

Agenda

Meeting: North Yorkshire Police, Fire and Crime Panel

Venue: Remote Meeting held via Microsoft Teams

Date: Wednesday, 24 March 2021 at 2.00 pm

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held using video conferencing with a live broadcast to the Council's YouTube site. Further information on this is available on the committee pages on the Council website - <https://democracy.northyorks.gov.uk>

The meeting will be available to view once the meeting commences, via the following link - www.northyorks.gov.uk/livemeetings

Business

1. **Welcome and apologies**
2. **Minutes of the Panel Meeting held on 22nd February 2021** (Pages 5 - 8)
3. **Matters Arising from the Minutes of the Meeting held on 22nd February 2021**
4. **Declarations of Interest**
5. **Consideration of the Exclusion of the Press and Public**
To consider the exclusion of the press and public from the meeting during consideration of the item of business listed in column 1 of the following table on the grounds that they involve the likely disclosure of exempt information as defined in the paragraph specified in column 2, of Part 1 of Schedule 12A to the Local Government Act 1972 as amended by the Local Government (Access to Information)(Variation) Order 2006:-

Item Number on the Agenda	Paragraph Number
11	1
6. **Progress on Issues Raised by the Panel**
Report from the Panel Secretariat. (Pages 9 - 10)
7. **Public Questions or Statements to the Panel**
 - Any member of the public, who lives, works or studies in North Yorkshire and York can ask a question to the Panel. The question or statement must be put in

writing to the Panel no later than midday on Friday, 19th March 2021 to Diane Parsons (contact details below).

- The time period for asking and responding to all questions will be limited to 15 minutes. No one question or statement shall exceed 3 minutes.
- Please see the rules regarding Public Question Time at the end of this agenda page. The full protocol can be found at www.nypartnerships.org.uk/pcp.

8. Members' Questions

9. Appointment of Chief Executive and Monitoring Officer

To discuss the context and rationale to the proposed appointment of a substantive Chief Executive and Monitoring Officer to the Commissioner.

10. Confirmation Hearing

Following the intention of the North Yorkshire Police, Fire and Crime Commissioner to notify the North Yorkshire Police, Fire and Crime Panel of the proposed appointment of a preferred candidate to the role of Chief Executive and Monitoring Officer, for the Police, Fire and Crime Panel to hold a Confirmation Hearing, in accordance with Schedule 1 of the Police Reform and Social Responsibility Act 2011 (amended in accordance with the provisions of the Policing and Crime Act 2017).

(a) Guidance for the Confirmation Hearing

Report from the Panel Secretariat.

(Pages 11 - 14)

(b) Supporting information from the Police, Fire and Crime Commissioner

(To Follow)

(c) Personal statement from the preferred appointee

(To Follow)

11. Closed Session

For the North Yorkshire Police, Fire and Crime Panel to discuss and agree its recommendation following the North Yorkshire Police, Fire and Crime Commissioner's notification to the Panel of the proposed appointment of a preferred candidate to the role of Chief Executive and Monitoring Officer.

12. Such other business as, in the opinion of the Chairman, should, by reason of special circumstances, be considered as a matter of urgency.

Dates of future meetings:

- Thursday 10th June 2021 – 1:30pm – Remote meeting (tbc)
- Thursday 22nd July 2021 – 10:30am – Remote meeting (tbc)
- Thursday 14th October 2021 – 10:30am – Remote meeting (tbc)

Barry Khan
Assistant Chief Executive (Legal and Democratic Services)

NOTES:

- (a) Members are reminded of the need to consider whether they have any personal or prejudicial interests to declare on any of the items on this agenda and, if so, of the need to explain the reason(s) why they have any personal interest when making a declaration.

The Panel Secretariat officer will be pleased to advise on interest issues. Ideally their views should be sought as soon as possible and preferably prior to the day of the meeting, so that time is available to explore adequately any issues that might arise.

Public Question Time

The questioner must provide an address and contact telephone number when submitting a request. The request must set out the question in full. The question/statement:

1. must relate to the Panel's role and responsibilities;
2. must not be substantially the same as a question which has been put at a meeting in the past 6 months;
3. must not be defamatory, frivolous, vexatious or offensive;
4. must not require the disclosure of confidential or exempt information; and
5. must not refer to any matter of a personal nature.

At the meeting: Once the question has been approved, the questioner will be contacted to make arrangements to attend the meeting to put the question.

Any questions will normally be answered at the meeting but in some cases this might not be practicable and a written answer will be provided within 14 days of the meeting.

The full protocol for public questions or statements to the Panel can be found at www.nypartnerships.org.uk/pcp

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North Yorkshire County Council

North Yorkshire Police, Fire and Crime Panel

Minutes of the remote meeting held on Monday, 22nd February, 2021 commencing at 3.00 pm.

Councillors Carl Les (North Yorkshire County Council) in the Chair; Keith Aspden (City of York Council), Mike Chambers MBE (Harrogate Borough Council), Richard Foster (Craven District Council), Helen Grant (Richmondshire District Council), Tim Grogan (Selby District Council), Ashley Mason (City of York Council) and Carl Maw (Scarborough Borough Council).

Officers from the Office of the Police, Fire and Crime Commissioner: Julia Mulligan (Police, Fire and Crime Commissioner for North Yorkshire), Caroline Blackburn (Asst Chief Executive & Monitoring Officer), Michael Porter (Chief Financial Officer), Tom Thorp (Asst Chief Executive and Monitoring Officer) and Simon Dennis (Chief Executive & Monitoring Officer).

Officers present: Diane Parsons (Principal Scrutiny Officer, NYCC).

Apologies: Councillors Peter Wilkinson (Hambleton District Council) (Vice-Chair) and Eric Hope (Ryedale District Council).

Copies of all documents considered are in the Minute Book

492 Welcome and apologies

The Chair welcomed everyone to the meeting. Apologies were received from Councillor Eric Hope and Councillor Peter Wilkinson.

493 Minutes of the Panel Meeting held on 5th February 2021

Resolved –

That the minutes of the meeting held on 5th February 2021, having been printed and circulated, be taken as read and be confirmed and signed by the Chairman as a correct record.

494 Matters Arising from the Minutes of the Meeting Held on 5th February 2021

No matters arising were raised by the Panel.

495 Declarations of Interest

The Commissioner declared an interest in relation to Item 8 (Covid-19 response) that she is Chair of IDAS.

Councillor Keith Aspden declared that he is a Member of the LGA Fire Services Management Committee, Fire Commission and the NJC for Local Authority Fire and Rescue Services.

496 Public Questions or Statements to the Panel

The Panel were advised that no public questions or statements had been received.

497 Progress on issues Raised by the Panel

Considered –

The report of the Panel Secretariat updating the Panel about progress made on issues raised at previous Panel meetings.

Resolved –

That the Panel notes the report provided.

498 Members' Questions

No questions were raised by Members of the Panel.

499 Covid-19 Pandemic Response and Issues Presented for Policing and Fire and Rescue

Considered –

The verbal update by the Police, Fire and Crime Commissioner regarding the response to the Covid-19 pandemic and issues presented for the police and fire and rescue service.

Victims services

The Commissioner outlined the impact of the pandemic on support services for victims and trends around case referrals. Referrals to IDAS, for example, have almost doubled during the pandemic. Specialist counselling services have had to become more focussed on mental health as a result of the pandemic rather than purely the impact of crime. Some areas have seen a reduction in referrals, such as sexual assault referrals for children, and the Commissioner noted that this was a concern to be monitored coming out of the pandemic. It was noted that while there has been a significant increase in victim support caseloads, a significant amount of funding has been attracted in to support these services.

Policing

The Commissioner highlighted the numbers of Fixed Penalty Notices (FPNs) issued by North Yorkshire Police in recent weeks and how the force continues to take a robust approach to enforcement. Surge funding from the government is being used to put on extra patrols, particularly in areas where there have been high incidences of indoor gatherings. The police are looking ahead at how to tackle coming out of lockdown, the potential for an influx of visitors and also at positive engagement with young people in harder to reach areas. Lateral flow testing has been available to police officers and staff since the beginning of February at five sites.

Fire and rescue service

The Commissioner referred to the recent inspection report by HMICFRS, that this was largely positive, and that the service will need to continue to embed new

practices it has adopted during the pandemic for the longer term. The service has been on standby to help support the response to the pandemic and has made 5,500 phone calls to vulnerable members of the community.

The Commissioner was thanked for her work on various partnership fora during the pandemic, such as outbreak management boards. In response to a question around how the benefits of successful partnership working might be embedded going forward, the Commissioner felt that this would need a concerted effort by all partners and that she would like to formally look at this issue with partners to identify opportunities and embed the positives of working together.

The Chair, on behalf of the Panel, gave thanks to the Commissioner for all of her efforts in post and for her work on behalf of the residents of North Yorkshire.

The Commissioner left the meeting at 3:35pm.

Resolved –

That the Panel notes the update provided.

500

Recruitment of Co-opted Independent Members to the Panel

Considered –

The report of the Panel Secretariat seeking agreement to the membership of a task group from the Panel to oversee the recruitment of the Panel's two independent co-opted members.

The Panel will progress this deferred recruitment exercise over the spring and summer, with the aim of formally proposing two independent co-opted members to the Panel in October 2021. It was provisionally agreed that the Panel Chair and Vice Chairs will sit on the initial task group, along with Councillors Chambers and Grogan. Councillor Grant advised that she would be happy to assist later on in the process if additional members were needed.

Resolved –

That the Panel:

- (a) notes the report provided; and
- (b) agrees the membership of the task group to comprise Councillors Les, Aspden, Wilkinson, Chambers and Grogan.

501

Work Programme

Considered –

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

It was noted that while the next scheduled meeting – in April 2021 – had been cancelled due to the heightened sensitivity around pre-election activity, it was likely that the Panel would need to meet again just prior to 'purdah' starting to hold a confirmation hearing for the Commissioner's Chief Executive and Monitoring Officer.

A suggestion for future consideration was made around the move of Harrogate

Football Club back to their ground at Harrogate from Doncaster and seeking a response from the Chief Constable around management of this process.

Resolved –

That the Panel:

- (a) agrees its outline work programme; and
- (b) seeks an update from North Yorkshire Police regarding the move of Harrogate Football Club back to their home ground.

502 Such other business as, in the opinion of the Chairman, should, by reason of special circumstances, be considered as a matter of urgency.

The Panel were advised that no urgent business had been notified to the Chair.

The meeting concluded at 3.45 pm.

DP.

DRAFT

North Yorkshire Police, Fire and Crime Panel

24 March 2021

Progress on Issues Raised by the Panel

1	Purpose of Report
1.1	To advise Members of: <ul style="list-style-type: none"> (i) progress on issues which the Police, Fire and Crime Panel has raised at previous meetings; and (ii) any other matters that have arisen since the last meeting and which relate to the work of the Panel.

2 Background

2.1 This report outlines the Panel's previous resolutions and/or when it requested further information to be submitted to future meetings. The table below represents the list of issues which were identified at previous Panel meetings and which have not yet been resolved. The table also indicates where the issues are regarded as completed and will therefore not be carried forward to this agenda item at the next Panel meeting.

	Date	Minute number and subject (if applicable)	Panel resolution or issue raised	Comment / date required	Complete at publication?
1	15 October 2020	456 – Fire and Rescue Annual Report 2019/20	Evaluation of the Public Safety Service to be shared with Panel when available.	Benefits evaluation due end Feb 2021 – to be circulated on email to Panel mid-March 2021.	X
2	15 October 2020	456 – Fire and Rescue Annual Report 2019/20	Review of youth engagement work (FRS) to be shared with Panel when available.	Update to be provided to Panel by end Feb 2021.	X
3	15 October 2020	461 – Complaints and Recognition Service	Organisational learning bulletin	Next edition due May/June 2021 – copy to be shared with Panel then.	X
4	5 February 2021	482 – Members' Questions	[Covid-19] (i) Updated figures on proportion of FPNs issued to BAME individuals; and (ii) briefing on the work of the APCC Disproportionality Working Group.	To be provided to Panel by end of March 2021.	X

5	22 February 2021	501 – Work Programme	Update sought from NYP regarding Harrogate Football Club returning to their home ground.	Update requested via OPFCC.	X
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3 Recommendation

3.1 It is recommended that the Panel:

(a) notes the report;

(b) considers whether any of the points highlighted in this report require further follow-up.

Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council
16th March 2021

NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL

24 March 2021

Confirmation Hearing – Chief Executive & Monitoring Officer

1.0 Introduction

- 1.1 This report provides supporting information for the confirmation hearing for Chief Executive and Monitoring Officer on 24th March 2021.
- 1.2 The Police, Fire and Crime Commissioner (the Commissioner) has responsibility for appointing a Chief Executive. Before making such an appointment the Commissioner has to notify the Police, Fire and Crime Panel (the Panel) and it must review the appointment. The Panel must hold a public Confirmation Hearing prior to making a report to the Commissioner, which includes a recommendation as to whether or not the candidate should be appointed.

2.0 Procedure

- 2.1 It is important that the process relating to Confirmation Hearings is scrupulously fair. It is an unusual situation for a candidate to be ‘interviewed’ for a job in a public forum. The process outlined below has been designed to ensure rigour and fairness in all circumstances.
- 2.2 Candidates will be treated with courtesy and respect throughout the whole appointment process, including at the Confirmation Hearing and in public statements relating to recommendations made by the Panel.
- 2.3 The focus will be on the individual’s capabilities and expertise; their professional competence and personal independence. In order for the Panel to form a view on these issues, it will be important for the Commissioner to provide the Panel with reliable and objective evidence about the candidate.
- 2.4 Professional competence may include a reliable, objective assessment of the candidate’s:
 - ability to carry out the role by comparing their background and experience, for example, with the role profile
 - professional judgment and insight
 - understanding of the various stakeholders who need to be involved and engaged with, in what way and with what outcome
 - experience in the development and delivery of a major strategy.
- 2.5 Personal Independence may include a reliable objective assessment of the candidate’s:
 - ability to advise effectively
 - understanding of the separation of political and operational responsibilities
 - ability to respond constructively to situations where they might be held to account.
- 2.6 Confirmation Hearings should take place as quickly as possible with minimal time between notification of the appointment, the hearing and reports and recommendations being made to

the Commissioner. (The Act stipulates that a report and recommendation has to be sent within 3 weeks of the day that the Panel receives notification from the Commissioner)

3.0 Formal Notification by the Commissioner

3.1 The Commissioner must formally notify the Panel of the proposed appointment. At the same time, the Commissioner will supply the evidence required for the Panel to determine whether his/her judgement has been properly exercised.

4.0 Confirmation Hearing

4.1 The Hearing will be held in public and the candidate will be requested to appear for the purpose of answering questions relating to the appointment.

4.2 The Panel will be seeking to establish if, in its opinion, there are any grounds to not follow the Commissioner's proposal for appointment.

4.3 The questions need to relate to two general principles –

- i. Professional Competence
- ii. Personal independence

4.4 The hearing should be a relatively focussed opportunity to explore key issues relating to these general principles. The LGA/Centre for Public Scrutiny guidance on confirmation hearings advises that a hearing should not be used as an opportunity for a Panel to explore the candidate's views on various areas of the Commissioner's policies, national policy issues or their plans once they assume the post, except insofar as those questions might relate directly to professional competence.

4.5 The hearing ought not to be used to explore hypothetical instances i.e. asking the candidate what they would do in a particular situation but should address issues of competence, suitability and expertise, priorities and vision, availability.

5.0 Decision-Making by the Panel

5.1 The Panel will exclude the press and public to come to a decision on its report and recommendation.

5.2 The Panel's decision making process is as follows :-

5.3 Taking account of the minimum standards of professional competence and personal independence does the candidate meet the criteria set out in the role profile?

- a) Do they have the Professional competence to carry out the role?
- b) Do they have the personal independence to carry out the role?

5.4 The Panel must then determine whether to recommend that the preferred candidate is appointed.

5.5 In a circumstance where the candidate meets the two standards, but there is still cause for concern about his/her suitability, the Panel may choose to outline those concerns in its response to the Commissioner.

6.0 Report and Recommendation

6.1 The report and recommendation will be sent to the Commissioner within two working days of the Confirmation Hearing. (It has to be sent within three weeks of the day that the Panel received notification from the Commissioner.)

6.2 There are two options available to the Panel in considering the proposed appointee for Chief Executive and Monitoring Officer:

1. Report and recommendation to appoint
2. Report and recommendation not to appoint.

7.0 Response by the Commissioner

7.1 The Commissioner must have regard to any report made with recommendations and then notify the Panel whether she accepts or rejects the Panel's recommendation within three working days.

7.2 The Commissioner will give reasons for her decision.

8.0 Publication

8.1 The Panel will decide how and when to publish the report and recommendation. The standard procedure will be to publish it on the Panel website (www.nypartnerships.org.uk/pcp). It will be published in full.

8.2 The decision will be taken following consultation with the Commissioner and the candidate, and they will be given at least two working days' notice of the date of publication.

8.3 The report and recommendation will normally be published within five working days of the Commissioner taking a decision whether or not to appoint.

8.4 If a candidate withdraws after a report and recommendation has been sent to the Commissioner, the report and recommendation will still be published in accordance with the procedure set out above.

8.5 If, having regard to the report and recommendations from the Panel, the Commissioner decides not to appoint, the Commissioner will publish details of what she is going to do next in relation to the vacancy within five working days.

Diane Parsons
Police, Fire and Crime Panel Secretariat
16th March 2021

Background Documents - Nil

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