

North Yorkshire County Council

Police, Fire and Crime Panel

Minutes of the meeting held on Thursday 16 January 2020, commencing at 10:30am in Meeting Room 3 at 3 Racecourse Lane, Northallerton.

Present:-

Councillors: Keith Aspden (City of York Council), Liz Colling (Scarborough Borough Council), Richard Foster (Craven District Council), Helen Grant (Richmondshire District Council), Tim Grogan (Selby District Council), Carl Les (North Yorkshire County Council, in the Chair) and Peter Wilkinson (Hambleton District Council).

Community Co-opted Members: Santokh Sidhu, Paula Stott.

Julia Mulligan (Police, Fire and Crime Commissioner).

Officers from the Office of the Police, Fire and Crime Commissioner: Simon Dennis (Acting Chief Executive and Monitoring Officer), Sharon Caddell (T/Assistant Chief Executive), Michael Porter (Chief Financial Officer), Will Naylor (Deputy Police and Crime Commissioner).

Officers from NYCC: Diane Parsons (Panel Secretariat).

Copies of all documents considered are in the Minute Book

412. Apologies

Apologies were noted from Councillor Michael Chambers, Councillor Ashley Mason and Councillor Tracie Middleton.

413. Minutes of the meeting on 26th September 2019

Resolved –

That the minutes of the meeting held on 26th September 2019, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

414. Declarations of Interest

Councillor Keith Aspden notified that he is a Member of the LGA Fire Services Management Committee and the NJC for Fire Services.

415. Matters Arising from the Meeting Held on 26th September 2019

(a) Sale of Northallerton Police Station.

Considered –

The update report from the Commissioner on the sale of Northallerton Police Station.

Resolved –

That the Panel notes the report.

(b) Commissioner's Public Survey on the Use of Taser

Considered –

The Commissioner's report updating on the findings from her recent public survey on extending the use of Taser.

Resolved –

(a) That the report is noted; and

(b) That the Commissioner provides the Panel with a demographic breakdown of the survey respondents.

416. Public Questions or Statements to the Panel

A question had been received in advance of the meeting from Ms Donna James, which had regard to a delay in handling of a Freedom of Information Act request regarding Newby Wiske Hall and grounds; concerns regarding a lack of compliance by the Commissioner's office on handling Fols and also the probity of the Panel on holding the Commissioner to account around this. The Panel were notified that a response had been provided to Ms James by Simon Dennis, Acting Chief Executive to the Commissioner, on 15th January and as such Ms James brought an amended question to the Panel as follows:

Following submission of my original question to the Panel I received an apology yesterday (15th January) for the delay in response to my FOI request and also a partial answer to my queries from Mr Dennis in his capacity as Chief Executive and Monitoring Officer, for which I thank him. While I accept the tendered apology, I must make it clear that it does not change my position with regard to the failures of the Commissioner or the staff she is responsible for, nor does it affect my comments on the position of the Panel.

The fact that Mr Dennis was able to obtain the information I requested and provide a response to me within 24 hours in fact reinforces the comments I made originally, that the repeated delays in responding to public questions is not caused by any difficulty in obtaining the information but rather appears to be a means of causing delay.

I now note that the cost of upkeep of the building in the period since it was declared as unoccupied and up to 31 October 2019 is in excess of £469,000. Given that a further 2½ months have now passed I must assume that this cost has now risen to, or above the half million pound mark, a sad reflection of the way in which the sale has been handled.

I said that the response from Mr Dennis forms a partial reply. I do not accept the response provided regarding my question relating to contract terms for the upkeep of the property. Mr Dennis states, "Please see the attached sale Particulars. Until contracts are exchanged, PGL, would not be responsible for insurance and security of the building which they do not yet own".

The sale particulars provided by Mr Dennis clearly state (page 10), "In the event that North Yorkshire Police's decant to the new Police Headquarters precedes the grant of planning permission for the purchaser's development and the expiry of the relevant judicial review period, the Purchaser will be required to assume responsibility for the property and ensure appropriate insurance is in place at the Purchaser's expense and that the site is made and kept secure at the Purchaser's expense and risk pending completion". The two statements are contradictory. It is now clear from Mr Dennis' reply that North Yorkshire Police have not implemented this condition and my original request for an explanation of "why not" is still

valid and still unanswered. I find this an area in which the Commissioner has failed to achieve 'best value' in respect of this sale despite her previous comments to the contrary. Mr Dennis seems to indicate that, despite a deposit being paid by PGL, no contracts have been exchanged. This would seem unusual and perhaps he could explain the exact state of the sale process.

Furthermore, I do not accept the explanation given to my question in relation to a financial deposit paid by PGL Travel Ltd. As a member of the public I have the right to question, in detail, the accounts of the PFCC. A response which points out that the amount in question is included in the accounts but not visible does not provide a reasonable answer to my question.

In relation to my question relating to evidence to show compliance with the Public Sector Equality Duty, I must take Mr Dennis' response to indicate that the OPFCC admits that it does not hold any evidence to indicate that the PSED was taken into account during decision making. It is quite reasonable to ask whether the PSED was considered when arriving at the decision to close the footpath. If it was taken into account the Commissioner should say how this was done and if it was not taken into account she should say so.

While I understand my rights to refer these issues for internal review, I must point out that effectively this only adds delay to that already experienced and I therefore call on the Panel to advise the Commissioner that the delay is already unacceptable and that a full response should be provided without further delay.

The Chair invited Simon Dennis to respond. Mr Dennis reiterated his apology to Ms James and reassured that action will be taken. Mr Dennis highlighted the rationale for specific areas of the FoI response provided and also offered to meet with Ms James if helpful. The Panel sought reassurance that, having reviewed issues regarding compliance with FoI requests previously, this incidence was a 'one-off'. Mr Dennis sought to reassure on this point and that a review underway will assist in developing how statutory correspondence is handled.

417. Members' Questions

Speed Management Protocol

The Chair wished to record for the meeting that correspondence had been received from Newby and Scalby Parish Council, conveying concerns at the delays experienced following a request made to the NYP traffic bureau for a speed logger. The Chair noted that the Commissioner's office had provided a response from NYP, which will be sent on to the Parish Council.

Sharing arrangements with Cleveland OPCC

The Commissioner was asked whether the issues which have arisen in Cleveland in recent months have served to detract from the North Yorkshire roles for those senior officers with whom there is a sharing arrangement with Cleveland OPCC. Mr Dennis advised that there had been no impact on his role and the Commissioner confirmed that Sharon Caddell is placed within her office full time, so does not work in Cleveland. Michael Porter highlighted that additional workload had arisen for him as a result of the transfer of governance of the fire and rescue service but that nothing within the Cleveland context was taking up any more of his time.

418. Progress on Issues Raised by the Panel

Considered –

The report of the Panel Secretariat on progress against issues raised by the Panel either at or following the previous meeting.

Resolved –

That the Panel notes the report.

419. HMICFRS inspection reports for North Yorkshire Police 2018/19: Crime Data Integrity Re-Inspection 2019 and Police Effectiveness, Efficiency and Legitimacy 2018/19

Considered –

The two inspection reports of the inspectorate (HMICFRS) for North Yorkshire Police, published since the previous Panel meeting, regarding the Crime Data Integrity Re-Inspection and an assessment of Police Effectiveness, Efficiency and Legitimacy ('PEEL').

The Commissioner congratulated NYP on the significant progress made regarding improvements to the recording of crime data and this was equally echoed by the Panel.

In commenting on the PEEL report, the Panel highlighted concerns regarding the inspectorate's assessment of a lack of external scrutiny of stop and search powers. The Commissioner advised that the timing of the inspection coincided with a number of actions which were nascent at the point of inspection but not fully developed. These included local groups set up to review use of stop and search, which are now functional. In response to a Member question around the impact of stop and search on knife crime, the Commissioner advised that use of stop and search has increased dramatically nationally over the last two years and has become a tool used in tackling knife crime and also County Lines.

Following a discussion about the thresholds for stop and search and Member queries about the demographic analysis of its use in North Yorkshire, the Commissioner agreed to provide further information on demographics and location of stop and search.

Resolved –

- (a) That the Panel notes the inspection reports and the Commissioner's cover reports provided; and
- (b) That the Commissioner will provide the Panel with further information outside of the Panel meeting on the demographics and location of stop and search as deployed in the force area.

420. Fire and Rescue scrutiny: the Commissioner's 12-month report of progress following the transfer of governance and the HMICFRS inspection report of Effectiveness, Efficiency and People (2018/19)

Considered –

The Commissioner introduced her 'One Year On' report regarding progress made within the fire and rescue service (FRS) since the transfer of governance in November 2018. The Commissioner informed Panel that collaboration had moved at a pace since the transfer, assisted by the implementation of the Enable programme. In respect of the HMICFRS inspection report, the Commissioner acknowledged that there are issues around culture and diversity within the FRS which need to be tackled. However, she felt that the strong leadership of the FRS stands out in the report and would ensure that progress continues to be made.

The Commissioner was asked about strategies in place to address the challenges of diversity. The Panel were advised that there is a deep cultural issue around diversity and

understanding the benefits of this, which is not purely around officer training, but that she is working with the Chief Fire Officer to improve this. The Panel also discussed with the Commissioner around the need to review recruitment ability tests to enable a more diverse workforce.

A Member raised that the positive messages of the 'One Year On' report did not appear to marry with some of the concerns highlighted by the inspectorate in their report. The Commissioner emphasised that the two reports have different purposes. Concerns highlighted to the Commissioner included how the FRS makes the best use of its resources, national resilience arrangements and how it treats staff fairly. It was also highlighted that the inspectorate had been unable to evaluate the effectiveness of collaboration as this was "limited".

In response, the Commissioner highlighted examples of the work that had taken place since the inspection, which was undertaken 5 months after the transfer of governance; these included setting up a finance working group to look at reducing the financial shortfall and the trial of a Public Safety Officer in Craven.

The Commissioner also highlighted her disappointment that the government has decided to put the fire precept cap at 1.99% rather than at 2.99% as this will lead to a shortfall of £200,000.

Resolved –

That the Panel notes both the Commissioner's One Year On report and the inspection report of HMICFRS.

421. Update on Spend of Additional Precept Raised in 2019/20

Considered –

The report of the Police, Fire and Crime Commissioner setting out how the 2019/20 policing precept uplift has been spent.

Members sought clarity as to the ability of NYP to recruit the police officers needed and how the reported £600,000 underspend from the 2019/20 precept uplift will be used. The Commissioner advised the Panel that she had no concerns regarding the ability of NYP to recruit police officers due to plans in place but she had been surprised that NYP had not taken into account the time taken to recruit and train officers before they can be deployed. The underspend is larger than anticipated and the Commissioner felt that this presented an opportunity to deliver officer training in areas such as around coercive control, harassment and stalking.

Members expressed concern that, following the difficult process undertaken through the Panel when considering the precept in 2019/20, there is now such a significant underspend and that this consequently leaves a lack of confidence for the Panel in the decision-making process for the next precept. It was also expressed that the uplift had been agreed on the basis of being focussed on workforce development, recruitment and retention. Members also queried whether there may be other meaningful ways to spend the underspend.

The Commissioner responded that money would not be spent purely for the sake of spending it but that there are serious issues on training within NYP which are about workforce development. The Commissioner also emphasised that it is the decision of the Chief Constable, not the Commissioner or Panel, as to how monies are spent.

Further to Member queries, Michael Porter clarified that the underspend will not be recurring year on year. It has been earmarked for recruitment and will be released to NYP once trainee officers are fully deployed as planned. If they are not recruited then this

money will be clawed back. There is a 5-month delay between officers coming in for training and being deployed to posts, but the Panel were advised that all posts are expected to be filled by the back end of this year. As such, the Panel were able to clarify that more officers have been recruited than had been represented in the report, but a number were still undergoing training.

The Panel discussed with the Commissioner around the shift towards recruiting graduates as officers and whether she was concerned that this may be discouraging potential applicants who may help to ensure a more diverse representation of the community at large. The Commissioner acknowledged the concerns raised and that there remain challenges around handling this issue but that the PEQF (Police Education Qualification Framework) does provide opportunities for entrants without degree-level qualifications.

In view of the concerns expressed by the Panel regarding the reported underspend and how this will be used, the Commissioner offered for a member of the Chief Constable's team to attend the next Panel meeting. The Chair welcomed this offer. He also advised the Commissioner that for the 2020/21 precept proposal, it will be a very hard ask for the people that the Members represent to be sympathetic to another considerable increase in view of the underspend, and that the nuances conveyed to Panel around timing and processes will not be widely understood.

Resolved –

- (a) That the Panel notes the report provided; and
- (b) That a member of the Chief Constable's team attends the next meeting of the Panel on 6th February 2020.

422. Complaints Handling by the Panel: Twelve-Month Progress Report Regarding the Complaints Sub-Committee Recommendations of 24 October 2018

Considered –

The Commissioner's report updating on progress made against the recommendations of the Complaints Sub-Committee in its report published on 24th October 2018. This also included a copy of the interim report following the recent staff survey.

Councillor Peter Wilkinson, in his capacity as Chair of the Complaints Sub-Committee which had published the recommendations last year, welcomed the Commissioner's progress report and interim survey. However, he also wished to record his frustration at the length of time taken to develop the survey, which was launched in December 2019.

Sharon Caddell advised that the frustration was shared by the Commissioner's office but that there had been an unhelpful convergence of issues such as the Transform 2020 programme staff consultations last year, so it had not been felt to be appropriate timing to launch the survey earlier than they had. In addition, the Panel heard that a majority of staff at the Commissioner's office had felt unsettled by the Sub-Committee recommendations so it was felt important that a degree of support work be put in place prior to the survey taking place.

Resolved –

That the Panel notes the report and interim survey provided.

423. Complaints Handling by the Panel: Update Report from the Complaints Sub-Committee

Considered –

The report of the Panel's Complaints Sub-Committee, which was published on 8th October 2019, in respect of its deliberations on two complaints received regarding the conduct of the Commissioner.

Resolved –

That the Panel notes the report provided by the Complaints Sub-Committee.

424. Work Programme

Considered –

The report by the Panel Secretariat, proposing a future programme of work for the Panel and setting out meeting dates for the 2020/21 financial year.

Resolved –

That the Panel notes the report.

425. Any Other Urgent Business

No urgent business was notified to the Chair.

The meeting concluded at 12:00pm.

DP

DRAFT