

North Yorkshire County Council

North Yorkshire Police, Fire and Crime Panel

Minutes of the remote meeting held on Thursday, 4th November, 2021 commencing at 2.30 pm.

Councillors Carl Les (North Yorkshire County Council) in the Chair; Keith Aspden (City of York Council), Peter Wilkinson (Hambleton District Council), Lindsay Burr (Ryedale District Council), Mike Chambers (Harrogate Borough Council), Tim Grogan (Selby District Council), Carl Maw (Scarborough Borough Council) and Darryl Smalley (City of York Council).

Community Co-opted Members: Fraser Forsyth and Martin Walker

In attendance: Mags Godderidge,

Lisa Winward (Chief Constable) (North Yorkshire Police)

Jonathan Foster (Interim Chief Fire Officer) (North Yorkshire Fire and Rescue Service).

Officers from the Office of the Police, Fire and Crime Commissioner: Caroline Blackburn (Asst Chief Executive & Monitoring Officer), Michael Porter (Chief Financial Officer), Tom Thorp (Asst Chief Executive and Monitoring Officer), Simon Dennis (Chief Executive & Monitoring Officer) and Jenni Newberry (Head of Commissioning and Partnerships).

Officers present: Diane Parsons (Principal Scrutiny Officer) and Emily Brayshaw (Accountant, NYCC).

Apologies: Councillors Helen Grant (Richmondshire District Council) and Patrick Mulligan (Craven District Council).

Copies of all documents considered are in the Minute Book

543 Procedure for Face-to-Face Meeting of the North Yorkshire Police, Fire and Crime Panel on 4th November 2021

The Panel noted that a procedure had been published to outline for all attendees some basic protocols for ensuring a Covid-safe meeting.

544 Welcome and apologies

The Chair welcomed everyone to the meeting. Apologies were noted from Councillors Helen Grant and Patrick Mulligan.

545 Minutes of the Panel Meeting held on 14th October 2021

Resolved –

That the minutes of the meeting held on 14th October 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

546 Declarations of Interest

Councillor Keith Aspden notified that he is a Member of the LGA's Fire Services Management Committee and Fire Commission, and the NJC for Local Authority Fire Services. Martin Walker also notified that he is a Trustee of IDAS.

547 Appointment of additional independent co-opted member to the Panel

Considered –

The report of the Panel Secretariat officer seeking approval of the Panel to co-opting a third independent member, Mags Godderidge.

Mags's professional knowledge and experience were outlined for the Panel and it was highlighted that she would bring complementary and additional skills which will help the Panel to more fully meet its balanced appointment objective. Mags remains keen to join the Panel and as such further guidance had been given around how she may continue in her professional role and also be an active participant on the Panel. The Panel must pass a resolution to co-opt three members and a formal request must be put through the Home Office, which can take some time.

Resolved –

That the Panel:

- (a) Passes a resolution to co-opt three independent members;
- (b) Agrees the co-option of Mags Godderidge to the Panel; and
- (c) Agrees that a formal process is pursued via the Home Office to formally request a third co-option.

548 Proposed Appointment of an Acting Police, Fire and Crime Commissioner

549 Guidance for the Police, Fire and Crime Panel

Considered –

The guidance note provided by the Panel Secretariat, outlining the Panel's legal role in appointing an Acting Police, Fire and Crime Commissioner ("Acting PFCC") and the proposals put forward by the Office of the Police, Fire and Crime Commissioner for a model of executive stewardship and proposing Mrs Jennifer Newberry as Acting PFCC.

Resolved –

That the Panel notes the report provided.

550 Commissioner Vacancy - Executive Stewardship and Acting Commissioner Proposals

Considered –

The report of the Chief Executive and Monitoring Officer to the Commissioner, Simon Dennis, setting out two proposals for the Panel:

- (a) A model of executive stewardship in which the senior management team at the Commissioner's office ("OPFCC") will work collectively to ensure resilience and support for the Acting PFCC during the period of vacancy; and
- (b) A proposal that Mrs Jennifer Newberry be appointed as Acting PFCC.

Mr Dennis briefly outlined the proposed stewardship model, based around portfolios attributed to each member of the senior team and a collective support for the Acting PFCC during the vacancy period. The model is around ensuring resilience and support at this time.

In respect of the Panel's appointment of an Acting PFCC, Mr Dennis highlighted that Mrs Newberry was felt to be particularly suitable for the role as she is a very accomplished public servant with a focus on services for victims. Mrs Newberry advised that she would be proud to take up the appointment for the period of vacancy and to work collegiately with the senior management team.

There were no questions for Mrs Newberry in relation to her statement or suitability for the role and as such the Chair invited Panel members to take a vote via show of hands in favour of her appointment as Acting PFCC. The vote in favour was unanimous and as such Mrs Newberry's appointment was formally approved by the Panel.

Resolved –

That the Panel:

- (a) Endorses the model of executive stewardship at the OPFCC as proposed by the Chief Executive and Monitoring Officer to the Commissioner; and
- (b) Appoints Mrs Jennifer Newberry as Acting PFCC during the period of vacancy for this role.

551 Outstanding Matters from Public Questions on 14 October 2021

552 Governance frameworks for NYP and NYFRS, including oversight of complaints and disciplinary processes

Considered –

The questions and observations put forward by Gwen Swinburn to the Panel meetings of 14th October and 4th November 2021 and the report provided by the OPFCC in supporting the Panel to consider those issues as raised on 14th October.

The Chair advised that a question had been received from Gwen Swinburn for Item 8 (Public Questions or Statements to the Panel) but that as it related to the paperwork provided for this item, Items 7(a) and 8 would be combined.

Diane Parsons reminded Panel of the questions and observations put by Gwen to the previous meeting, which centred around concerns regarding control and oversight mechanisms for police and fire complaints, whistleblowing and tribunals. Additionally, that audit oversight for policing and fire is dealt with by separate committees with no linkage to the Panel or other scrutiny body. Gwen had provided her apologies for the 4th November meeting but, having reviewed the report provided at Item 7(a) had asked for the following to be read out at the meeting:

“Chair,

Thank you for responding to my concerns regarding governance gaps, and for this report.

As before I sent a detailed response to the panel, but for the purpose of this committee may I highlight a few points. Again this is to seek assurance moving forward.

Firstly the transparency of this meeting and the audit committee meetings. May I ask moving forward that both are held in public, webcast and put on York and North Yorkshire Council calendars, with slots for public speaking, standard protocols in other words, but to include audit committee.

Regarding the gaps/firewalls between the audit committee and the panel. I am glad to see a suggestion in the paper that some informal connection could be arranged. If not possible also to have at least the audit annual report put to this panel, perhaps such an arrangement could be made via Council audit or scrutiny functions?

Regarding specific reporting to the Audit Committee - the information gaps I think could be easily provided as part of their performance reporting, to include more information on suspensions, payoffs, NDAs, employment tribunals etc. At least then the audit committee could be aware of culture and other risks, even if this Panel is not allowed to engage.

Thank you Chair.”

Diane Parsons provided some further context for Panel, given by Gwen, to this statement. Gwen is concerned to look at ways to resolve perceived governance gaps through strengthened reporting, engagement and transparency, particularly around the work of the audit committee. Gwen had also proposed a good governance charter to consolidate governance between the OPFCC, the Panel, the Chief Constable, Chief Fire Officer and audit committees.

Members discussed the comments provided. It was identified that some of the suggestions would require the Panel's councillor members to go back to their constituent authorities to see if they would support such a linkage with the policing and fire audit committees. However, it was agreed among Members that there was merit in developing an informal connection with the audit committees. Simon Dennis and Michael Porter both spoke in support of an informal communication being developed and that a recent refresh of membership on those committees afforded an opportunity to review arrangements and also strengthen transparency. They both wished to emphasise for Panel, however, that it is important to retain the distinction around the independence of both the police and fire audit committees.

Simon Dennis suggested that the ongoing work between the Panel and the OPFCC to develop a Memorandum of Understanding may provide a useful place in which to identify the relationship between the jurisdiction of the audit committees and the Panel in the North Yorkshire context.

Members considered the issue of oversight of complaints and disciplinary processes. The Panel receives annual/biannual reports on the complaints and recognition function. Simon Dennis outlined the role of the Appropriate Authorities Liaison Meeting which enables further oversight of legal and standards issues.

It was also agreed more broadly that the OPFCC, Panel and partners providing reports for Panel would ensure that they adopt plain English and explain in clear terms any acronyms used.

Resolved –

That the Panel:

- (a) notes the report provided at Item 7(a);
- (b) progresses work to consider developing an informal connection with the police and fire audit committees; and
- (c) commits, along with the OPFCC and emergency services partners, to using plain English and giving full explanation of acronyms.

553 North Yorkshire Police Vetting

Considered –

An update paper from the OPFCC regarding police vetting checks.

Further to questions received by a member of the public and a Panel Member at the previous Panel meeting, a note was provided by the OPFCC to provide clarity on police vetting checks and also how spent convictions are dealt with during vetting processes.

Panel members were keen to establish whether, because PCSOs are staff, they are exempted from any check on spent convictions. The Chief Constable confirmed that a candidate in these circumstances would not be required in law to declare a spent conviction but that vetting checks would be applied and if there is a spent conviction then it would be taken into account for that person's suitability. Further to a supplementary question, the Chief Constable confirmed that transferees in to North Yorkshire Police are re-vetted. Moreover that national timescales are set for re-vetting within the service.

Resolved –

That the Panel notes the report provided.

554 Public Questions or Statements to the Panel

Further to the public questions taken under Item 7(a), there were no additional questions for consideration by the Panel.

555 Members' Questions

There were no questions from Panel Members under this item.

556 Risk and Resource Model for NY Fire and Rescue Service (as deferred from 14 October 2021)

Considered –

The briefing paper provided by the OPFCC regarding a deferral of completion of the Risk and Resource Model for the North Yorkshire Fire and Rescue Service.

Tom Thorp explained to the Panel that since the briefing provided to the Panel on the 'risk' element of the model earlier this year, delays had occurred due to resourcing and the limited availability of data; as such the data quality had been

poor. These issues have largely been resolved and progress on developing the model is underway again. A public consultation is now planned to be launched following the conclusion of the council elections in May 2022.

Members sought reassurance that good progress is being made and that the timescales set out are reliable. It was explained that as the current Integrated Risk Management Plan is nearing its end it needs refreshing and it isn't anticipated that there will be any further issues which will impact on the timescales set out. Members indicated the importance of all relevant parties being able to engage in the process and have their say.

Resolved –

That the Panel:

- (a) notes the update paper provided; and
- (b) seeks an opportunity to engage in the consultation process from May 2022.

557 Mid-year budget review for policing and fire and rescue (as deferred from 14 October 2021)

558 Policing budget update

Considered –

The OPFCC's mid-year budget report for policing.

Michael Porter highlighted just over £2m of underspend expected in the policing budget. This has been driven by:

- higher levels of police officers leaving and retiring from the service in the first half of the year. This will be mitigated through planned recruitment in the second half of the year;
- a number of unexpected staff vacancies; and
- savings achieved through supplies and services.

The underspend doesn't reflect any increase in pay for staffing as this hasn't been settled yet, although budgeting has been done on the basis of a pay freeze.

An area considered with the Panel is the ongoing slippage in the capital programme, which remains an area of concern. Members requested to see a copy of the internal audit review of areas of the capital plan. Michael Porter was also asked about environmental sustainability in relation to the fleets and estates programmes. The Executive Board has been considering this in terms of potential for electric vehicles, solar panels, for example. There may be a requirement as part of the Spending Review to develop this further.

Resolved –

That the Panel:

- (a) notes the budget report provided for policing; and
- (b) receives a copy of the internal audit report in relation to the capital plan, when available.

559

Fire and Rescue budget update

Considered –

The OPFCC's mid-year budget update for the fire and rescue service.

Michael Porter underlined the significant financial challenges for the service, as indicated in the report. The service is drawing on reserves to balance its plan. The pay award at 1.5% presents a challenge, with additional pressures next year from increases in utility costs, additional NI contributions and pay awards.

Further to a query regarding maintenance costs for the large service estate, Mr Porter acknowledged that a number of properties are in need of replacement but without the budget available to invest back into the service, costs for 'patching up' these buildings will increase over time. The possibilities for greater sharing of premises between services is limited as for example there have to be fire stations in specific locations. Members requested that a note be incorporated into the Enable update to be given in the spring of 2022 regarding collaboration opportunities for fire and rescue premises.

The Panel also considered numbers of wholetime and on-call firefighters and in particular what the plan is for on-call recruitment. The Interim Chief Fire Officer explained that on-call recruitment is a challenge due in part to an outdated system for terms and conditions which doesn't pay well and is inflexible. Measures are being reviewed locally to try and improve this situation.

The Chair also thanked Mr Porter for his recent engagement with Members of the Finance Sub-Group.

Resolved –

That the Panel:

- (a) Notes the budget report provided for the fire and rescue service; and
- (b) Receives an update on collaboration opportunities for premises as part of the next Enable programme report.

560

OPFCC Resilience and Succession Planning - Outline Update

Considered –

The report of the Chief Executive and Monitoring Officer to the Commissioner regarding resilience planning and development of a Business Development Strategy for the OPFCC.

Mr Dennis outlined the key points from the paper. In particular, it appears likely that the government's wish to mandate Deputy Police and Crime Commissioners will not take effect for some time and in the interim they have requested that each OPFCC produce a resilience plan, engaging with the area Panel in the process.

A Business Development Strategy is in progress to improve resilience within the OPFCC. A formal resilience and succession plan will be brought to the Panel in due

course. Mr Dennis was asked about the government plans for a Deputy P(F)CC to be appointed of the same political party as the P(F)CC if they represent a particular party and whether a P(F)CC could nevertheless appoint someone who was independent. The Panel were advised that the guidance on this point at this stage is just an early indication of Ministerial thinking and yet to be finalised.

Resolved –

That the Panel:

- (a) Notes the report provided, including the progress made on a Business Development Strategy for the OPFCC; and
- (b) Receives the OPFCC's Resilience and Succession Plan to a future meeting.

561 Work Programme

Considered –

The report of the Panel Secretariat proposing a programme of work for the Police, Fire and Crime Panel.

Members were asked to note the proposed dates for meetings up to April 2023.

The forward plan has some space across the year to ensure a degree of reactivity once the new PFCC is in place and once his/her priorities are known. The Panel had expected to take the draft Police and Crime Plan and Fire and Rescue Plan in January 2022, for approval, but were advised at the meeting that the election of a new PFCC was likely to delay when these could be finalised.

Resolved –

That the Panel:

- (a) notes the report provided.

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

The Chair advised that no urgent business had been notified.

The meeting concluded at 4.00 pm.
DP.