation has deteriorated further since the Panel last reviewed this. He explained to the Panel that a key problem for the CDU is that this team is tasked with turning around serious operational matters such as Child Protection Orders and as such these are prioritised over FoIAs. He added that it was disappointing that he had not had sight of Mrs Bowe's FoIA request and the Commissioner confirmed that she does not see FoIAs which are addressed to her. The Panel felt this to be a significant reputational issue for the Commissioner to consider. The Commissioner agreed that Mrs Bowe's request would be responded to forthwith.

The Panel sought reassurance on the Commissioner's plans for improvement. This currently falls under the T2020 programme and one option highlighted may be for the Commissioner to take FoIAs addressed to her 'in-house', although it was acknowledged that this would not solve issues around FoIAs sent to NYP.

It was agreed that a further report would be brought to Panel in six months' time.

Resolved –

That the Panel:

- (a) note the report provided; and
- (b) take a further report on FoIA performance in six months' time.

The meeting concluded at 5:30pm.

DP

DRAFT