

North Yorkshire County Council

Police, Fire and Crime Panel

Minutes of the meeting held on Thursday 18 July 2019, commencing at 10:30am in the Hudson Meeting Room at City of York Council West Offices, York.

Present:-

Councillors: Keith Aspden (City of York Council), Michael Chambers MBE (Harrogate Borough Council), Liz Colling (Scarborough Borough Council), Kevin Foster (Richmondshire District Council), Richard Foster (Craven District Council), Tim Grogan (Selby District Council), Carl Les (North Yorkshire County Council, in the Chair), Ashley Mason (City of York Council), Tracie Middleton (Ryedale District Council), Peter Wilkinson (Hambleton District Council).

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

Julia Mulligan (Police, Fire and Crime Commissioner).

Andrew Brodie (Interim Chief Fire Officer, NYFRS).

Officers from the Office of the Police, Fire and Crime Commissioner: Simon Dennis (Acting Chief Executive and Monitoring Officer), Michael Porter (Chief Financial Officer), Will Naylor (Deputy Police and Crime Commissioner), Tom Thorp (Policy and Scrutiny Manager).

Officers from NYCC: Diane Parsons (Panel Secretariat).

Copies of all documents considered are in the Minute Book

378. Election of Chair

Resolved -

That Councillor Carl Les be elected to serve until the first meeting of the Police, Fire and Crime Panel after June 2020.

Councillor Carl Les in the Chair

379. Apologies

No apologies were submitted to the meeting.

380. Minutes of the meeting of 16th May 2019

Resolved –

(a) That the minutes of the meeting held on 16 May 2019, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

381. Matter Arising – Provision to support Post-Traumatic Stress Disorder

In response to a query on the information provided, the Commissioner advised that North Yorkshire Police are signed up to the MIND Blue Light Pledge.

Resolved –

That the Panel note the update report provided on provision to support Post-Traumatic Stress Disorder within North Yorkshire Police.

382. Election of Vice Chairs

Resolved -

That Councillor Peter Wilkinson and Councillor Ashley Mason be elected Vice Chairs to serve until the first meeting of the Police, Fire and Crime Panel after June 2020.

383. Declarations of Interest

Councillor Carl Les declared an interest in respect of Item 11 (Member's Questions – sale of Newby Wiske Hall) as Chair of North Yorkshire Youth; an organisation which is a competitor to the prospective purchaser of Newby Wiske Hall.

Councillor Peter Wilkinson declared an interest for the same issue as a Cabinet Member at Hambleton District Council, the planning authority dealing with the ongoing planning process for Newby Wiske Hall.

Councillor Keith Aspden advised in respect of consideration of fire and rescue matters that he is a Member of the LGA Fire Services Management Committee and the LGA Fire Commission which in turn means he is also a member of National Joint Council for Fire Services.

384. 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.

385. Confirmation hearing –Chief Fire Officer

Considered –

The Commissioner's submission recommending Mr Andrew Brodie as the preferred candidate for the substantive appointment of Chief Fire Officer, North Yorkshire Fire and Rescue Service ("NYFRS").

The Commissioner provided some context to the proposed appointment with reference to Mr Brodie's time as Interim Chief Fire Officer and the service improvements she felt had been made.

The Commissioner and Mr 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 outlined by the Commissioner.

Question 1: Paula Stott asked Mr Brodie what he had learned from his time as Interim Chief Fire Officer that had been different to his expectations six months ago, and also what achievements he had made in that time.

Mr Brodie had been surprised at the dilapidation of some of the fire stations. He hadn't been surprised at the commitment of officers and staff but was surprised by the appetite for change. A key change over the six months had been a move towards a culture where people learn from mistakes. Work had also progressed to deliver savings. NYFRS has seen its first open recruitment process for officers in ten years.

Question 2: Councillor Ashley Mason asked the Commissioner what factors had determined that she would not re-advertise in view of there having been only one applicant.

Simon Dennis outlined the recruitment process undertaken which included wide promotion across various fora and the steps taken to ensure it had been rigorous.

Question 3: Councillor Mason asked Mr Brodie how he would balance the demands of the city against the demands of the county in such a large and diverse patch.

Mr Brodie acknowledged the need for resilience in urban areas and to balance this with rural needs. He referred to ideas set out within his recent 100-day report on this matter, which will include working with partners to analyse relevant data and determine an appropriate balance is struck around resources and crew.

Question 4: Councillor Keith Aspden asked Mr Brodie how he intends to ensure that diversity and a culture of respect are enhanced within the FRS, particularly as national inspection reports recently have highlighted worrying trends on these issues.

In response Mr Brodie referred to reviewing the values of the FRS to ensure that diversity is embedded. He acknowledged the particular difficulties in recruiting women to the FRS but highlighted recent positive events led in the area to continue to encourage more women to join.

Question 5: Councillor Kevin Foster asked Mr Brodie if he has considered how environmental issues might adversely affect the service in future e.g. increases in flooding, and whether he had also considered the FRS's use of plastics.

Mr Brodie highlighted that helping the environment can also help to reduce costs for the FRS. He would like to demonstrate that the FRS are reducing their use of single-use plastics such as plastic water bottles in addition to looking more closely at the types of journeys made and different types of fuel that the FRS could use in future.

Question 6: Councillor Peter Wilkinson referred to the substantial challenge around the FRS budget position and asked Mr Brodie what experience he has of managing large and complicated budgets.

In response, Mr Brodie referred to his time at Leicestershire FRS where he was responsible for identifying and managing areas of transformation and savings such as fleet reviews and looking at areas of the public estate where there could be collaboration and further savings. His ambition is to not only balance the NYFRS budget but to have a fund which enables investment.

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 substantive appointment of Mr Andrew Brodie as Chief Fire Officer.

Resolved –

That the Panel endorses the appointment of Mr Andrew Brodie as Chief Fire Officer, NYFRS.

386. Public Questions or Statements to the Panel

Two questions/issues had been submitted to the Chair by Mr David Stockport, as outlined in full below. Due to the earlier declarations of interest given, Councillor Ashley Mason took the Chair for this item.

Question 1. Newby Wiske Hall

“Many members of the Police, Fire and Crime Panel will remember that almost exactly two years ago, at their meeting in July 2017, the issue of the sale of the old police HQ at Newby Wiske Hall was first raised.

At that time Ms Mulligan was keen to suggest that PGL had been specially chosen as purchasers by the police and would be a “very good neighbour”. Unsurprisingly, in common with many decisions of the Commissioner, the public of Newby Wiske and surrounding villages disagreed almost unanimously.

Members may also remember that over time the Commissioner conveniently dropped the ‘good neighbour’ pretence and moved to a position of emphasising her absolute and legal duty to ensure “maximum value”, “best price” and “best value for money for the North Yorkshire taxpayer”. (All quotes taken from the Commissioner’s written answers to the Panel’s September 2017 meeting). Any issues challenging the suitability of PGL Holidays Ltd as purchasers or their plans for the site as supposed “very good neighbours” were dismissed under the guise that they were planning matters and “specific planning matters are for the local authority to consider”.

Members of the Panel supported the Commissioner’s stance on both of these issues and actively encouraged objectors to pursue their issues via the planning process.

Over the past two years objectors have taken the advice of the Panel and have contested the planning applications made on behalf of PGL. Following the grant of planning permission in November 2017 protestors brought Judicial Review proceedings and Hambleton District Council were forced to concede to the quashing of the permissions due to failures by the Council. Following the Council again granting planning consent at the end of May 2019 further Judicial Review proceedings are about to be brought. HDC has indicated that these proceedings will be contested and it is therefore unlikely that the matter will be resolved before the end of January 2020, if not later.

After the passage of over 2 years, with one successful Judicial Review causing the quashing of planning consent and a second Judicial Review now pending, does the panel still believe that the sale of Newby Wiske Hall to PGL represents ‘best value’?

The vast majority of the delay in the planning process has been brought about by PGL and its agent SLR insisting on continual submission of amended or alternative documents – up to 94 in one submission - while trying to paper over errors and omissions in their application. Was the effect of such a delay - up to 13 ½ weeks on one occasion - ever considered by the Commissioner when deciding that a sale to PGL represented ‘best value’? Was it ever questioned by the Panel in holding her to account?

In its role of overseeing the actions of the Commissioner, does the Panel not agree that she should now be advised to cut her losses and to seek a resolution to the sale of the Hall which can be supported by the local residents she is elected to serve?

In the event that the Panel continue to support the stance of the Commissioner can members advise me how they will explain and justify that support to the public given that, since the Commissioner's announcement of the sale delays to the planning process brought about by the incompetence of PGL and its agent SLR have already cost almost £450,000 of taxpayers money in wasted payments of National Non-Domestic Rates (NNDR) alone, a figure likely to rise to almost £558,000 by the end of January 2020, should the current legal proceedings continue?

*How will the Panel explain that over 22% of the sale value has simply been lost in NNDR by the failure of the Commissioner to listen to common sense? A breakdown of the figures is attached at Appendix 'A', but what is the true **overall** cost of the Commissioner's decision? Combining the true cost of upkeep due to the failure to progress the sale, along with the money wasted in the ill-fated plans for a 'Northern Base' at South Kilvington, will any of the £2.5million sale price be left by the time the situation is resolved or will it all have frittered through the Commissioner's fingers? How will the Panel justify that they have properly held the Commissioner to account?*

Does the Panel now accept that with proper consultation with residents, carried out via the elected Parish Council, an alternative solution could be found which benefits both the police and local residents and that such a solution would far better represent true 'Best Value'?"

Question 2. Northallerton Police Station.

"There is a further question on which I would seek comment by members of the Panel and I turn to Northallerton Police Station.

Residents have noted that recently Northallerton Police Station has been put on the market through agents, Bruton Knowles. In the marketing documents the 'Method of Sale' includes the comment:

*"**Selected** prospective purchasers will then be requested to make an offer to purchase the property by informal tender". (My emphasis).*

Can the Panel explain what has changed since the sale of Newby Wiske Hall, when the Panel gave support to the stance taken by the Commissioner that her duty in the sale was to achieve "maximum value", "best price" and "best value for money for the North Yorkshire taxpayer".

Are members of the Police, Fire and Crime Panel content with the Commissioner's seeming new found right to be able to select which prospective buyers are allowed to make offers for the property, as opposed to achieving the highest price?

Are members aware of the selection criteria to be used and whether this will ensure that Best Value is achieved?

If members of the Panel are not privy to the selection criteria to be used or have full details of expressions of interest, how will they be able to carry out their duty of holding the Commissioner to account?

Does the Panel not find that the proposed 'selection' of prospective purchasers runs contrary to the explanations given to the Panel two years ago, relating to the sole duty of Commissioner being to obtain the highest price?

*Following the formal Resolution of the Panel in September 2017 “**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**” has the Panel questioned what if any action has been taken by the Commissioner to comply with this recommendation? What action has been taken to engage with local residents and businesses? What are the views of the many older people living around Friarage Gardens, Arden Mews and Arden Court areas? How will a decision of the Commissioner, involving a change of use, impact on the business of Porch House, next door?”*

Councillor Mason gave some context to the Panel’s previous consideration of the Newby Wiske Hall issue and invited the Commissioner to comment. The Commissioner highlighted that advice from the Estates team and the professional agency handling the sale maintains that the PGL offer still represents Best Value. Average costs for the Hall are around £18,750 per month but a three-month rate-free period had been obtained for non-occupancy on initial exit from the Hall and a further 3 months rate-free for vacating the building again. The balance of the sale is £2m so the Commissioner felt this is still Best Value. In addition, savings of £522k per year were highlighted as a result of the move to Alverton Court.

With regard to the police station and reference to selected interested parties, Michael Porter outlined that this hasn’t changed from previous marketing used. It is intended to avoid having people putting in an offer of say £1 and then incurring all of the work that would be subsequently be involved. The Commissioner advised that there will be local engagement regarding this sale but that it is important to follow the proper planning process. The Commissioner gave an example of where engagement has been conducted in Leyburn regarding the proposal to move the police service into the fire station.

It was agreed that the Panel will seek a further update on local engagement regarding the sale of the police station.

387. Update report from the Complaints Sub-Committee

Considered –

The update report from the Chair of the Panel’s Complaints Sub-Committee.

The Sub-Committee thanked the Commissioner for the timely and clear section 29 report in response to queries and concerns raised at the previous Panel meeting around progress against Sub-Committee recommendations. Regret was expressed by the Sub-Committee that progress against the recommendations continues to be pursued seven months on but that, on a positive note, work is now constructively underway to progress the Terms of Reference for the staff survey.

The Panel were asked to note a recent report of the Sub-Committee regarding its determination on a complaint. The Sub-Committee Chair also updated Panel that the Home Office still intends to provide powers of investigation for Panels in respect of complaints made against Commissioners but that this is unlikely to be in the near term due to pressures on the parliamentary schedule.

Resolved -

That the Panel:

- (a) notes the section 29 report from the Commissioner;
- (b) agrees the recommendations of the Sub-Committee in its report of 20th May 2019; and
- (c) notes the response provided by the Home Office to the Panel dated 31 January 2019.

388. Members' questions

The Commissioner was asked about recruitment to the Force Control Room (FCR) and whether numbers would be reducing due to technological improvements. The Commissioner sought to reassure Panel that the recruitment process is a rolling one to ensure the appropriate staffing is maintained and that there are no big gaps if staff move on to become police officers.

The Commissioner was also asked about crimes against the person in a rural context, in addition to sexual exploitation and modern slavery, and what is being done to tackle these. In response, the Commissioner highlighted the recent piece of research work led by her office on domestic abuse in rural areas and how this will be helping to feed into a collaborative commissioning programme with other authorities. The Commissioner is part of a national advisory panel on modern slavery and the Rural Task Force locally are also trained in tackling modern slavery and human trafficking.

A Member asked about wildlife crime and the need to make estates more accountable for the killing of rare birds following the recent loss of a hen harrier in the county. The Commissioner acknowledged the need to ensure more successful prosecutions for such crimes. While she did not have a view regarding the licensing of driven grouse moors, she felt that collaborative work with the CPS and other partners is key.

The Commissioner was asked about repeated low-level anti-social behaviour in York, what could be to prevent/deter graffiti and whether she would work with City of York Council on achieving Purple Flag status for its night-time economy. The Commissioner welcomed the opportunity to consider how to tackle night-time economy issues further with City of York. The Commissioner referred to a proposal on CCTV which she has developed with NYP and which has recently stalled as the Commissioner felt there to be a lack of support for a business case from local authorities. The Commissioner asked the Panel to support getting this process moving again.

In response to a query about arming all officers in North Yorkshire with tasers, the Commissioner advised that no such approval has been given within North Yorkshire.

A Member highlighted their disappointment that the recommendations which came out of the recent employment tribunal against NYP in respect of racial discrimination towards a former officer had not featured within the draft Policing and Crime Annual Report 2018/19. The Commissioner advised that she would be happy to provide a more comprehensive response under separate cover for the Panel if helpful.

389. Update from Craven District Council Select (Crime and Disorder) Committee meeting on 26th June 2019

Considered –

The report by the Chair following his attendance at a meeting of the Craven District Council Select Committee.

The Chair requested that a comprehensive response to the issues raised by the Committee be provided in written form by the Commissioner to the Panel. The Commissioner agreed to this but touched on some of the points raised in the report. For example, the Commissioner will shortly be undertaking visits around Craven with fire and police leaders looking at premises and getting ideas about how things could be improved. The Commissioner informed she would welcome a visit to Craven's committee to discuss the work further. Andrew Brodie gave an update on the NYFRS learning from Grenfell. This has included embedding significant personal development and training on dealing with these types of incidents. The NYFRS has also been reviewing the guidance on assisting

people trapped in buildings and the national guidance on this has been adopted. Reviews have been conducted into all high-rise buildings in the area.

The Panel adjourned at 12:10 for a comfort break and re-convened at 12:40pm. Councillor Tracie Middleton left the meeting prior to re-convening of Panel.

390. Draft Fire and Rescue Plan 2019/21

Considered –

The Commissioner's draft Fire and Rescue Plan 2019/21.

Members considered that while the draft Plan contains some good, broad aspirations, it would have been useful to have some targets or specific outcomes by which the success of the Plan could be judged. The Panel were advised that the Plan is intended to set out a 'direction of travel' and that the work to develop more specific targets will be done through the Integrated Risk Management Plan (IRMP) and the service delivery plan. The current IRMP will be changed this year to take the NYFRS through to 2020 and a new IRMP will be consulted on in the first year after a new Commissioner has come into post. Members expressed that the Panel would want to understand what kind of performance framework will be developed and how Panel can be engaged on the changes to the IRMP.

Members also provided the following points of specific feedback to the Commissioner on the draft:

- Recommend that further consideration be given to developing more aspirational targets around equality and diversity;
- Reflection on use of language, to ensure that the Plan is a document intended to be read for and about the public;
- Consider giving greater clarity to the distinction between "collaboration" and "engagement" in respect of the key priority areas.

Resolved –

(a) Subject to the Commissioner's consideration of the feedback provided by the Panel, the Panel gives its approval to the draft Fire and Rescue Plan 2019/21; and

(b) That the Panel will receive further information on mid-year changes to the IRMP and the accountability framework for the Plan.

391. Draft Fire and Rescue Annual Report 2018/19

Considered –

The Commissioner's draft Fire and Rescue Annual Report 2018/19.

Members reflected on the future resilience of the fire and rescue service (FRS) and the Commissioner referred to the ongoing and extensive engagement with government to seek increased government funding. Andrew Brodie responded to concerns raised regarding a recent incident where pumps had been off the run at a larger fire station. The Panel heard that a lot of learning has taken place as a result and has been positive for the service in terms of progressing as a 'no-blame' culture.

Resolved –

That the Panel approves the Commissioner's draft Fire and Rescue Annual Report 2018/19.

392. Draft Policing and Crime Annual Report 2018/19

Considered –

The Commissioner's draft Policing and Crime Annual Report 2018/19.

Members conveyed that the report would benefit from explaining the context – where understood/known – to such anti-social behaviour figures, including where there appear to be particular variations (successes) locally. Additionally, in view of the recent prioritisation around enhancing neighbourhood policing, the Panel considered that a section on this should have been included within the report. Members also suggested some changes to specific wording used at points within the report, including amplification of the use of 'Enable' and 'Transform 2020' for the benefit of the public.

Resolved –

That subject to the Commissioner's consideration of the recommendations provided, the Panel approves the draft Policing and Crime Annual Report 2018/19.

393. Update on police officer recruitment programme and improvements implemented to neighbourhood policing

Considered –

The report of the Commissioner updating on progress with the police officer recruitment programme and its forward plan.

The Commissioner highlighted for Panel the progress made on recruitment and in particular work underway around diversity. NYP now has a target of 5% BAME and 16% LGBT. The Commissioner advised that by the end of this calendar year, NYP expect to be up to the 5% BAME target and that she would be happy to provide a more detailed report to Panel on this work. The Commissioner was asked about recruitment to the City Task Force in York and the reasons why all of the posts had not been filled. The Commissioner committed to reporting back at the next Panel meeting.

The Panel were keen to better understand the role of the Public Safety Officer and were informed that this role would cover multiple aspects around community safety including crime prevention and first responder. These posts would be co-funded between partners, operating through the local community safety hubs and would be key to assisting particularly vulnerable people in the community. Members raised that it would be important for this work not to run counter to similar initiatives already underway within local authorities. The Commissioner confirmed that Craven area is the pilot for this and that there would not be an acceleration to rolling out countywide at present.

Resolved –

That the Panel:

- (a) note the update report provided; and
- (b) receives a detailed report on diversity within North Yorkshire Police at a future meeting.

394. Correspondence handling in the OPFCC and FoIA requests: six-month update on progress

Considered –

The report of the Commissioner updating on recent improvements to correspondence handling in her office and compliance in relation to handling of FoIA requests to her office and to NYP.

Simon Dennis gave the Panel some context to the compliance figures provided on FoIA requests to the OPFCC and NYP, which he acknowledged were disappointing. This included a significant increase in complex childcare proceeding cases, which have placed a considerable burden on the Civil Disclosure Unit whose professionalism Mr Dennis commended. It was also highlighted that service improvements had been affected by the moratorium on recruitment as a result of T2020. A referral had been made on a voluntary basis to the Information Commissioner Office to seek assistance and best practice guidance. There will also be a review of where this function should sit within the organisation. Members asked the Commissioner to provide information in future to assist Panel in understanding where North Yorkshire sits in relation to compliance figures elsewhere.

Resolved –

That the Panel:

- (a) note the report provided; and
- (b) receive a further update in 4/5 months' time, to include benchmarking information against other force areas.

395. Balanced appointment objective

Considered –

The report of the Panel Secretariat seeking Members' consideration of whether adjustments are required in order to meet the balanced appointment objective.

Panel agreed on the importance of council Leaders' decisions, ultimately, in determining their appointment to Panel. Panel gave consideration to whether adjustment is required in relation particularly to representation from the Labour group. It was noted that the current Panel formula probably doesn't fully reflect the situation as regards proportionality for City of York and that if a formula along the lines of that adopted by the LGA were employed, this would potentially support the case for two Liberal Democrat seats from York. Members considered the process that must be undertaken through the Home Office when looking to co-opt a Member and that this is unduly lengthy. It was also identified that the Home Office may reject an application for co-option if it does not appear to assist the balance.

Members determined that on balance the preference would be to retain the current or 'as is' position in terms of the membership but that this will be kept under review pending further changes to the Panel and following any local elections.

Resolved –

That the Panel will retain its current membership and look to review this in line with the legal requirements as needed.

396. Work Programme

Considered –

The report of the Panel Secretariat proposing a future programme of work for the Panel.

Members requested a number of items for inclusion on the work programme, including topics discussed at the meeting. These were:

- Report on CCTV and the Commissioner's proposals for the force area;
- Briefing with Andrew Brodie on the Fire and Rescue Plan and service delivery of this;
- Review position on FoIAs/correspondence handling in 4-6 months.
- Health and wellbeing within NYP and OPFCC.
- Crimes against the person in rural areas.
- Diversity in NYP.

Resolved –

That the Panel:

- (a) note the report provided; and
- (b) include the suggested items for future consideration within its work programme.

The meeting concluded at 2:20pm.

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