

# Public Document Pack

## Agenda

**Meeting:** North Yorkshire Police, Fire and Crime Panel

**Venue:** North Yorkshire Police & North Yorkshire Fire & Rescue Service Joint Headquarters, Alverton Court, Crosby Road, Northallerton, DL6 1BF

**Date:** Thursday, 4 November 2021 at 2.30 pm

Recording is allowed at County Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings, a copy of which is available via the contact details below. Anyone wishing to record is asked to contact, prior to the start of the meeting, the Officer whose details are at the foot of the first page of the Agenda. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

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### Business

1. Procedure for Face-to-Face Meeting of the North Yorkshire Police, Fire and Crime Panel on 4th November 2021  
(Pages 5 - 6)
2. Welcome and apologies
3. Minutes of the Panel Meeting held on 14th October 2021  
(Pages 7 - 14)
4. Declarations of Interest
5. Appointment of additional independent co-opted member to the Panel  
Report from the Panel Secretariat.  
(Pages 15 - 18)
6. Proposed Appointment of an Acting Police, Fire and Crime Commissioner
  - (a) Guidance for the Police, Fire and Crime Panel  
Guidance note from the Panel Secretariat.  
(Pages 19 - 22)

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- (b) **Commissioner Vacancy - Executive Stewardship and Acting Commissioner Proposals**  
Report for consideration by the Panel from Simon Dennis, Chief Executive and Monitoring Officer to the Commissioner.  
**(Pages 23 - 30)**
7. **Outstanding Matters from Public Questions on 14 October 2021**  
A report from the Office of the Police, Fire and Crime Commissioner, providing further detail to questions posed at the last Panel meeting on 14<sup>th</sup> October 2021.
- (a) **Governance frameworks for NYP and NYFRS, including oversight of complaints and disciplinary processes**  
**(Pages 31 - 34)**
- (b) **North Yorkshire Police Vetting**  
**(Pages 35 - 36)**
8. **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 Monday, 1<sup>st</sup> November 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](http://www.nypartnerships.org.uk/pcp).
9. **Members' Questions**
10. **Risk and Resource Model for NY Fire and Rescue Service (as deferred from 14 October 2021)**  
Update report from the Office of the Police, Fire and Crime Commissioner on the development of the Risk and Resource Model.  
**(Pages 37 - 38)**
11. **Mid-year budget review for policing and fire and rescue (as deferred from 14 October 2021)**  
Reports from the Police, Fire and Crime Commissioner on the mid-year budget position for North Yorkshire Police and North Yorkshire Fire and Rescue Service.
- (a) **Policing budget update**  
**(Pages 39 - 46)**
- (b) **Fire and Rescue budget update**  
**(Pages 47 - 60)**
12. **OPFCC Resilience and Succession Planning - Outline Update**  
Report from Simon Dennis, Chief Executive and Monitoring Officer to the PFCC.  
**(Pages 61 - 64)**
13. **Work Programme**  
Report by the Panel Secretariat.

14. **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 13<sup>th</sup> January 2022 – 10:30am – City of York Council West Offices (tbc)
- Monday 7<sup>th</sup> February 2022 (PRECEPT) – 10:30am – County Hall, Northallerton (tbc)
- Monday 21<sup>st</sup> February 2022 – 1:30pm (Precept Reserve) – County Hall, Northallerton (tbc)

Barry Khan  
Assistant Chief Executive (Legal and Democratic Services)

County Hall  
Northallerton  
**Monday 25<sup>th</sup> October 2021**

**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](http://www.nypartnerships.org.uk/pcp)

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**Guidance Note for Face-to-Face Meeting of the  
North Yorkshire Police, Fire and Crime Panel at  
North Yorkshire Police & North Yorkshire Fire and Rescue Service Joint  
Headquarters, Alverton Court, Crosby Road, Northallerton DL6 1BF  
On Thursday 4<sup>th</sup> November at 2:30pm.**

The meeting of the North Yorkshire Police, Fire and Crime Panel being held on Thursday 4<sup>th</sup> November 2021 will be a face-to-face meeting, will be held in public and will be live broadcasted. Details of the procedure for the meeting are provided, and set out below:-

- In view of the rising Covid-19 infection rates in the county, social distancing, hand cleansing and the use of face masks will be observed. This is in line with local Health and Safety and Public Health advice.
- There will be a strict limit on the number of people attending due to the need to maintain some social distancing.
- The priority for public attendance will be given to public speakers.
- If any members of the public or press would like to attend the meeting in person, they are politely asked to contact [nypcp@northyorks.gov.uk](mailto:nypcp@northyorks.gov.uk) to indicate this in advance of the meeting and preferably before Tuesday 2<sup>nd</sup> November.
- If you are attending in person, we politely ask that you aim to arrive **no more than 10 minutes prior** to the start of the meeting.
- Upon arrival, follow the signage provided at the main entrance to the Headquarters, which will direct you to the meeting.
- If you arrive early, please wait in your car or outside to help us avoid numbers congregating inside the building.
- The meeting will be conducted in the normal way and will be live broadcast. The meeting can be viewed via the following link - [www.northyorks.gov.uk/live-meetings](http://www.northyorks.gov.uk/live-meetings)
- At the end of the meeting we will direct you from the building in a way that ensures there are no bottlenecks. We politely request that you do not congregate inside the building when leaving.
- For those arriving by car, please note that car parking is very limited on the Alverton Court site, but additional spaces can be located nearby at a number of external (e.g. council operated) car parks, such as at [Crosby Road](#). A charge may be payable for car parks off the Alverton Court site.

Thank you for observing the above guidance for the Panel meeting, and assisting us with ensuring we can manage capacity safely. If you have any further queries please contact the Panel Secretariat at [nypcp@northyorks.gov.uk](mailto:nypcp@northyorks.gov.uk).

## North Yorkshire County Council

### North Yorkshire Police, Fire and Crime Panel

Minutes of the remote meeting held on Thursday, 14th October, 2021 commencing at 10.30 am.

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

Community Co-opted Members: Fraser Forsyth and Martin Walker

Officers from the Office of the Police, Fire and Crime Commissioner: Philip Allott (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), Simon Dennis (Chief Executive & Monitoring Officer) and Jenni Newberry (Head of Commissioning and Partnerships).

Officers present: Diane Parsons (Principal Scrutiny Officer) and Barry Khan (Assistant Chief Executive (Legal & Democratic Services)).

Apologies: Councillors Lindsay Burr (Ryedale District Council). .

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**Copies of all documents considered are in the Minute Book**

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#### 537      Welcome and apologies

The Chair reminded all present of the decision-making arrangements for the meeting as set out on the agenda frontsheet. Following the expiry of the legislation permitting remote committee meetings in May 2021, the County Council resolved at its meeting on 5<sup>th</sup> May 2021 that in light of the continuing Covid-19 pandemic circumstances, remote live-broadcast committee meetings should continue, with any formal decision required being taken by the Chief Executive Officer under his emergency decision-making powers and after consultation with other officers and Members as appropriate and after taking into account any views of the relevant Committee Members. As the Panel is constituted as a committee of the council, those present were reminded that the meeting was as such being held informally and any formal decisions required would be taken by the Chief Executive Officer under the terms advised.

The Chair welcomed everyone to the meeting and outlined that it had not been possible to meet in person in a way that provided the appropriate level of Covid safety while also meeting the increasing interest in the meeting. However, the Chair felt it likely that another meeting of the Panel would be needed before January 2022 and that this would be held in person if a suitable venue could be secured.

The Chair also conveyed that his thoughts and condolences are with the family of Sarah Everard at this time.

A welcome was extended to Martin Walker and Fraser Forsyth as the Panel's proposed independent co-opted members. Apologies were noted from Councillor Lindsay Burr.

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## Minutes of the Panel Meeting held on 22nd July 2021

**Resolved – that the following be referred to the Chief Executive Officer for consideration under his emergency delegated powers:-**

That the minutes of the meeting held on 22<sup>nd</sup> July 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

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## 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. Councillor Patrick Mulligan notified an interest in respect of his wife's Chairmanship of IDAS; an organisation which receives funding from NYCC, City of York Council and the OPFCC. An interest was also declared on behalf of Martin Walker, in his absence, in relation to being a Trustee of IDAS.

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## Appointment of independent co-opted members to the Panel

Considered –

The report of the Panel Secretariat regarding the process undertaken to recruit the Panel's two independent co-opted members, including a verbal update recommending the Panel's approval of Martin Walker and Fraser Forsyth.

It was highlighted in the verbal report provided that Martin and Fraser had been outstanding candidates during the recruitment process, bringing valuable skills and experience around potential 'gap' areas for the Panel such as criminal justice and victim support. Both candidates were invited to introduce themselves. Due to technical issues, Martin Walker was unable to join for this item. Fraser Forsyth provided a brief summary of his professional experience.

The Panel was asked to approve the appointment of both Martin Walker and Fraser Forsyth.

The Chair also thanked the small working group of Panel Members who assisted during the recruitment process.

**Resolved – that the following be referred to the Chief Executive Officer for consideration under his emergency delegated powers:-**

That Martin Walker and Fraser Forsyth are appointed to the Panel as independent co-opted members for a four-year term from 14 October 2021.

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## Public Questions or Statements to the Panel

*[Martin Walker joined the meeting during this item, following technical issues]*

**Gwen Swinburn** delivered the following statement to the Panel:

"In spite of the confidence in our police and fire service top management, recent events give cause to look at our governance and assurance. I am deeply concerned

with the complexity and firewalls between this Panel, the PFCC, Chief Constable and Chief Fire Officer and, most concerningly, the so-called Independent Audit Committees, whose role should be front and centre, very visible and involving members of this Panel. The entire governance framework is confusing, outdated, not transparent enough and not fit for our current purpose in my view. I have written to the Panel separately to lodge some more detailed and initial concerns.

"I also have to address the role of this Panel which understandably has come under some recent scrutiny. We cannot get away from the fact that both of the controlling parties have only men here, despite plenty of talented women among their ranks. It's far more than bad optics, especially now. It does need addressing.

"I am asking, Chair, whatever happens, an independent-led root and branch review of every aspect of governance of our PFCC's police and fire services is commissioned at pace.

"Finally I read with horror the views of the PFCC's staff as leaked to the media last night and the PFCC's complete denial. This is gut-wrenching after what they went through with his predecessor. We need to thank them for their bravery and for bringing this to the attention of all of us.

Finally to Mr Allott. As repugnant as your initial remarks were, it is your behaviour ever since that tells all. This letter, the final straw, means you have to do the one decent thing available to you now which is resign. Thank you, Chair."

The Chair acknowledged the concerns raised and advised that the Panel will work towards getting the assurance sought for the Panel, with a report back at the next meeting.

**Susan Galloway** submitted the following questions to the Panel, which were read out on her behalf:

"Is the Panel satisfied that in-depth background checks are done on (a) new recruits and (b) those police officers transferring in? If those checks show up any concerns what action is taken by whom and to whom are they reported, and how are those actions recorded?"

Simon Dennis was invited to help respond to the questions by outlining in detail the vetting process undertaken for new recruits and transferees, and it was confirmed that all staff, officers and volunteers undergo a form of vetting. Some roles require a higher level of clearance. Checks on transferees are enhanced by a more in-depth process and concerns emerging during vetting are escalated. The vetting manager can conduct a vetting interview but also can opt to reject an application as a fail without interview, depending on the concerns.

Councillor Grogan asked as a supplementary how spent convictions are dealt with in relation to police officer recruits and it was agreed that this information would be obtained after the meeting.

**Dr Hannah Barham-Brown** posed the following questions to the Panel:

"1) Would the Panel expect the PFCC to have acknowledged and responded to letters from both the York branch of the Women's Equality Party and Mandu Reid, Leader of the Women's Equality Party, which asked him how he intends to keep women in North Yorkshire safe and whether he will commit to an independent enquiry into systematic misogyny in North Yorkshire Police? There has been no response to either piece of correspondence. Does the Panel agree that this lack of acknowledgment seems at odds with the PFCC's apparent concern for ending

violence against women and girls?

"2) Mr Allott has claimed that he should not resign in light of the many complaints and protests because he received 83,000 votes, more than "any MP". Clearly, this is a false equivalence, as MP constituencies are far smaller. How many complaints or petition signatures would the Panel feel is necessary for Mr Allott to reconsider his position? Is it appropriate for Mr Allott to refuse to listen to his constituents until the next election is called?

"3) The Association of Police and Crime Commissioners describes Mr Allott's role as being a voice for the public and holding the police to account. How do the Panel feel Mr Allott's comments in his interview with BBC York reflected this job description?

"4) Police and Crime Commissioners are expected to adhere to the 7 Nolan principles; Selflessness, integrity, openness, honesty and leadership. Do the Panel agree that Mr Allott's recent comments and behaviour have failed to adhere to these?"

The Chair advised that the latter three questions were germane to discussions so would be covered then. The Commissioner was invited to respond to question 1. Mr Allott advised that he had replied to one of the letters referenced by email (and had received an acknowledgment) and that the second would be dealt with this week.

**Veronicka Dancer** was invited to put her question to the Panel as follows:

"As a resident of North Yorkshire, please can the Panel confirm that they still have full confidence in the ability and competence of the Commissioner, Philip Allott, to represent and champion the needs of all vulnerable residents following his recent public demonstration of poor judgement?"

The Chair advised that this question similarly was germane to discussions at Item 6 so would be considered at that point.

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#### **Complaints Raised with the Police, Fire and Crime Panel (October 2021)**

Considered –

The report of the Panel Secretariat, outlining the nature and volume of the complaints received directly to date by the Panel in respect of remarks made by the Commissioner following the death of Sarah Everard; and seeking Panel's agreement on handling of those complaints through informal resolution.

Diane Parsons highlighted that 121 complaints had been received by the Panel to date and outlined the nature of the underlying concerns and expressions of anger within the complaints received. Excerpts of complaints were read out to the Panel by way of further illustration. Many complainants had felt Mr Allott's remarks to be "victim blaming" and that his subsequent apology had not sufficiently demonstrated an awareness of having been wrong in his views and comments.

The Panel's powers in respect of complaints handling were outlined in full, with amplification from the NYCC Monitoring Officer. The Panel were asked to consider whether to deal with the complaints in the meeting, whether to defer to a subsequent Panel meeting or whether to opt to take the complaints at a meeting of the Complaints Sub-Committee.

**Resolved – that the following be referred to the Chief Executive Officer for consideration under his emergency delegated powers.**

That the Panel considers the complaints raised at the Panel meeting of 14<sup>th</sup> October 2021.

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The Chair then invited the Commissioner to speak to the complaints that had been raised regarding his conduct.

The Commissioner provided a detailed statement in which he sought to amplify his apology regarding the interview with BBC Radio York and outlined further training that he is seeking to better understand violence against women and girls. He also highlighted initiatives that he is leading on in this regard and illustrated with examples of correspondence from leading women's / victim support charities who have offered to provide further briefing and training to the Commissioner. The Commissioner invited the Panel to acknowledge his commitment to learning and making progress for victims; particularly as it would enable continuity on important work such as development of the Police and Crime and Fire and Rescue Plan.

The Chair highlighted the Panel's frustration at the weakness of the complaints process; a point which has been made in previous years to the Home Office and which he intends to communicate again. He also expressed the view that there should be a power of recall as for other public figures such as MPs and that he intends to write to the Home Office on this point. The Chair conveyed that while he welcomed the initiatives outlined or planned by the Commissioner, they did not address the volume of complaints, the hurt and anger expressed by many. He advised that having taken soundings across the County Council, whom he represents, confidence in the Commissioner has been lost and it was felt his position is untenable.

The Chair then opened up the discussion to other Panel Members. The key points conveyed can be summarised as follows:

- the Commissioner was challenged as to why he felt it appropriate to call on women to change their behaviour in order to avoid or prevent violence being committed against them;
- the view was expressed that the Commissioner had been "victim blaming" in his original remarks in interview;
- reference was made to the inspectorate's recent findings that further change is needed within the fire and rescue service to ensure greater equality and diversity and the Commissioner was challenged on how he would expect to credibly lead the service through fundamental change;
- the Commissioner was challenged as to his views that people (women particularly) need to have a detailed understanding of the law if approached by a police officer;
- the crimes committed against Sarah Everard by a serving police officer have led to a national outcry and the Home Secretary has called for an inquiry. At such a time, residents in North Yorkshire need to have confidence in their Commissioner and the Commissioner should have credibility in this regard.
- the view was expressed that it was not credible that the Commissioner felt that anyone from a marginalized community would be readily able to not submit to arrest.
- the Commissioner's views and opinions were felt to lack a basic understanding of people's daily experience.
- it was expressed that the Commissioner would not be able to credibly continue working with victim support and similar charities as confidence had been shattered;

- many Members expressed that the Commissioner should resign immediately so that the confidence of victims, women and girls could start to be restored.
- the Commissioner was challenged regarding his report at Appendix C, in which he detailed initiatives and programmes designed to support women who have experienced violence, as to how many of those had been initiated by him and how many by his predecessor – as had been suggested in the letter of concern provided by staff at the OPFCC;
- it was highlighted that the staff at the OPFCC should be commended for their professionalism for dealing with the circumstances in which they've been working in the last couple of weeks.

The Panel is a committee of the County Council and as such any NYCC Member may attend the Panel and ask to speak. County Councillor Bryn Griffiths requested to speak. He highlighted the concerns expressed by some of his residents regarding the Commissioner's remarks in interview and he invited the Panel to formally request that the Commissioner resign.

The Commissioner was subsequently invited to respond to the comments and questions raised.

The Commissioner conveyed that he felt able to regain trust and confidence and highlighted key projects underway that he would like the opportunity to see through and deliver against. He expressed that his resignation would leave a gap in being able to deliver key strategic plans for both police and fire services. He acknowledged the huge amount of work undertaken by his predecessor for women and girls and that he would like to build on; offering a detailed list of particular initiatives that he has already started. He acknowledged the concern and frustration of his staff.

Having concluded the discussion, a motion was proposed by Cllr Darryl Smalley as follows:

**Following the comments made by the Commissioner and his subsequent response in the wake of the murder of Sarah Everard, this Panel resolves that due to his performance, it no longer has confidence in Mr Allott undertaking the role of Police, Fire and Crime Commissioner. Whilst this Panel does not have the power to remove Mr Allott from his post, we suggest that to restore faith in policing across North Yorkshire and the Office of Police, Fire and Crime Commissioner, he should resign from his position.**

The Chair seconded the motion proposed. A named vote was subsequently taken. Members voted unanimously in favour of the vote of no confidence against the Commissioner.

**Resolved – that the following be referred to the Chief Executive Officer for consideration under his emergency delegated powers:-**

That the Panel recommends that a vote of no confidence be passed by the Panel regarding the Commissioner's ability to undertake his role.

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The Chair asked Members if they wished to continue with the meeting, following the vote taken. A motion was proposed by Cllr Mike Chambers that it would be inappropriate to continue discussions on matters of PFCC business and it was proposed to defer items to the next meeting. This was seconded by Councillor

Grogan. A show of hands by Panel Members confirmed unanimous agreement with the motion by the Panel.

The Chair thanked everyone who had attended and also viewed the meeting. There will be a meeting within the next four weeks, which it is intended will be an in-person meeting.

The meeting concluded at 11.55 am.

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# Agenda Item 5

## North Yorkshire Police and Crime Panel

4 November 2021

### Appointment of an additional independent co-opted member to the Panel

#### 1. Purpose of the report

- 1.1 To seek agreement from the Panel to pass a resolution to co-opt a third independent member (Mags Godderidge) to the Police, Fire and Crime Panel;
- 1.2 To agree that a further process is undertaken via the Home Office to seek formal agreement to the appointment of a third co-option.

2. At the last meeting of the Panel on 14<sup>th</sup> October 2021, the Panel formally approved the appointments of Martin Walker and Fraser Forsyth as independent co-opted members to the Panel, thereby filling the two vacancies held for these roles.
3. As part of the background to that proposal, Members will recall that, prior to the meeting take place, it had been intended that the Panel would also be asked to consider passing resolution to co-opt three independent co-opted members to Panel; thereby effecting a change to the Panel Arrangements.
4. This proposal was due to be made following the recruitment exercise undertaken, which had resulted in three outstanding candidates being identified. In particular, a third co-optee, Mags Godderidge, was to be proposed to Panel on the basis that this candidate had not only scored very highly during assessment but would bring strong complementarity of skillset and experience which would be invaluable to the Panel. Mags is the Chief Executive Officer of Survive; a charity which supports survivors of rape and sexual assault. Prior to this role, Mags was a Lead Investigator for the Independent Office for Police Conduct and has also been Director of a national suicide-prevention charity. As such, the Panel's recruitment working group felt that Mags's appointment would bring additional strength to the Panel's obligation to ensure it has the necessary skills, knowledge and experience to provide for a balanced Panel.
5. However, in light of the events leading up to the last Panel meeting in respect of the Commissioner's remarks relating to the murder of Sarah Everard, Mags decided to withdraw from the appointment process at that stage in order to be assured of maintaining a fully unfettered voice for victims of sexual violence and sexual abuse while the Commissioner remained in post.
6. Further to the resignation of Mr Allott on 15<sup>th</sup> October 2021, further contact has been established with Mags, who has confirmed her interest in the role. Further guidance has also been provided to Mags around undertaking a role on the Panel and any implications for continuing their professional role. Essentially, clarification has been provided that there is no conflict of interest to maintaining a professional role in victim support – and giving a public voice to that – while also becoming an active member of the Panel. The key considerations would be that the professional

interest would need to be declared as appropriate at Panel meetings and that interest cannot be promoted through the Panel for reasons of gain. In addition, Mags would need to be mindful not to predetermine her vote to be taken at Panel on a given issue by publicly expressing how she may vote in her capacity as CEO of Survive.

7. This guidance is really germane to any member of the Panel – Councillor or independent co-opted member – who has a standing professional or disclosable interest outside of the Panel.
8. The legal position in terms of taking on an additional co-opted member is that the Panel cannot independently agree to make this third co-option. This must be done via the Home Office, once the Panel has passed a resolution to have three co-opted members. This is outlined further below.

#### Stage One – Panel resolution

9. The Panel's Arrangements, as originally agreed by the Leaders of each of the constituent authorities in 2012, state at section 4.7 that "The Panel shall also include two independent Members co-opted by the Panel." As such, the Panel is asked to agree that the Arrangements are amended to include three co-options. Each of the Leaders or key representatives for the constituent authorities have been asked to agree that their representative to the Panel endorse the proposal.

#### Stage Two – Submission to the Home Office

10. Once the Panel has passed a resolution to have three co-opted members, a short proforma must be submitted to the Home Office, for the Secretary of State to consider. Having already discussed the matter with the Home Office, the principle of making an additional co-option on the basis of complementarity of skills and experience is a wholly legitimate use of the process. While we cannot be 100% conclusive that the request will be approved, there do not appear to have been any rejections of such cases in the past; the key considerations for the Home Office really being around managing the numbers of members on each Panel and as such how this impacts on the grant awarded by them to the host authority.
11. The Home Office have indicated it will likely take five to six weeks for approval although on previous occasions it has taken several months and is very dependent on prioritisation of national cases and issues to the Secretary of State.
12. In the meantime, Mags would assume the position of an observer to the Panel but would be able to fully participate in discussions at Panel. The only aspect that Mags would be unable to participate in while the Panel awaits the formal decision is where a vote has to be taken on an issue, although these occasions are relatively few and far between. Having discussed the process and terms with Mags, she has agreed that she is willing to participate on the Panel in this way while awaiting the formal decision. Mags is very keen to join the Panel and to put her skills and knowledge to use for the Panel's benefit.
13. The Panel is asked to agree that a formal request for a third co-opted member is put through the Home Office.

## Other considerations

14. The only other consideration to highlight for the Panel (and NYCC as host authority) is that, assuming the third co-option is agreed, Mags will be fully entitled to receive the annual allowance payable to each independent co-opted member on the Panel (currently £1741), in addition to travel expenses. The Home Office will normally budget for an additional member to the Panel as part of the wider grant allocation (circa £900). As such, if formally agreed by them, it is expected that further funding would be made available – certainly by the 2022/23 financial year – to help defray some of the additional costs for allowance and expenses incurred.

## **15. Recommendations**

15.1 That the Panel:

- (a) Agrees to pass a resolution for the Panel to co-opt three independent members;
- (b) Agrees to 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.

Diane Parsons  
Panel Secretariat  
North Yorkshire County Council

25 October 2021

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# Agenda Item 6a

## North Yorkshire Police, Fire and Crime Panel

4 November 2021

### Proposed Appointment of an Acting Police, Fire and Crime Commissioner: Guidance Note for the Police, Fire and Crime Panel

#### 1 Purpose of Report

- 1.1 To assist the Panel to appoint an Acting Police, Fire and Crime Commissioner under section 62(1)(a) of the Police Reform and Social Responsibility Act 2011.
- 2 The Police, Fire and Crime Commissioner for North Yorkshire (“the PFCC”), Philip Allott, gave notice of his resignation on Thursday 14<sup>th</sup> October 2021, and stood down from the role on Friday 15<sup>th</sup> October 2021. The office was accordingly declared vacant.
- 3 Section 62(1)(a) of the Police Reform and Social Responsibility Act 2011 provides that “the police and crime panel for a police area must appoint a person to act as police and crime commissioner for that area (“the acting commissioner”) if no person holds the office of police and crime commissioner for that area.”
- 4 The Act provides that the Panel may only appoint a person to the office of Acting PFCC if that person is a member of the PFCC’s staff at the time of the appointment.
- 5 Once appointed, the Acting PFCC can exercise all of the functions of the PFCC except the issuing or variation of the Police and Crime Plan.
- 6 The appointment of the Acting PFCC will continue until a new PFCC is elected or the appointment is terminated by the Panel or the Acting PFCC.
- 7 The election for the office of PFCC is scheduled to take place on Thursday, 25<sup>th</sup> November 2021.

#### Executive stewardship model and business continuity

- 8 In the report provided at Item 6(b) Simon Dennis, Chief Executive and Monitoring Officer to the PFCC sets out a proposal for a model of executive stewardship during this period of vacancy to the role of PFCC, to ensure continued resilience and good governance. This model is based upon a portfolio leadership approach for the senior management team, and the portfolios to be attributed to each member of the team are outlined in paragraph 6 of the enclosed report. The premiss of this executive stewardship model is that, pending approval by Panel of an Acting PFCC, the Executive Management Team will act collectively to ensure existing statutory

plans remain enacted and in delivery as well as providing full support the proposed appointee for Acting PFCC.

- 9 The Panel is invited to consider the proposal for the model of executive stewardship as outlined at Item 6(b), in ensuring business continuity and resilience.

#### Proposed Appointee for Acting PFCC

- 10 The paper at Item 6(b) also outlines consideration given by the Executive Management Team at the OPFCC to a proposed appointee for the role of Acting PFCC and how this process has been approached in a way that is fair, balanced and on the presumption that the proposed appointee will be drawn from a member of the Executive Management Team.
- 11 Further to these considerations, the Chief Executive and Monitoring Officer would like to propose to the Panel that Jennifer Newberry is appointed as Acting PFCC, until a substantive PFCC is elected and in place.
- 12 Mrs Newberry is a well-established member of the senior leadership team at the OPFCC as Head of Commissioning and Partnerships, with responsibility for the strategic planning and execution of the OPFCC commissioned service programme. Within this role, she has given particular focus to delivery of services for victims and vulnerable people. She also took up a cross-corporate role of Programme Director for the Transform 2020 transformation programme in 2018. As such, the Chief Executive and Monitoring Officer outlines that Mrs Newberry's skills, aptitudes and professional accomplishments would make her a particularly apt appointment for Acting PFCC.
- 13 Mrs Newberry has provided a personal statement for the Panel's consideration at Appendix A to the report for Item 6(b).
- 14 Members are invited to review the reports provided, including the proposed appointee's personal statement, and ask questions appropriate to the proposed appointment, in order to be satisfied that Mrs Newberry is fully able to discharge the role of Acting PFCC during the vacancy period.
- 15 In so doing, it is important to clarify that the legal role for the Panel in this respect is not akin to the confirmation hearings that Panel often undertakes for some other senior appointments to the PFCC's office (such as Chief Executive), where ultimately, the PFCC is the decision-maker, taking into account the Panel's views and recommendations. In the scenario of appointing an Acting PFCC, it is the Panel who is ultimately the decision-maker. As such there is no power of veto nor legal specification around making recommendations to the proposed appointment. The Panel's role is strictly to consider the proposal put before them and make a decision as to the appointment.

## **16 Recommendations**

That the Panel:

- 16.1 considers the executive stewardship model outlined at Item 6(b) and provides its endorsement of this approach;
- 16.2 formally approves the appointment of Mrs Jennifer Newberry as Acting PFCC during the vacancy period for this role.

Diane Parsons  
Principal Scrutiny Officer  
North Yorkshire County Council

25<sup>th</sup> October 2021

**Background Documents: None.**

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## Police, Fire & Crime Panel Report

November 2021



## Commissioner Vacancy - Executive Stewardship and Acting Commissioner Proposals

### Executive Summary

1. This report complements the report before Members in respect of the role of the Police, Fire & Crime Panel in circumstances where a vacancy arises in the role of Police, Fire and Crime Commissioner.
2. It proposes
  - a. an overall approach to business continuity in the work of the Office of the Police, Fire and Crime Commissioner ('the OPFCC');
  - b. an executive stewardship model under which the continuity work programme will be led by the Executive Management Team of the OPFCC;
  - c. that as part of that executive stewardship model, Members consider the appointment of Jennifer Anne Newberry as Acting Commissioner.

### Background

3. Following a public announcement to this effect on 14 October 2021, Philip Allott resigned from the role of Police, Fire and Crime Commissioner on 15 October 2021.
4. In accordance with s61(2) Police Reform and Social Responsibility Act 2011 ('the 2011 Act') the resignation took effect upon receipt by the appropriate officer. The appropriate officer confirmed such receipt on Saturday 16 October 2021. It follows that the role is now vacant.
5. As the Panel's officers explain in the paper before Members explaining their role, appointment of an Acting Commissioner is a matter for Members. An Acting Commissioner must be chosen in accordance with s62(2) of the 2011 Act, from amongst the staff of the OPFCC at the time of the appointment.
6. The Executive Management Team of the OPFCC consists of the following roles and postholders. The OPFCC is moving to a portfolio leadership structure under its emerging Business Development Strategy. The table below includes brief descriptions of the specific Delivery and Business Development Portfolios allocated to each postholder, for Members' information.
  - *Chief Executive & Monitoring Officer (including Monitoring Officer to the Commissioner as PCCFRA) – Simon Dennis*
    - *Portfolio responsibility for Governance and Constitutional Matters*

- *Chief Finance Officer (operating collaboratively across both North Yorkshire and Cleveland and serving as Chief Finance Officer to the North Yorkshire Commissioner as PCCFRA) – Michael Porter*
    - *Portfolio responsibility for Finance*
  - *Head of Commissioning and Partnerships (and Director of Service Transformation) – Jennifer Newberry*
    - *Portfolio responsibility for Victims & Vulnerability, Criminal Justice & Reoffending, Safer Communities*
  - *Interim Assistant Chief Executive & Deputy Monitoring Officer – Thomas Thorp*
    - *Portfolio Responsibility for Fire & Rescue, Police & Crime Planning, Fire and Rescue Planning, Environment & Sustainability*
  - *Interim Assistant Chief Executive & Deputy Monitoring Officer – Caroline Blackburn*
    - *Portfolio Responsibility for Crime, Ethics Standards & Risk, People, Health & Wellbeing, EDI, Covid Risk Management and Service Planning*
7. The Executive Management Team have arrived at a proposal for Members' consideration, by a process of dialogue in accordance with established precedent and convention. The key features of that process were
- a. A recognition that Members and the public of North Yorkshire and York expect continuity in respect of service provision and good governance during the period of vacancy.
  - b. A presumption in favour of the most senior members of the paid service (the OPFCC Executive Management Team) being responsible for arriving at that service continuity proposal.
  - c. A rebuttable presumption against creating temporary vacancies and consequential backfill arrangements in the statutory officer positions of Chief Executive & Monitoring Officer and Chief Finance Officer respectively - that presumption being rebuttable in the event that no other suitable proposal was forthcoming. In particular, both the Chief Executive and the Chief Finance Officer expressed themselves willing in principle to undertake the role of Acting Commissioner under such circumstances, in recognition of their duty to act in the public interest.
  - d. A further presumption against members of OPFCC staff being considered for the role of Acting Commissioner, where those members of staff serve in a legal or practical capacity for an employer other than the North Yorkshire OPFCC. In particular, the Chief Finance Officer role is as Members know, undertaken collaboratively with the Cleveland OPCC – leading to a position whereby Michael Porter undertakes three statutory roles (CFO to two local policing bodies and to the North Yorkshire PCCFRA). In addition, one postholder in the Interim role of Assistant Chief Executive, Caroline Blackburn, is seconded from the employment of the Chief Constable. In practice therefore, the appropriate presumption was felt to be that Mr Porter and Ms Blackburn ought not to be considered in practice for appointment to the Acting role, notwithstanding their willingness to be so in principle.

- e. In addition and for the sake of abundance of procedural and substantive fairness, all members of the OPFCC paid service have had an opportunity to express interest in being considered for the role of Acting Commissioner.
8. The process outlined above was undertaken on Friday 15 October and Monday 18 October 2021.
  9. Following the completion of that process, the resulting proposal for Members consideration is as follows
    - a. That the OPFCC moves to a model of Executive Stewardship. The key feature of that model is that the Executive Management Team will act collectively to ensure resilient leadership and good governance is provided throughout the period of vacancy; that the existing statutory plans remain enacted and in delivery; and that as part of the Executive Stewardship model, full support is given to the individual appointed by Members to the role of Acting Commissioner.
    - b. That the particular range of experience, skills, aptitudes and professional accomplishment of the Head of Commissioning and Partnerships, Jennifer Newberry, be considered by members as particularly apt for an appointment to the role of Acting Commissioner.
  10. **Appendix A** to this report sets out brief professional biographies of each member of the OPFCC Executive Management Team, to assist Members with consideration of the suitability of the overall executive stewardship arrangements.
  11. **Appendix B** to this report sets out a full Personal Statement provided by Mrs Newberry for Members consideration in their deliberations as to her suitability for appointment to the role of Acting Commissioner. In brief, Mrs Newberry highlights in that statement
    - a. Her commitment and track record in respect of delivery of service for victims, vulnerable people and to address the root causes of offending behaviour;
    - b. Her experience at senior leadership level within the OPFCC since 2013 and in the cross-corporate role of Programme Director for the Transform 2020 transformation programme since 2018;
    - c. Her prior experience in the voluntary, public and private sectors;
    - d. Her track record in the strategic planning and execution of the OPFCC commissioned service programme;
    - e. Her overall approach to leadership, building relationships, partnership working and to the highest standards of ethics and integrity.
  12. Mrs Newberry will be delighted to answer Members questions at the meeting in order that her suitability for the role can be thoroughly assessed.
  13. Should Members see fit to appoint Mrs Newberry, in addition to the support to be derived from the team stewardship model set out in this paper, support will be available to Mrs Newberry on a peer to peer basis locally, as well as nationally via the Association of Police & Crime Commissioners, to ensure that she has every facility available to her to excel in the role.
  14. As Head of Paid Service of the OPFCC, the Chief Executive respectfully commends Mrs Newberry to Members or appointment to the role of Acting Commissioner and to serve in that role until the

commencement of the term of office of the person elected as Police, Fire and Crime Commissioner in accordance with s51(8) of the 2011 Act.

Simon Dennis  
Chief Executive & Monitoring Officer  
21 October 2021

# **Appendix A – Executive Management Team Professional Biographies**

## **Simon Dennis – Chief Executive & Monitoring Officer**

A solicitor by profession, I have worked in emergency services law and governance for the majority of my career. With a background as a legal aid lawyer, I joined the North Yorkshire County Council legal team in 2003 and moved on to establish the first in-house legal and compliance function at North Yorkshire Police a year later, leading and developing the department to encompass risk management, information management and civil disclosure functionality.

I was appointed to lead the Police & Crime Commissioner's Office in Cleveland in 2014. Close links were forged and developed between the Cleveland and North Yorkshire OPCCs during that period, including successful joint arrangements for shared senior leadership. I was interim Chief Executive in North Yorkshire during the 2016 election period and have again performed the joint role across both areas between April 2019 until the completion of the most recent ordinary electoral cycle.

Following confirmation by the Police, Fire & Crime Panel in 2021, I was appointed as permanent Chief Executive in North Yorkshire and perform the fused roles of Head of Paid Service and Monitoring Officer in the OPFCC. The role leads and develops the OPFCC team and acts as the most senior advisor to the Commissioner, ensuring they are able to deliver their strategic programme efficiently, effectively and lawfully. I have overall responsibility for ensuring that the OPFCC acts in the public interest.

I am also Monitoring Officer to the Commissioner as Fire Authority. In that capacity, I am a member of the North Yorkshire Fire & Rescue Service Strategic Leadership Team.

## **Michael Porter - Commissioner's Chief Finance and s151 Officer**

I have worked in the police sector for over 15 years after being appointed to work for Cleveland Police in June 2005. I am employed as the Chief Finance Officer (CFO) for the PCC for Cleveland after previously being the Treasurer for Cleveland Police Authority and prior to this the Head of Finance for Cleveland Police, and as such have a range of experience in the police sector.

Since July 2014, I have also undertaken the role of CFO to the PCC for North Yorkshire and then took on the additional responsibility for Fire in December 2018 after the transfer of governance to the PFCC. I spend approximately 50% of my time undertaking the North Yorkshire role.

## **Thomas Thorp – Interim Assistant Chief Executive and Deputy Monitoring Officer**

As one of the two Interim Assistant Chief Executive and Deputy Monitoring Officers, I am on secondment from my substantive role as Policy and Scrutiny Manager within the OPFCC. I joined the OPFCC in 2016, after moving north from London. Previously I worked for a number of charities and NGOs in project and programme management roles and then internationally as Policy Manager for the Tony Blair Faith Foundation.

As a member of the Executive Management Team, I am here to support the Commissioner and the Chief Executive in the delivery of the strategic plans and priorities and exercise their statutory functions.

## **Caroline Blackburn – Interim Assistant Chief Executive and Deputy Monitoring Officer**

As one of the two Interim Assistant Chief Executive and Deputy Monitoring Officers I joined the OPFCC in September 2020 on secondment from enableNY where I am the Business Planning Manager.

I am a Psychology graduate with over eighteen years' experience, eleven of which have been in North Yorkshire, working across numerous public sector bodies in roles to deliver community safety, business development and planning and transformational change programmes. This experience spreads across the Office of the Police, Fire and Crime Commissioner (OPFCC) for North Yorkshire, three Police Forces, two Fire and Rescue Service areas and four Local Authorities.

During this time I have undertaken roles such as Business Planning Manager, Service Delivery Advisor, Strategic Business Analyst, Community Safety Manager, Development Officer and Project Officer.

Before my professional career I was drawn to the wider community safety agenda when I mentored young offenders with the Nottingham Youth Offending Team and supported victims of abuse in the USA.

As a member of the Executive Management Team, I am here to support the Commissioner and the Chief Executive in the delivery of the strategic plans and priorities and exercise their statutory functions.

# Appendix B – Personal Statement – Jennifer Anne Newberry

I am proud to have my name put forward for the role of Acting Police, Fire and Crime Commissioner (PFCC). I am committed to working collegiately with my Office of Police, Fire and Crime Commissioner (OPFCC) Executive Management Team (EMT) colleagues under a stewardship model during this interim period for the benefit of York and North Yorkshire's communities.

Please find below my Personal Statement.

## **Leadership**

I am passionate about making a tangible difference and instigating change.

I have worked at senior leadership level as Head of Commissioning and Partnerships (C&P) within North Yorkshire OPFCC for eight years. I joined in October 2013 to establish the commissioning and partnerships team and develop a local portfolio of services to support victims to cope and recover, to address the root causes of offending behaviour, to protect vulnerable people coming into contact with North Yorkshire Police (NYP) and enhance community safety.

In April 2018, I took on the additional role of Programme Director for Transform 2020 (OPFCC, NYP and North Yorkshire Fire and Rescue Service' [NYFRS] transformation programme) with responsibility for providing strategic leadership and programme assurance to chief officers.

Prior to joining the OPFCC I spent eight years operating at senior management level within complex voluntary, public and private sector settings working with key government departments including Ministry of Justice (MoJ), Home Office (HO) and Department of Work and Pensions (DWP) to develop and deliver justice, work and skills programmes for vulnerable people. I started my career working within Women's Centres, counselling survivors of Domestic Abuse and Sexual Violence; and designing skills development and access to work programmes.

## **Strategic Planning**

Over the last eight years as Head of C&P I have successfully developed and delivered the strategic approach to commissioning, contract managing and continuously improving PFCC services. My team has generated additional funding of between £500,000 and £1,500,000 per year to enable the expansion and enhancement of York and North Yorkshire programmes of work. We now have one of the most comprehensive sets of services of any policing area: [Commissioned services - Police, Fire and Crime Commissioner North Yorkshire \(northyorkshire-pfcc.gov.uk\)](http://Commissioned services - Police, Fire and Crime Commissioner North Yorkshire (northyorkshire-pfcc.gov.uk))

As pandemic lockdown commenced our PFCC services successfully transformed to virtual delivery within weeks, with no loss of continuity or service levels. Our ongoing effective recovery planning includes supporting and protecting the workforce and service recipients and managing partnership impact, for example risks to joint funding arrangements.

## **Building Relationships**

As Head of C&P, and to support my team to successfully commission services on behalf of the PFCC I have built strategic relationships within local, regional and national partnership

organisations and boards. These include MoJ, HO, North Yorkshire County Council (NYCC), City of York Council (CYC), Community Safety Partnerships, Children's/Adult Safeguarding Boards, Clinical Commissioning Groups, NHS England, Probation Service and Local Criminal Justice Partnership (LCJP). For example, I chaired the Reoffending / Innovation sub-board of the LCJP December 2017 to March 2019 and will commence my second term as Chair from October 2021.

I have a thorough understanding of key partner's agendas and have worked collaboratively with strategic stakeholders at all levels to design innovative, sustainable service offers to meet diverse needs. My team's ability to successfully commission jointly with organisations such as NYCC and CYC for Domestic Abuse and Sexual Violence services demonstrates our partner credibility, legitimacy and accountability.

### **Ethics and Integrity**

I have an accessible, encouraging and empowering approach to leadership which I believe motivates a sense of personal responsibility and self-reliance. I aim to inspire trustworthiness, dependability and consistency within my team; across the services I am responsible for developing and delivering; and in my approach to partnership working. This is evidenced by positive feedback received from funders, partners and service users and the level of commitment within my senior management team.

I have a strong public sector ethos, personal legitimacy and am value driven which translates to the way I lead teams with honesty, impartiality and integrity; and my commitment to ensuring diversity, and value for money for the public.

Yours sincerely,

[signed]

Jenni Newberry BSc MSc MBA

## Police, Fire & Crime Panel Report

November 2021



## Governance: (a) Financial Corporate Governance and Audit; and (b) Arrangements for Oversight of Police and Fire Litigation, Complaints and Disciplinary processes

1. On 14 October, Panel was posed a question by a member of the public, raising concerns as to gaps she perceived in the Panel's oversight of police complaints, conduct and discipline processes, and in respect of the governance framework for assuring these. Panel requested this report be brought to assist the Panel to address these concerns and to provide assurance as to the robustness of the governance framework and the nature of the Commissioner's oversight of complaints and disciplinary matters.

### Overarching Governance framework

2. As Members will be aware, the governance frameworks for both Services are set out transparently on the Commissioner's website within the Joint Corporate Governance Framework (JCGF) for the Police (<https://www.northyorkshire-pfcc.gov.uk/police-oversight/governance/governance-process/joint-corporate-governance-framework/>) and the Corporate Governance Framework (CGF) for the Fire and Rescue Service (<https://www.northyorkshire-pfcc.gov.uk/fire-oversight/governance/nyfrs-framework/>). Both documents are regularly reviewed and updated as necessary.
3. For the police, the JCGF sets out the relationship and principles for joint governance between the two corporations sole – the Police and Crime Commissioner and the Chief Constable. It sets out the key roles and responsibilities and the scheme of delegation. It also provides for the establishment of a Joint Independent Audit Committee (JIAC) operating within the CIPFA guidance and in accordance with the Financial Management Code of Practice, including the oversight and assurance required in respect of internal and external audit functions. The JIAC's terms of reference, membership and the papers for each meeting are published on the Commissioner's website (<https://www.northyorkshire-pfcc.gov.uk/police-oversight/governance/jiac/>).
4. Similarly, for the Fire service, the CGF sets the governance framework for the single corporation sole of Police and Crime Commissioner (Fire and Rescue Authority). It sets out the principles, key roles and responsibilities, and the scheme of delegation. It provides for the establishment of an Independent Audit Committee (IAC) operating within the CIPFA guidance and in accordance with the Financial Management Code of Practice and for internal and external audit functions. The IAC's

terms of reference, membership and papers of each meeting are published on the Commissioner's website (<https://www.northyorkshire-pfcc.gov.uk/fire-oversight/governance/fire-iac/>).

5. Both frameworks set out a governance framework whereby the leadership across both Services come together with the Commissioner at the Executive Board to facilitate a collegiate approach to decision making, oversee the effective and efficient management of the Services and their policies, procedures and processes, and to agree the development and improvement of services.
6. With regard to the member of the public's concern that Members might have been omitted from a role in the audit regime, Members will no doubt appreciate that far from being excluded, it is (by legislative and regulatory design) not within the remit of the Panel to be part of the audit committees under the single-elected-individual governance model for police and fire. The pattern of audit committees and sub-committees in mainstream local government is not replicated in the same manner, in this governance model. This may have underpinned the understandable misapprehension on the part of the member of the public who has posed the question – but it provides a welcome opportunity to clarify the position for the record.
7. As Members will know, in every police area, the Police (Fire) and Crime Panel scrutinises the work and decisions of the Commissioner and supports the Commissioner in the exercise of their functions. It is the Commissioner's role, amongst other matters, to
  - hold the Chief Constable to account (in respect of matters germane to policing); and
  - delegate functions to and set expectations for the Chief Fire Officer (in respect of matters within the remit of fire and rescue)
8. Both audit committees provide assurance and advice to the Commissioner as local policing body, the Commissioner as Fire and Rescue Authority and to the Chief Constable as the three operative statutory corporations. The Fire Audit Committee plainly also assists the Chief Fire Officer to discharge their functions.
9. As Members will know, the chair and members of the two audit committees are recruited based on merit through open selection processes. Membership of both audit committees is presently being refreshed based on the most recent recruitment competition.
10. It follows that the roles of the Police, Fire and Crime Panel and of the Audit Committees are distinct and separate - but complement each other in the pursuit of good governance and the public interest. With those matters in mind Members may of course see merit in forging a closer informal professional bond and rapport with the Audit Committees. If so, given the changes presently underway, this may be a timely juncture at which to do so.

## Governance and oversight of police complaints and disciplinary processes

11. Members will recall previous reports on the complaints system provided in 2019 and most recently in October 2020 providing information about the governance and performance of the police complaints system.
12. By way of review, the Policing and Crime Act 2017 set out changes to the Police Regulations. These came into effect in February 2020. These changes made provision for Commissioners to become more involved in managing, overseeing and resolving complaints depending on which model they

would adopt. In North Yorkshire, model 3 was adopted which sees the Commissioner and their Office having the greatest involvement in the process possible. All Commissioners must take responsibility for the conduct of Complaints reviews (formerly appeals) but in North Yorkshire the OPFCC also has responsibility for the triage and service recovery of complaints that fall outside of Schedule 3 of the Regulations (related to conduct matters) (model 2) and the ongoing contact and updating of complainants during Schedule 3 investigations (model 3).

13. To this end, the OPFCC now has a dedicated Complaints and Recognition Team (CRT) which receives all complaints and expressions of dissatisfaction, triages them based on an assessment of the severity of the allegations, passes the most serious that fall under Schedule 3 to NYP's Professional Standards Department (PSD), and seeks to 'service recover' and resolve all others. A Service Level Agreement exists between the Commissioner and Chief Constable setting out expectations between the two teams. The CRT work very closely with PSD, with the Team Leader and Assistant Chief Executive maintaining a regular working group with the Head of PSD and the PSD DCI, to the extent that, despite the work sitting across the OPFCC and PSD, there is a one team ethos.
14. The CRT continues to successfully resolve between 75% and 80% of all contacts every month. This success has inspired confidence not only in the public, from whom the team regularly receive praise, but also from police officers who recognise the value of the team and now engage fully in helping to resolve issues following a degree of suspicion at the outset.
15. The CRT's role in maintaining contact with complainants during investigations means that updates are more regular and enables them to help explain processes and outcomes in lay terms. PSD have also improved the accessibility and customer focus of letters and contact with complainants. These elements help improve the understanding of complainants as to what is happening and what has been done and, as a result, we have received fewer requests for reviews of complaints than was expected.
16. In North Yorkshire the Commissioner has appointed an Independent Adjudicator (IA) to conduct complaint reviews. Reviews consider the appropriateness and proportionality of the handling and outcome of the complaint and recommendations can be made where it is felt shortcomings have been found. The IA was appointed in September 2020 and has made 10 recommendations to NYP so far. Oversight of the actions and delivery against these recommendations sits with the IA who reports to the Commissioner's Chief Executive.
17. It should be made clear that disciplinary processes are a matter for the Chief Constable as the employer of police officers and staff. However, the Commissioner's Chief Executive and the Deputy Chief Constable, as the delegated Appropriate Authorities on behalf of the Commissioner and Chief Constable respectively, maintain a close relationship and conversation about all matters pertaining to complaints, litigation and discipline. This is conducted through the Appropriate Authorities Liaison Meeting (AALM). This mechanism is an innovation unique to North Yorkshire in its current form (although it is based on a governance convention introduced at Cleveland). The Chief Executive chairs the AALM, the purpose of which is to operate as a forum for the frank examination of the police litigation and standards risk landscape, the professional standards work programme and the known risks and issues arising from it, as well as discharging the need for a structured forum for

- formal notification between the corporate bodies of conduct matters arising within civil litigation for the purposes of Paragraph 10 of Part 2 to Schedule 3 of the Police Reform Act 2002 (conduct matters arising in civil proceedings)
  - notification to the PFCC (& discussion of cases) under Reg 13 PCMR 2020 / Regulation 19 PCR 2020 (investigations exceeding 12 months and exceeding 6 months thereafter)
18. The terms of reference for the AALM include the distillation from AALM, of any matters requiring scrutiny by the PFCC.
19. The AALM enables the Chief Executive to make the Commissioner fully aware of any exceptional matters or areas of concern, enabling the Commissioner to maintain oversight of conduct and disciplinary matters, particularly where there may be a public interest. Furthermore, the details and outcomes of misconduct hearings are published on NYP's website. Any costs associated with people exiting the organisation are visible internally and externally and are included within the Statement of Accounts.
20. In January 2021 an internal audit assessment of the complaints function across CRT and PSD, conducted by the appointed internal auditors, provided the Commissioner with assurance that there are robust processes and procedures around complaints and the work of the CRT and PSD.
21. Recent statistics from the Independent Office of Police Conduct (IOPC) show that the CRT and PSD are performing well, with initial contact times below the national average.
22. The information in the foregoing section of this paper relating to the Audit Committees, is relevant in this context too. Audit Committees receive reports in respect of complaints and on the civil litigation claims experience, enabling the Committees to exercise oversight and scrutiny in respect of those areas of corporate risk, standards and compliance.

## Governance and oversight of Fire and Rescue complaints

23. For North Yorkshire Fire and Rescue Service, the Commissioner, as Fire and Rescue Authority, has full oversight of complaints and conduct matters.
24. Due to the success of the Customer Service Team, since April 2021 all FRS complaints have been handled by the CRT for resolution or escalation as appropriate, working closely with the NYFRS Director of Assurance.
25. The Commissioner's Chief Executive, as delegated Authority, is closely involved in the oversight of conduct and discipline matters through the Strategic Leadership Team, alongside the Chief Fire Officer as Head of Paid Service. Moreover, as delegated Authority, the Chief Executive is responsible for making arrangements for hearing Appeals against dismissal and misconduct hearings. This enables the Chief Executive to intervene to address procedural or substantive unfairness – and for the Commissioner (in the corporate sense) to be aware of any thematic matters or areas of concern.

## Police, Fire & Crime Panel Report

November 2021



## NYP Vetting – Authorised Professional Practice and Associated Matters

1. This paper sets out the comprehensive explanation of the police vetting regime, following the issue being drawn into sharp focus across the United Kingdom and having been understandably raised by a member of the public (and by Members) at their meeting on 14 October 2021.
2. It also addresses the question raised by Councillor Grogan (in respect of the treatment of spent convictions) to which the Chief Executive undertook to respond in writing.

### Overview of Police Vetting

3. NYP follows the College of Policing Vetting Authorised Professional Practice (APP) which supports the Code of Practice (CoP) for Vetting. The APP and CoP are publicly accessible via [Vetting \(college.police.uk\)](https://www.college.police.uk).
4. All new recruits as police officers, police staff or volunteers undergo vetting, as do contractors or other people working within Police or joint NYP NYFRS estate or those who have any access to protectively marked police information or police systems (this may be remotely). The majority of new starters require RV (Recruitment Vetting), however some roles have a higher vetting clearance level. NYP also re-vets transferees, regardless of when they were last vetted by their current force. The checks on transferees are enhanced by more in-depth questions to their force regarding previous complaints, intelligence held on anti-corruption / integrity unit systems, and performance concerns. We only accept new recruits and transferees once vetting clearance has been attained.
5. Each case is assigned a vetting researcher who will undertake a series of checks in accordance with the APP. Wherever there is a trace (i.e. information pertaining to that person for the check), a more detailed piece of research is completed, and the researcher reports on all ‘traces’ to the Force Vetting Manager (FVM) to aid their decision making. The vetting researchers do not make the clearance decision, this is a responsibility of the FVM.
6. Where concerns are identified, the FVM may conduct a vetting interview with the applicant, or may reject the application as a fail without an interview. If decision is for the vetting not to be granted, the applicant has a right to appeal which is usually handled by the Head of Professional Standards. If a concern is identified with a transferee application, then this is shared with the officer’s current force for an assessment by them also, either as a vetting issue or under the Police Conduct Regulations.
7. North Yorkshire Police were not required to be on a vetting action plan following the last HMICFRS PEEL inspection as our processes were found to be appropriate.

## Vetting of transferees

8. Nationally there is a significant amount of movement between police forces, where an officer may apply to transfer to another force. The reasons for the desired transfer may not always be apparent, and we recognise that a person would not disclose a reason to transfer if it would be a concern for their future force. Therefore, it is down to both People Services and the Vetting Team to identify if there is a risk attached to that person.
9. NYP enhanced our vetting of transferees about 1 year ago, to ensure we know as much as can be disclosed about the transferee. This included no assumptions over information provided by their existing force that everything would be within the history documents provided. For example, under the 2020 Conduct Regulations, any matter dealt with as RPPR (Reflective Practice Review Process) would not show as a discipline outcome, nor a live matter (as compared to an outcome of written warning or above), and would show as a nil return. NYP vetting probe the full detail of the information provided. Additionally, performance regulation processes, Regulation 13 processes (Reg 13 being the police regulation which affords police forces with the processes by which an officer in their probationary period may be dismissed or given the opportunity to resign) are not on the disciplinary and complaints records, and therefore have to be asked for.
10. Every transferee is re-vetted before being offered appointment irrespective of when they were last vetted or reviewed.
11. Where a prospective transferee is subject of a live complaint or conduct matter, the matter is referred to the Head of Professional Standards to decide if the transfer can go ahead or whether that matter requires an outcome before a transfer can be completed. Generally, matters subject of investigation would mean the transfer would be paused until that investigation completed, however, matters being dealt with other than by investigation would not be a prohibitor to proceed, as this shows that the Appropriate Authority has decided that there is no conduct to record nor investigation needed, but to be dealt with by reasonable and proportionate actions.

## Vetting of Officers of Chief Constable Rank

12. The same approach is taken in respect of all facets of Authorised Professional Practice, save that the APP makes provision for the Commissioner's Chief Executive to be the Decision Maker, rather than the FVM or Head of Professional Standards.

## How does vetting interact with spent convictions?

13. The Vetting APP section 8.5 Rehabilitation of Offenders (ROA) details the way in which NYP vetting unit interact with spent convictions. Applicants to the police service are required to declare spent convictions. There is no requirement for an applicant who is applying to become a police staff member to declare a conviction or caution which is considered protected under the ROA. Protected cautions or convictions have no impact upon the vetting decision for police staff applicants. There is an exception to this rule for police officers who are required to declare all matters, protected or not and vetting can be refused for a police officer where it would be granted for police staff.

DEFERRED FROM 14 OCTOBER 2021

## Police, Fire & Crime Panel Report

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## Risk and Resource Model

In North Yorkshire, the statutory Integrated Risk Management Plan (IRMP) is now known as the Risk and Resource Model (RRM). Panel will be aware that the current IRMP, known as the Community Safety plan, which predates the transfer of governance, was due to expire this year. This has now been extended until September 2022 (see Decision Notice 11/2021) for the reasons set out in this paper.

### Background

The Fire and Rescue National Framework for England 2018 sets out the requirement that each fire authority must produce an Integrated Risk Management Plan (IRMP) to cover at least a three-year period and be reviewed and revised as often as it is necessary.

An IRMP must:

- reflect up to date risk analyses including an assessment of all foreseeable fire and rescue related risks;
- demonstrate how prevention, protection and response activities will best be used to prevent fires and other incidents and mitigate the impact of identified risks on its communities;
- outline required service delivery outcomes including the allocation of resources for the mitigation of risks;
- set out a management strategy and risk-based programme for enforcing the provisions of the Regulatory Reform (Fire Safety) Order 2005;
- reflect effective consultation throughout its development and at all review stages with the community, the workforce and representative bodies and partners;
- be easily accessible and publicly available.

In March, Panel were briefed on the development of and methodology for the Community Risk Profile (CRP) that would create the basis of the new Risk and Resource Model. It was planned that the Resource model would be completed in June and consulted upon alongside the Fire and Rescue Plan.

### Status

In June initial resourcing proposals to mitigate the CRP were presented to the Commissioner. However, on the recommendation of the then Chief Fire Officer, the Commissioner was not satisfied that the quality and extent of the available data was sufficiently robust to underpin the resource options for the RRM. Resourcing issues that arose as a result of the pandemic, alongside limited availability of some data, meant that the Commissioner felt there was a risk that decisions

could be made on incomplete and/or sub-optimal data. It was determined that further time should be given to arrive at resource options which the Chief Fire Officer can recommend to the Commissioner and which can, in turn, form the basis of public consultation.

In determining what this extension should be, it was considered that running a consultation on the RRM that overlapped with the Fire and Rescue Plan consultation would confuse the public. Following this, the Commissioner will be consulting the public on his precept proposals over Christmas and we then enter the pre-election period in March in the run up to Local Authority elections.

It is now intended that the Resource Model will be completed ready for a consultation to launch following the May 2022 elections, with the new RRM being in place by the end of September 2022.

## Delivery Plan

The resourcing issues have now been resolved and further capacity added by forming an operational transformation team for a fixed period to lead and deliver the resource model and a wider change programme that has been identified through the RRM process.

The new team consists of an Area Manager, Group Manager and Station Manager from NYFRS, supported by a Programme Manager, Project Manager, Business Analyst, Data Analyst and Data Modeller from within Enable North Yorkshire.

The Community Risk Profile is being refreshed and its output quality assured. It is intended that all resourcing options will have been modelled and validated and draft proposals completed early in the New Year, with final resourcing options for consultation being complete and the consultation ready to launch by the middle of May 2022.

The consultation will then run for 12 weeks, completing in the middle of August, with the final RRM published by the end of September.

DEFERRED FROM 14 OCTOBER 2021

## Police, Fire & Crime Panel Report

October 2021



## Finance Update to the end of August 2021 - Police

### Introduction

In February 2021 the former PFCC agreed the revenue Budget for 'Policing' for 2021/22 which was based on the receipt of income totalling £182,541k. In addition to the Revenue Budget the former PFCC also agreed a Capital Programme that was initially set at £6,805k for 2021/22.

This report is to provide the Panel with an update on progress in relation to the finances of the 'Policing' budget based on the position to the end of June 2021. The report includes a forecast of the finances across the remainder of the financial year and considers any significant changes that have impacted during 2021/22 so far.

### Revenue Budget 2021/22

The £182,541k of revenue funding, that was forecast to be received by the PFCC in 2021/22, was allocated to the following areas:

- £1,175k to run the Office of the PFCC
- £5,531k for Commissioned Services and Community Safety Initiatives
- £660k for Asset Management Costs
- £169,789k to the Police Force
- £5,679k to the Capital Programme

This was to be supported with a transfer of £293k from Earmarked Reserves.

### Forecast Revenue Outturn as at the end of August 2021 for 2021/22

The following sections cover off the above areas in more detail however the summary position is as follows:

- The Office of the PCC's budget of £1,175k is forecast to breakeven.
- The Asset Management revised budget of £591k is forecast to underspend by £15k.
- The Partnerships & Commissioning Budget, originally set at £5,531k and revised to £7,001k is forecast to breakeven.
- The Force was originally allocated a budget of £169,789k, which has increased by £1,260k to £171,048k. The Force is forecasting to underspend by £1,240k.

- The original income budget of £182,541 has increased by £2,230k to reflect known changes in the year.
- The revised income budget of £184,771k is forecast to be exceeded by £330k leading to a forecast underspend in this area of the same amount.
- The transfer to the Capital Programme remains unchanged at £5,679k.
- The £293k planned transfer from Earmarked Reserves has increased by £430k to £723k as a result of reserves being used for their planned purpose. A further £525k is being transferred from Earmarked Reserves to fund expenditure covered elsewhere within the budget forecasts,
- An overall underspend of £2,110k is therefore forecast for 2021/22 at this relatively early stage of the financial year.**

An overall summary is provided at Appendix A.

## Income Budgets

The vast majority of the income that the PFCC will receive during 2021/22 is not expected to be subject to any variances and/or change and these are reflected in the overall forecast position shown in the table below:

<b>Summary of Income to be Received by the PFCC</b>	<b>2021/22 Budget</b>	<b>In Year Changes</b>	<b>2021/22 Revised Budget</b>	<b>2021/22 Forecast Outturn</b>	<b>Variance</b>
<b>Funding</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
<b>Government Grants</b>	<b>(79,050)</b>	<b>0</b>	<b>(79,050)</b>	<b>(79,050)</b>	<b>0</b>
Precept	(81,945)	0	(81,945)	(81,945)	0
Council Tax Freeze Grant	(2,152)	0	(2,152)	(2,152)	0
Council Tax Support Grant	(6,901)	0	(6,901)	(6,901)	0
<b>Precept related funding</b>	<b>(90,998)</b>	<b>0</b>	<b>(90,998)</b>	<b>(90,998)</b>	<b>0</b>
Specific Grants	(5,227)	(1,825)	(7,052)	(7,052)	0
Partnership Income/Fees and Charges/Misc Income	(7,266)	(405)	(7,671)	(8,001)	(330)
<b>Other Funding</b>	<b>(12,493)</b>	<b>(2,230)</b>	<b>(14,723)</b>	<b>(15,053)</b>	<b>(330)</b>
<b>Total</b>	<b>(182,541)</b>	<b>(2,230)</b>	<b>(184,771)</b>	<b>(185,101)</b>	<b>(330)</b>

### Specific Grants

The PFCC is now budgeting to receive £1,825k more Specific Grants than was anticipated at the start of the financial year. These are predominantly in the relation to successful bids/allocations of money into the Partnership and Commissioning area for the following:

- Supporting Victims - £775k
- Domestic Abuse - £245k
- Safer Streets - £430k

With further funding from the Government across a number of areas totalling £355k more than budget.

## Partnership Income/Fees and Charges/Misc Income

The extended Covid19 full lockdown into January and February 2021 has reduced some elements of income to date, through reduced speed awareness courses and the continued restrictions on large scale events after April has also removed the demand for Special Police Services. The effects of this has been completely offset by additional recharges for secondments, however the biggest driver of 'underspend' in this area relates to a forecast over recovery on the provision of mutual aid of £340k, which is predominantly related to the G7 Summit, leading to a **forecast underspend of £330k.**

## OPFCC Budget

There is the potential that an underspend will develop as the year progresses however with the planned recruitment and investment within the building being proposed a **forecast breakeven** is made at this early stage of the financial year.

## Commissioned Services Budget

This budget has increased since the start of the year as a result of the following:

- £775k has been bid for from the Ministry of Justice and secured in relation to grant funding in relation to local commissioning of domestic violence and sexual violence services.
- £430k of Safer Streets funding was bid for and secured to protect individual homes and farms in parts of Selby close to the border with West, South and East Yorkshire, and also includes a focus on using ANPR cameras to deter and detect potential burglars.
- £234k of partner contributions towards Community Safety commissioned services.
- £245k additional funding to Domestic Abuse services

At this stage **the budget is forecast to breakeven** but will be closely monitored as the year progresses.

## Police Force Budget

The vast majority of the funding available to the PFCC has been provided to the Chief Constable, this provides the budgetary constraints in which the PFCC expects the Force to work within, in delivering against the Police and Crime Plan. The initial budget allocation provided to the Force for 2021/22 was £169,789k which has increased by £1,260k to £171,048k. The increases in funds predominantly reflect the provision of additional funding to meet the costs of Newby Wiske, that have been met by the purchaser, the release of funding from Earmarked Reserves to support COVID patrols and the impact of additional funding referred to elsewhere.

**The Force are currently forecasting to underspend by £1,240k** against this revised budget as set out in the summary below:

<b>Police Force Financial Summary</b>	<b>Original 2021/22 Budget</b>	<b>Revised 2021/22 Budget</b>	<b>Budget to August 2021</b>	<b>Spend to August 2021</b>	<b>Over / (Under) Spend to August</b>	<b>2021/22 Forecast Outturn</b>
<b><u>Police Force Planned Expenditure</u></b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
<b><u>Pay</u></b>						
Police Pay	84,788	84,914	35,429	34,876	(553)	(675)
Police Overtime	2,312	2,794	1,364	1,480	116	68
PCSO Pay (incl Overtime)	7,672	7,782	3,246	3,338	92	(101)
Staff Pay (incl Overtime)	37,963	38,511	16,007	15,762	(245)	(497)
<b>Pay Total</b>	<b>132,735</b>	<b>134,001</b>	<b>56,046</b>	<b>55,457</b>	<b>(589)</b>	<b>(1,205)</b>
<b><u>Non-Pay Budgets</u></b>						
Other Pay and Training	1,724	1,705	710	557	(154)	(87)
Injury and Medical Police Pensions	3,871	3,871	1,613	1,341	(272)	0
Premises	4,319	4,396	1,799	1,884	85	62
Supplies and Services	23,126	23,040	9,592	9,043	(550)	(897)
Transport	2,646	2,650	1,104	1,172	68	62
<b>Non-Pay Total</b>	<b>35,686</b>	<b>35,660</b>	<b>14,819</b>	<b>13,997</b>	<b>(822)</b>	<b>(860)</b>
<b>Projects</b>	<b>1,368</b>	<b>1,387</b>	<b>578</b>	<b>214</b>	<b>(363)</b>	<b>825</b>
<b>Total Planned Force Expenditure</b>	<b>169,789</b>	<b>171,048</b>	<b>71,442</b>	<b>69,668</b>	<b>(1,774)</b>	<b>(1,240)</b>

The main areas of spend for the Force are considered below:

### Police Pay

As part of the National Uplift programme, which aims to recruit an additional 20,000 Police Officers by March 2023, North Yorkshire Police has a target to reach 1,563 Officers by the end of March 2022.

Given the financial implications of not reaching this target, the budget for 2021/22 reflects the capacity to be able to exceed this number. The budget was set to be able to accommodate an average of 1,567 FTEs throughout 2021/22 (which would naturally be in excess of the Government Target based on Officer Numbers rather than FTEs).

Throughout the first quarter of 2021/22 the total number of FTE Police Officers within the Force has been lower than expected, with an average of around 1,500 FTEs in place.

**By the end of September 2021 this has however increased to 1,550 FTEs.**

Revised recruitment plans have also been developed to recruit a further 112 FTE Police Officers by the end of March 2022. If this recruitment can be delivered and leavers/retirements are in line with forecast then the Force should have around 1,600 FTE Police Officers by the end of the 2021/22 financial year.

If this recruitment can be delivered this will ensure that the government target is met while putting the Force on a very good footing to deliver a further increase in Police Officer numbers in 2022/23.

From a financial perspective the Force is forecasting to have (on average) 1,540 FTEs in place throughout 2021/22, which is leading to a forecast underspend in this area of £675k.

### PCSOs Pay

The 2021-22 establishment for PCSO's was 221 FTEs, however this has now been increased to 227 FTEs and additional funding provided to invest in an Initial Enquiry Team. The actual forecast numbers for 2021/22 are expected to be on average 3 greater than the original budget, at 224 FTE, however 3 lower than the revised budget, which if sustained is forecast to lead to a £100k underspend in this area.

### Staff Pay

The original budget for Staff pay for 2021/22 was set based on 1,086 FTEs. An allowance was built in for around 30 vacancies meaning the budget has sufficient funding to support a core staff establishment of 1,056 FTEs.

At the end of August 2021 the Force employed 1,032 FTEs and based on current forecasts is expected to have around 25 more vacancies across the financial year than budgeted for. Given this a forecast underspend of £750k is forecast for this area.

### Agency Costs

This underspend is being offset however by additional agency costs that are being incurred within support functions, predominantly ICT, to support business critical vacancies. It is anticipated that these costs will continue to rise whilst the new structures are embedded, and due to a premium on agency staff will not be completely offset against staff salary underspends. This area is currently forecast to overspend by £230k however there continues to be a risk that some vacancies will continue to be filled by Agency staff and therefore this overspend may grow.

The above 2 elements make up the majority of the forecast £497k underspend on staff pay that is included within the summary position.

### Non-Pay Budgets

Most areas of the non-pay are broadly in line with budgets at this stage of the year.

#### Premises Costs

The £62k premises forecast overspend relates entirely to additional cleaning costs due to Covid19. The Covid19 requirements post-19th July restrictions lifting are not yet known, with the forecast anticipating a return to normal from September. Potential savings in utility costs from new staff agile arrangements are not yet reflected.

## Supplies & Services

Projected **underspends in the area total £897k** and are attributable to several areas. The mains areas are lower than expected National IT charges and IT Licences leading to a forecast £450k underspend and a forecast lower than expected transfer to the Insurance provision of £400k

## Transport

Underspends realised within travel expenses, resulting from work from home arrangements, have been completely offset by additional expenditure on vehicle parts and outside contractors. This has resulted in **a forecast overspend of £62k.**

## **Capital Budget 2021/22**

The Capital Budget for 2021/22 was originally set at £6,805k, however schemes that were not complete at the end of the previous financial year, and approved for carry forward, totalled £4,024k. This has resulted in a starting position for the Capital Budget for 2021/22 of £10,829k.

In terms of progress to date the summary table below sets out the expenditure to the **end of August** against the Capital Budget:

Details	Original 2021/22 Budget	Carry Fwds	Revised 2021/22 Budget	Spend to August 2021	Forecast Spend in 2021/22	Forecast Over / Under spend
	£000	£000	£000	£000	£000	£000
ICT	3,182	290	3,472	394	3,472	0
Fleet Rolling Programme	1,177	1,286	2,463	765	2,463	0
Estates Rolling Programme	1,823	1,636	3,459	262	3,067	-392
General Equipment Rolling Programme	590	352	942	26	942	0
Other Schemes	33	460	493	21	613	120
<b>Total</b>	<b>6,805</b>	<b>4,024</b>	<b>10,829</b>	<b>1,467</b>	<b>10,557</b>	<b>-272</b>

It is also worth reflecting that at this stage the Capital Programme does not reflect the addition of the following areas of expenditure:

- £198k additional expenditure on Body Worn Video
- Investment in Visual Recording Interview (VRI) suites - £175k
- Investment in a new SARC and VRI
- Contribution to the investment in Estates in Ripon - £512k

## **Conclusion**

An underspend of just over £2m within Revenue is currently forecast, this has been ultimately driven by higher levels of staff vacancies than expected, Police Officers leaving earlier than expected in the first half of the year and a continued squeeze to reduce the amount of money spent across supplies and services. These forecasts currently assume a pay freeze in 2021/22 which is not yet an agreed position.

					<b>APPENDIX A</b>	
	<b>Original Budget</b>	<b>Current Budget</b>	<b>Budget to August</b>	<b>Spend to August</b>	<b>(Under)/Over Spend to August</b>	<b>Forecast (Under)/Over spend at Year End</b>
	<b>2021/22</b>	<b>2021/22</b>	<b>2021</b>	<b>2021</b>	<b>£000s</b>	<b>£000s</b>
<b>Funding</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
<b>Funding for Net Budget Requirement</b>	<b>(170,048)</b>	<b>(170,048)</b>	<b>(70,853)</b>	<b>(70,853)</b>	<b>0</b>	<b>0</b>
<b>Other Funding</b>						
Specific Grants	(5,227)	(7,052)	(2,678)	(3,353)	(674)	0
Partnership Income/Fees and Charges	(7,266)	(7,671)	(2,999)	(3,755)	(756)	(330)
<b>Total Funding</b>	<b>(182,541)</b>	<b>(184,771)</b>	<b>(76,531)</b>	<b>(77,961)</b>	<b>(1,430)</b>	<b>(330)</b>
<b>Office of the PCC Planned Expenditure</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
<b>Total Planned Expenditure</b>	<b>1,175</b>	<b>1,175</b>	<b>485</b>	<b>481</b>	<b>(4)</b>	<b>0</b>
<b>Commissioned Services</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
<b>Total Commissioned Services</b>	<b>5,531</b>	<b>7,001</b>	<b>2,734</b>	<b>2,612</b>	<b>(122)</b>	<b>0</b>
<b>Corporate Costs</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
<b>Asset Management</b>	<b>660</b>	<b>591</b>	<b>265</b>	<b>240</b>	<b>(25)</b>	<b>(15)</b>
<b>Police Force Planned Expenditure</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
<b>Pay</b>						
Police Pay	84,788	84,914	35,429	34,876	(553)	(675)
Police Overtime	2,312	2,794	1,364	1,480	116	68
PCSO Pay (incl Overtime)	7,672	7,782	3,246	3,338	92	(101)
Staff Pay (incl Overtime)	37,963	38,511	16,007	15,762	(245)	(497)
<b>Pay Total</b>	<b>132,735</b>	<b>134,001</b>	<b>56,046</b>	<b>55,457</b>	<b>(589)</b>	<b>(1,205)</b>
<b>Non-Pay Budgets</b>						
Other Non Salary	1,724	1,705	710	557	(154)	(87)
Injury and Medical Police Pensions	3,871	3,871	1,613	1,341	(272)	0
Premises	4,319	4,396	1,799	1,884	85	62
Supplies and Services	23,126	23,040	9,592	9,043	(550)	(897)
Transport	2,646	2,650	1,104	1,172	68	62
<b>Non-Pay Total</b>	<b>35,686</b>	<b>35,660</b>	<b>14,819</b>	<b>13,997</b>	<b>(822)</b>	<b>(860)</b>
<b>Projects</b>						
<b>Total Planned Force Expenditure</b>	<b>169,789</b>	<b>171,048</b>	<b>71,442</b>	<b>69,668</b>	<b>(1,774)</b>	<b>(1,240)</b>
<b>(Surplus)/Deficit before Reserves and Capital</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>	<b>£000s</b>
Contribution to Capital Programme	<b>(5,386)</b>	<b>(4,956)</b>	<b>(1,605)</b>	<b>(4,961)</b>	<b>(3,356)</b>	<b>(1,585)</b>
Planned Transfers to/(from) Earmarked Reserves	5,679	5,679	2,366	2,366	0	0
<b>Final/Forecast Over/(Under) Spend</b>	<b>(293)</b>	<b>(723)</b>	<b>(406)</b>	<b>(285)</b>	<b>121</b>	<b>(525)</b>
	<b>0</b>	<b>(0)</b>	<b>355</b>	<b>(2,880)</b>	<b>(3,235)</b>	<b>(2,110)</b>

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## Police, Fire & Crime Panel Report

October 2021



### Finance Update for 2021/22 as at end of August 2021 – Fire

(Appended to this report, at Appendix C, is also a copy of the 2020/21 Outturn report for the Panel's information)

#### **Introduction**

In February 2021 the former PFCC agreed the revenue Budget for the Fire Service for 2021/22 which was based on the receipt of income totalling £35,936k. In addition to the Revenue Budget the former PFCC also agreed a Capital Programme that was initially set at £4,776k for 2021/22.

This report is to provide the Panel with an update on the finances to the end of August 2021, an early forecast of the finances for the remainder of 2021/22 and a number of areas of pressure and risk from a financial perspective that will need to be considered for budget and precept planning for 2022/23.

#### **Revenue Budget 2021/22**

Significant progress has been made in stabilising the finances of the Fire Service in the first 2 years since the change in Governance however the impact of the pandemic has created some new financial challenges that will need to be addressed over the coming years.

In terms of the 2021/22 budget, the impact of the financial settlement, the agreed precept increase of 1.99%, an agreed savings plan of £500k, and changes in pay assumptions – to a pay freeze in 2021/22 - resulted in the 2021/22 budget still requiring the use of reserves totalling £342k to balance the budget.

**In terms of the 2021/22 financial year, the current forecast, as at the end of August 2021, is that the Fire Service will breakeven in 2021/22** as a whole and as set out in appendix A. This projection factors in the use of Earmarked Reserves of £638k that were not initially factored into the 2021/22 budget but are being used for the reason that they were established.

## Income

The former PFCC set the budget based on receiving income and funding of £35,936k during 2021/22 from the areas summarised in the table below, the in-year changes, the actual levels of income forecast to be received, and variances are shown below:

	2021/22 Approved Budget £'000	Budget Year To Date £'000	Actual Year To Date £'000	Variance Year To Date £'000	2021/22 Forecast Outturn £'000	2021/22 Forecast Variance £'000
<b>Funding</b>						
Funding for Net Budget Requirement	(29,949)	(12,479)	(12,479)	(0)	(29,949)	(0)
Specific Grants	(3,657)	(1,524)	(1,643)	(119)	(3,706)	(49)
Pensions Mitigation Grant	(1,711)	(713)	(713)	0	(1,711)	0
General Income	(620)	(268)	(293)	(26)	(626)	(6)
<b>Total Funding</b>	<b>(35,936)</b>	<b>(14,983)</b>	<b>(15,127)</b>	<b>(145)</b>	<b>(35,990)</b>	<b>(54)</b>

Only minor variances to income are forecast at this stage of the financial year versus budget and an overall small over recovery of £54k forecast.

## Pay Budgets

Just over 68% of the overall revenue budget is allocated to be spent on Pay and associated costs such as Pensions, National Insurance, etc.

The 2021/22 pay budgets had assumed that in line with Government indications there would be a pay freeze during 2021/22. This has however not materialised and a 1.5% pay increase has been agreed and will be implemented from the 1<sup>st</sup> July 2021.

The impact of this are additional costs of £212k across the Wholetime, On-call and Control Room Pay budgets within 2021/22 and a recurring cost of circa £280k.

Within the separate area of the pay budgets there are a number of areas worthy of mention:

### Wholetime Firefighters:

This is forecast to overspend by £454k by the end of the year resulting primarily from:

- Pay Award - £174k
- Additional Roles funded by the additional Protection Grant - £157k
- Currently being over establishment from the new recruits - £111k

### On-call Firefighters:

This is forecast to underspend by £265k by the end of the year resulting from:

- Pay Award - £30k
- Vacancies (net of cover) – (£147k)
- Turnout/Attendance and other Fees – (£148k)

Forecast variances across Control and other Staff roles are relatively small at this stage. Although a 1.5% pay award has been factored into the forecasts – adding a further £80k pressure.

Is it important to reflect that the full-year impact of this pay award is estimated to be £350k and will be added to the MTFP as part of the budget setting process. This will increase the imbalance on the 2022/23 budget, before any other considerations are taken into account, to £740k. We have previously planned to fund the forecast £390k deficit from reserves to balance the 2022/23 budget. If this additional pressure is not funded through additional funding via the Spending Review then it will need to be balanced by either additional savings and/or increases in precept, if there is any additional capacity.

## **Non-Pay Budgets**

The **forecast overspend of £71k on Indirect Staff Costs** is predominantly as a result of additional training costs of which £63k is being funded by the additional Protection Grant.

The **Premises budget is forecast to underspend by £123k** this has resulted from further rates refunds/reviews that we were made aware of after the 2021/22 budget was set.

The **Transport budget is forecast to underspend by £22k** predominantly as a result of lower costs of insurance from the new tender process and continued lower mileage claims from the continued agile working. These saving are however being offset by higher vehicle parts.

The **Supplies and Services budget is forecast to overspend by £295k** with the most significant areas of note being the higher insurance premiums required in relation to Employer Liability insurance - £153k. In addition to this, £97k of costs are forecast that are being funded from grant funding that has already been received and therefore to be released from reserves, or that will be received in year.

## **Financial Impact of Covid-19 in 2021/22**

Some COVID related expenditure continues to be incurred in 2021/22 which is also being funded by specific grant received in prior years. It is currently forecast to incur net costs in year of £87k directly related to the pandemic. This includes savings in travel and subsistence costs expected as agile working is to continue on a permanent basis following the lifting of government restrictions.

## **Capital Charges**

A delay to four fire appliances and an Aerial Ladder Platform coming into operational use during 2020/21 has resulted in a one-off saving in the provision for debt repayment charge of £147k in 2021/22. As a result of this, and some other underspends we have provided for additional contributions to the earmarked Capital Reserve of £367k to help support additional costs in this area or reduce the need for future borrowing.

## **Capital Programme 2021/22**

The current position of the 2021/22 Capital Programme is set out in Appendix B which reports a revised programme of £4,579k which is a reduction of £197k from the budget approved in February 2021.

Changes made since February include the addition of the £293k of further schemes that were slipped from 2020/21 as referred to in the 2020/21 Outturn Report, and a delegation of £50k to the Tactical Leadership Team for in year small scale capital investments.

This increase has been reduced by £540k of slippage that was budgeted within the Fleet programme but is not expected to be delivered until 2022/23 at the earliest.

Capital expenditure in the first 5 months totals only £609k against a revised programme of £4,579k. This is not however unexpected as many of the purchases are within the Fleet programme with significant levels of expenditure being incurred on a small number of items.

This will however need to be an area that is kept under review during the year.

Current forecasts indicate that there will be circa £446k in the Earmarked Capital Reserve at the end of the current financial year should all of the 2021/22 programme be delivered, however work to develop the site in Ripon has yet to be factored into these plans.

## **Conclusion**

In overall terms the first 5 months of the financial year reflects a positive overall financial picture. The unexpected 1.5% pay award made during 2021/22, while funded from reserves in 2021/22, will create an additional pressure on the 2022/23 plans. If this isn't reflected in the Spending Review, with additional funding, then these pressures will need to be considered within the budget setting and precept discussions later in the year. All areas will continue to be closely monitored and factored into the Medium Term Financial Plans when budget setting for 2022/23 begins later in the year.

NORTH YORKSHIRE POLICE, FIRE & CRIME COMMISSIONER (FIRE & RESCUE AUTHORITY)REVENUE BUDGET 2021/2022 as at 31st August 2021

		2021/22	Budget	Actual	Variance	2021/22	2021/22
	Approved	Year	Year	Year	Forecast	Forecast	
	Budget	To Date	To Date	To Date	Outturn	Variance	
	£'000	£'000	£'000	£'000	£'000	£'000	
<b>Funding</b>							
Funding for Net Budget Requirement	(29,949)	(12,479)	(12,479)	(0)	(29,949)	(0)	
Specific Grants	(3,657)	(1,524)	(1,643)	(119)	(3,706)	(49)	
Pensions Mitigation Grant	(1,711)	(713)	(713)	0	(1,711)	0	
General Income	(620)	(268)	(293)	(26)	(626)	(6)	
<b>Total Funding</b>	<b>(35,936)</b>	<b>(14,983)</b>	<b>(15,127)</b>	<b>(145)</b>	<b>(35,990)</b>	<b>(54)</b>	
<b>Expenditure</b>							
Wholetime Firefighters	17,139	7,748	7,886	139	17,593	454	
On Call Firefighters	3,342	1,114	968	(146)	3,078	(265)	
Support Staff	3,423	1,548	1,478	(70)	3,480	57	
Control Room Staff	789	357	354	(3)	780	(9)	
<b>Total Direct Staff Costs</b>	<b>24,693</b>	<b>10,766</b>	<b>10,686</b>	<b>(80)</b>	<b>24,931</b>	<b>237</b>	
Indirect Staff Costs	453	189	124	(64)	523	71	
PFCC Staff Expenses	76	32	32	0	76	0	
Wholetime Recruitment	0	0	0	0	0	0	
Premises	2,090	870	835	(35)	1,966	(123)	
Transport	794	336	332	(5)	784	(22)	
Supplies and Services	3,362	1,396	1,534	138	3,646	295	
Operating Leases	51	22	34	12	47	(4)	
External Service Agreements	212	88	93	4	220	7	
PFI	1,480	624	579	(65)	1,473	(8)	
<b>Total Indirect Staff and Non Staff Costs</b>	<b>8,518</b>	<b>3,556</b>	<b>3,563</b>	<b>(14)</b>	<b>8,735</b>	<b>217</b>	
<b>Pensions</b>	<b>819</b>	<b>341</b>	<b>325</b>	<b>(16)</b>	<b>819</b>	<b>0</b>	
<b>TOTAL EXPENDITURE BEFORE CAPITAL CHARGE</b>	<b>34,031</b>	<b>14,663</b>	<b>14,574</b>	<b>(110)</b>	<b>34,485</b>	<b>454</b>	
Provision For Debt Repayment	1,132	472	411	(61)	986	(147)	
External Interest	530	238	239	1	528	(3)	
Revenue Contribution to Capital	585	585	952	367	952	367	
<b>Total Capital Charges</b>	<b>2,248</b>	<b>1,295</b>	<b>1,601</b>	<b>306</b>	<b>2,466</b>	<b>218</b>	
<b>Delegation to the Tactical Leadership Team</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>22</b>	<b>22</b>	
<b>TOTAL EXPENDITURE</b>	<b>36,279</b>	<b>15,958</b>	<b>16,175</b>	<b>196</b>	<b>36,972</b>	<b>693</b>	
<b>(Surplus)/Deficit before Reserve Transfers</b>	<b>342</b>	<b>975</b>	<b>1,047</b>	<b>51</b>	<b>981</b>	<b>638</b>	
Transfer from Revenue Budget Support Reserve	(342)	(77)	0	0	(343)	0	
<u>Other Transfers to/(from) Earmarked Reserves:</u>							
ESMCP					(84)	(84)	
Protection Grants					(150)	(150)	
COVID19					(87)	(87)	
Pensions					(20)	(20)	
Pay & Price					(262)	(262)	
Recruitment					(36)	(36)	
<b>Final Forecast Over/(Under) Spend</b>	<b>0</b>	<b>898</b>	<b>1,047</b>	<b>51</b>	<b>0</b>	<b>0</b>	

NORTH YORKSHIRE POLICE, FIRE & CRIME COMMISSIONER (FIRE & RESCUE AUTHORITY)CAPITAL PROGRAMME 2021/2022 as at 31st August 2021

	2021/22 Approved	Additional Slippage	2021/22 New approved items	2021/22 Slippage/Carry forward to future years	2021/22 Revised	2021/22 Budget Year	2021/22 Spend Year	2021/22 Variance	2021/22 Forecast	2021/22 Forecast
			Budget £'000	from 2020/21 budgets	£'000	£'000	£'000	£'000	Outturn £'000	Variance £'000
<b>Vehicles</b>										
Fire Appliances	2,309	0	0	0	2,309	368	391	(23)	2,326	17
Vans & Support Vehicles	400	52	0	(160)	292	17	17	0	292	0
4 x 4 Vehicles	180	75	0	(180)	75	0	0	0	75	0
Incident Command Unit	200	0	0	(200)	0	0	0	0	0	0
Response & Pool Cars	151	85	0	0	236	0	0	0	236	0
<b>Sub Total Vehicles</b>	<b>3,240</b>	<b>212</b>	<b>0</b>	<b>(540)</b>	<b>2,912</b>	<b>385</b>	<b>408</b>	<b>(23)</b>	<b>2,929</b>	<b>17</b>
<b>Property:</b>										
Minor Works	433	81	0	0	514	0	122	122	514	0
Major Schemes	610	0	0	0	610	0	0	0	610	0
<b>Sub Total Property</b>	<b>1,043</b>	<b>81</b>	<b>0</b>	<b>0</b>	<b>1,124</b>	<b>0</b>	<b>122</b>	<b>122</b>	<b>1,124</b>	<b>0</b>
<b>Information Technology:</b>										
Mobilising, Telephony & Bearers	193	0	0	0	193	14	14	(0)	193	0
Major IT Schemes	50	0	0	0	50	0	0	0	50	0
Ancillary Hardware & Software	134	0	0	0	134	49	65	15	134	0
<b>Sub Total Information Technology</b>	<b>377</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>377</b>	<b>63</b>	<b>79</b>	<b>15</b>	<b>377</b>	<b>0</b>
<b>PPE - Rescue Jackets</b>										
Delegation to the Tactical Leadership Team	0	0	50	0	50	0	0	0	33	(17)
<b>TOTAL CAPITAL EXPENDITURE</b>	<b>4,776</b>	<b>293</b>	<b>50</b>	<b>(540)</b>	<b>4,579</b>	<b>448</b>	<b>609</b>	<b>114</b>	<b>4,579</b>	<b>0</b>



## Executive Board

June 2021

## Draft 2020/21 Finance Outturn - Fire

### **Introduction**

In February 2020 the former PFCC agreed the revenue Budget for the Fire Service for 2020/21 which was based on the receipt of income totalling £35,261k. In addition to the Revenue Budget the former PFCC also agreed a Capital Programme that was initially set at £2,352k for 2020/21.

This report is to provide the Board with an update on the Outturn against the budget and also considers any significant changes that have impacted during 2020/21.

### **Revenue Budget 2020/21**

Significant progress has been made in stabilising the finances of the Fire Service over the last couple of years which resulted in returning the Medium Term Financial Plan (MTFP) to balance when the 2020/21 budget was agreed.

This more robust financial position will continue to be vital over the coming years as the financial impacts that are likely from Covid-19 become more apparent.

In terms of the 2020/21 financial year the final Outturn for the Fire Service is an underspend of £1,298k, this is after planned/necessary transfers to reserves of £1,756k.

Further details on where the underspends occurred are included with Appendix A to this report with those of significant note referred to in the sections below:

## **Income**

The former PCC set the budget based on receiving income and funding of £35,261k during 2020/21 from the areas summarised in the table below, the in-year changes, the actual levels of income received, and variances are shown below:

	<b>2020/21 Approved Budget £'000</b>	<b>2020/21 Provisional Outturn £'000</b>	<b>2020/21 Provisional Variance £'000</b>
<b><u>Funding</u></b>			
Funding for Net Budget Requirement	(31,322)	(31,320)	2
Specific Grants	(1,682)	(3,867)	(2,185)
Pensions Mitigation Grant	(1,711)	(1,770)	(59)
General Income	(547)	(731)	(184)
<b>Total Funding</b>	<b>(35,261)</b>	<b>(37,688)</b>	<b>(2,426)</b>

In terms of overall income the PCC received £37,688k during 2020/21 which was £2,426k (or 6.9%) higher than originally budgeted. It was also almost £3m (or 8.6%) more than 2019/20.

It is therefore really important to understand where this funding has come from.

### **Specific Grants**

The vast majority, £2,244k, of additional income was provided in the form of additional Specific Grants. These Grants are termed Specific as they're awarded for Specific purposes with Specific criteria, and sometimes terms and conditions, attached to the award. The main elements of which were as follows:

- COVID Grant - £804k
- Emergency Service Mobile Communication Programme Grants - £789k
- Protection Grant - £410k
- Collection Fund losses Grant - £160k
- Pensions Remedy Grant - £59k

All of the £2,244k is expected to be one-off funding, most of the funding, £1,488k, has been earmarked for future use, in line with the Grant terms, and most of the money spent in year from this additional income was predominantly to cover in year costs relating to COVID.

It is important therefore to reflect that while this additional income has created a significant underspend in year it is all needed for future specific investment and therefore not available to help the day-to-day financial challenges that the Service has and will have in the coming years.

**The over recovery of General Income of £184k** was predominantly from 2 areas, the Service received £120k more than budget for Officers on secondment, this income offsets with the unbudgeted salary costs included within staff expenditure. The second area of additional income was that the Service received £40,000 to reimburse legal costs incurred in successful Fire Safety prosecution cases in previous years.

## **Pay Budgets**

The overall management of pay budgets and forecasting have improved significantly over the last couple of years with **an overall pay budget of £24,130k overspend by only £46k**. Of this small overspend £120k related to additional secondments for which additional income was received as referred to earlier in this report.

The On Call staff budget underspent primarily due to vacancies and lower than planned expenditure on training salaries due to the impact of the pandemic on training activity.

## **Non-Pay Budgets**

The **Premises budget underspend was £410k** due to an unexpected rates refund totalling £475k due to a national review of the rateable value of Fire Stations. The refund was backdated spanning a number of years with a recurring impact on the future Medium Term Financial Plan of £150k.

The **Transport budget underspend was £111k** predominantly as a result of less expenditure on Fire Hydrant repairs than budget of £93k. There is recognised variability on this budget from year to year due to the timing of works carried out through to the receipt of invoices. For this reason, the volatility of expenditure is managed through an earmarked reserve as required.

The **Supplies and Services budget underspend was £213k** with the most significant areas of note being IT budgets underspent by £100k as the charges in relation to the Control collaboration agreement with Cornwall Fire & Rescue Service were lower than anticipated, alongside lower charges in relation to Airwave and also Microsoft Licences.

In addition to this the cost of new Corporate Workwear contract was £40k lower than budgeted for in 2020/21 primarily due to the supplier not being able to provide the full new issue by 31<sup>st</sup> March, however the actual cost of supplies was slightly lower than anticipated too.

## **Financial Impact of Covid-19 in 2020/21**

The Authority has received grant from the Government to fund COVID related expenditure of £804k since March 2020. Net expenditure of £402k is included within the 2020/21 Outturn. Made up of the following:

- Staff - £275k
- Non Staff - £237k
- Offset by Savings in Travel & Subsistence due to lockdown restrictions - £110k

Of the £402k grant remaining, £132k has been earmarked for future COVID expenditure of which £55k is currently forecast in 2021/22. The remaining £270k has then been transferred to the New Developments reserve.

## Transfers to/from Reserves

In total just over £3m has been added to Reserves during 2020/21, these are set out in the table below:

	Opening 2020/21	Transfers		Closing 2020/21
		In	Out	
<b>Earmarked Reserves:</b>	£000	£000	£000	£000
Pensions	1,711	149		1,860
Pay & Price	721	36		757
New Developments	345	1,276	-496	1,125
Insurance	80			80
Recruitment	211		-36	175
Hydrants	388		-188	200
Collection Fund	202	161	-202	161
COVID19	0	132		132
<b>General Contingency Reserves</b>	<b>3,659</b>	<b>1,754</b>	<b>-922</b>	<b>4,490</b>
Revenue Budget Support Reserve	244	849	-244	849
<b>Reserves Factored into MTFP</b>	<b>244</b>	<b>849</b>	<b>-244</b>	<b>849</b>
Capital	0	546	-146	400
ESMCP	0	789		789
Protection Uplift Grant	0	348		348
<b>Specific Reserves</b>	<b>0</b>	<b>1,683</b>	<b>-146</b>	<b>1,537</b>
<b>Total Earmarked Reserves</b>	<b>3,903</b>	<b>4,286</b>	<b>-1,312</b>	<b>6,876</b>
<b>General Fund Balance</b>	<b>995</b>	<b>80</b>		<b>1,075</b>
<b>Total Usable Reserves</b>	<b>4,898</b>	<b>4,366</b>	<b>-1,312</b>	<b>7,951</b>

The £3,053k total increase in Reserves has impacted as follows:

- £1,537k has been added to Specific Reserves that will need to be spent on Specific Areas
- A further £605k was set aside as part of the 2021/22 budget setting process and is needed to balance the Medium Term Financial Plan across the next 4 years (based on assumptions in February 2021)
- £831k has been set aside in Contingency Reserves to help manage known risks, such as additional costs re COVID and Injury Pensions, while also setting aside funding to help the Service develop the change required and implement/support the significant change that is currently underway in relation to the Risk and Resource Model, as well as the wider ambitions of the service.
- £80k has also been added to General Reserves to provide some flexibility and also ensure that this Reserve does not dip below 3% of the overall Net Budget Requirement.

This is clearly a significant increase in reserves, but it is important to keep in mind that much of this has been funded via one off additional funding (the £2.2m referred to earlier) with much of it set aside to pay for future specific costs, while additional increases have been possible because of the one-off back dated rebate of Rates (£475k).

## **Capital Programme 2020/21**

The Capital Plan approved in February 2020 was £2,352k, this then increased by £223k, to £2,575k as a result of slippage from the previous financial year of £74k and in-year additions to the plan of £149k, however this was quickly revised in-year as it became apparent that the pandemic would impact on the ability to deliver on many aspects of the plan during 2020/21.

The revised plan took into account the requirement to carry forward £1,658k of approved spend into 2021/22 due to plan slippage as set out below:

Budget Slippage	£000	Comments
Appliances - delays due to COVID	1,065	
Incident Command Unit - delays whilst considering procurement approach	200	
Vans & Support vehicles	52	
4 x 4 Vehicles	75	
Cars	85	
Planned Maintenance - delays due to COVID third lockdown	81	
IT - Emergency Services Network - National project delayed	50	
IT - Fire/NYP telephony project - in design stage as at 31st March 2021	50	
Total	1,658	

This then left a revised plan to spend £917k during 2020/21. The actual spend against this budget was £844k, as set out in Appendix B, resulting in an underspend of £73k against the revised budget.

## **Conclusion**

The Fire Service continues to have a firm grip on the finances of the organisation and in normal times could start to consider some of the areas of significant investment that are needed in the service. These relate to the Fire Estate, the Kit and Equipment used in the service and the Work Force, in line with the Ambition 2025 vision. However, the likely impact of covid-19 on the finances of the organisation and the recent pay offer for 2021/22 will need to be clearly understood before this can realistically happen.

**NORTH YORKSHIRE POLICE, FIRE & CRIME COMMISSIONER (FIRE & RESCUE AUTHORITY)****REVENUE BUDGET 2020/2021 - PROVISIONAL OUTTURN**

	2020/21 Approved Budget £'000	2020/21 Provisional Outturn £'000	2020/21 Provisional Variance £'000
<b>Funding</b>			
Funding for Net Budget Requirement	(31,322)	(31,320)	2
Specific Grants	(1,682)	(3,867)	(2,185)
Pensions Mitigation Grant	(1,711)	(1,770)	(59)
General Income	(547)	(731)	(184)
<b>Total Funding</b>	<b>(35,261)</b>	<b>(37,688)</b>	<b>(2,426)</b>
<b>Expenditure</b>			
Wholetime Firefighters	16,721	16,979	258
Retained Firefighters	3,325	3,091	(234)
Administrative, Technical & Clerical	3,319	3,337	18
Control Room Staff	765	769	4
<b>Total Direct Staff Costs</b>	<b>24,130</b>	<b>24,176</b>	<b>46</b>
Indirect Staff Costs	429	409	(19)
PFCC Staff Expenses	74	71	(3)
Wholetime Recruitment	11	111	100
Premises	2,109	1,700	(410)
Transport	804	693	(111)
Supplies and Services	3,461	3,247	(213)
Operating Leases	75	83	8
External Service Agreements	196	177	(18)
PFI	1,461	1,418	(44)
<b>Total Indirect Staff and Non Staff Costs</b>	<b>8,620</b>	<b>7,910</b>	<b>(710)</b>
<b>Pensions</b>	<b>912</b>	<b>879</b>	<b>(33)</b>
<b>TOTAL EXPENDITURE BEFORE CAPITAL CHARGES</b>	<b>33,662</b>	<b>32,965</b>	<b>(697)</b>
Provision For Debt Repayment	991	993	1
External Interest	550	531	(19)
Revenue Contribution to Capital	340	146	(194)
<b>Total Capital Charges</b>	<b>1,882</b>	<b>1,670</b>	<b>(212)</b>
<b>Delegation to the Tactical Leadership Team</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENDITURE</b>	<b>35,544</b>	<b>34,635</b>	<b>(909)</b>
<b>Planned Transfers to/(from) Reserves:</b>			
Revenue Budget Support	(244)	(244)	0
New Developments	(38)	171	209
COVID	0	132	132
Collection Fund Losses	0	160	160
Capital Reserve	0	400	400
HO Protection Funding Grants	0	347	347
ESMCP Grants	0	789	789
<b>(Surplus)/Deficit before Year End Reserve Transfers</b>	<b>0</b>	<b>(1,298)</b>	<b>(1,298)</b>
<b>Year End Transfers to/(from) Reserves:</b>			
New Developments	0	1,069	1,069
Pensions	0	149	149
General Fund	0	80	80
<b>Final Forecast Over/(Under)spend</b>	<b>0</b>	<b>0</b>	<b>0</b>

NORTH YORKSHIRE POLICE, FIRE & CRIME COMMISSIONER (FIRE & RESCUE AUTHORITY)CAPITAL PROGRAMME 2020/2021 - PROVISIONAL OUTTURN

	2020/21 Approved	Additional Slippage from 2019/20	2020/21 New approved items		Slippage/Carry forward to future years	2020/21 Revised	2020/21 Provisional	2020/21 Provisional Variance
			Budget	£'000				
			£'000	£'000				
<b>Vehicles</b>								
Fire Appliances	1,347	13	0	(1,065)	296	262	(33)	
Aerial Appliances	0	4	0	0	4	3	(1)	
Vans & Support Vehicles	52	0	0	(52)	0	0	0	
4 x 4 Vehicles	0	2	75	(75)	2	0	(2)	
Tactical Response Vehicles	0	0	0	0	0	14	14	
Incident Command Unit	200	0	0	(200)	0	0	0	
Response & Pool Cars	193	0	0	(85)	108	131	23	
<b>Sub Total Vehicles</b>	<b>1,792</b>	<b>19</b>	<b>75</b>	<b>(1,477)</b>	<b>409</b>	<b>410</b>	<b>1</b>	
<b>Property:</b>								
Minor Works	355	55	0	(81)	328	329	0	
<b>Sub Total Property</b>	<b>355</b>	<b>55</b>	<b>0</b>	<b>(81)</b>	<b>328</b>	<b>329</b>	<b>0</b>	
<b>Information Technology:</b>								
Mobilising, Telephony & Bearers	124	0	0	(100)	24	21	(3)	
Major IT Schemes	35	0	0	0	35	12	(23)	
Ancillary Hardware & Software	47	0	24	0	71	72	1	
<b>Sub Total Information Technology</b>	<b>206</b>	<b>0</b>	<b>24</b>	<b>(100)</b>	<b>130</b>	<b>105</b>	<b>(24)</b>	
<b>Delegation to the Tactical Leadership Team</b>	<b>0</b>	<b>0</b>	<b>50</b>	<b>0</b>	<b>50</b>	<b>0</b>	<b>(50)</b>	
<b>TOTAL CAPITAL EXPENDITURE</b>	<b>2,352</b>	<b>74</b>	<b>149</b>	<b>(1,658)</b>	<b>917</b>	<b>844</b>	<b>(73)</b>	

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## Police, Fire & Crime Panel Report

November 2021



## Office of the Police, Fire & Crime Commissioner – Resilience and Succession Planning – Outline Update

### Executive Summary

1. This report sets out
  - a. the requirements of HM Government in respect of resilience and succession planning in respect of the single elected individual police/fire governance model;
  - b. progress towards a Business Development Strategy to underpin the resilience model and plan in the Office of the Police, Fire and Crime Commissioner ('the OPFCC'); and
  - c. the proposed next steps.

### Background

2. Members will be aware that HM Government are undertaking a two-part review of the Police and Crime Commissioner model. The results of Part One were announced in March and included announcements of the development of measures to strengthen PCC accountability, improvements to transparency, clarification of the PCC/Chief Constable relationship, bringing consistency across PCC roles, raising professional standards and improving the current suite of checks and balances.
3. One specific proposal in the Home Secretary's Statement was a proposal to legislate to mandate the appointment of a Deputy Commissioner. The Home Secretary stated that "*...to enhance resilience and capacity of PCCs, given our intention to expand the role into fire, the Home Office will bring forward legislation to mandate that each PCC must appoint a Deputy (of the same political party where the PCC represents a political party). In the interim, we will issue guidance to PCCs' offices requesting that a formal succession plan is put into place to deal with vacancy and incapacitation, involving the Police and Crime Panel in those discussions as necessary. This will not apply to mayors with PCC functions, where legislation already mandates that a Deputy Mayor must be in place...*"
4. It is our understanding that such legislation will take some considerable time to be brought forward – potentially not until the latter end of the current PFCC term.
5. On 9 July 2021, the Minister of State for Crime and Policing wrote to all Commissioners setting out the Government's intention to legislate "*when Parliamentary time allows*" and that "*Ahead of this requirement coming into force, we will engage with the APCC and APACE on how this will work in practice.*". The Minister set out the requirement upon OP(F)CCs to produce resilience plans thus: "*In the meantime, I expect all PCCs to work with their office to put in place a formal succession plan to be followed in case of vacancy or incapacitation, where one does not already exist. I would*

*also ask that you involve your police and crime panel in those discussions as necessary, given their statutory role in this process. My officials will liaise with the APCC in six months' time, to review progress and offer any assistance, where necessary."*

## Progress – OPFCC Business Development Strategy

6. As Head of Paid Service, my assessment upon taking up the role of Chief Executive on an established basis, was that North Yorkshire's OPFCC lacked resilience in several respects. These included reliance upon a range of short term, temporary leadership arrangements; underdevelopment of a 'whole team' ethos across the component parts of the team; no clear statement of purpose, mission or agreed values; and a lack of inherent resilience in both the single elected individual element of the structure but also across the statutory and senior officer roles and structures.
7. My assessment also noted a significant degree of strength and best practice within the North Yorkshire OPFCC – including but not limited to a highly accomplished commissioning function; in-house victim support service; and several unique and innovative services which have been recognised as pathfinders nationally (such as the Independent Victim Adviser service and the 'Model 3' complaints function). Overall, the spirit and ethos of the OPFCC is one of commitment to public service, appreciative scrutiny of police and fire services and to assisting the most vulnerable in our communities.
8. Members will know that as Head of Paid Service I have a statutory responsibility to advise the Commissioner of the staff and resources they require to perform their functions.
9. Members will also know that as Monitoring Officer, the law provides that the organisation must put sufficient resources in place to allow for that role to be performed effectively. An example by way of illustration might be ensuring that there are suitable deputy Monitoring Officer arrangements.
10. I began the process of identifying and addressing those issues and other business development priorities, prior to and during the PFCC term which commenced in May 2021. I made recommendations to the Commissioner to ameliorate those issues by
  - a. adopting a Business Development Strategy, to include a clear Statement of Purpose and Values; moving to a permanent leadership structure, basing the leadership model upon a set of portfolios covering each area of the Commissioner's powers and duties, as well as responsibility for driving forward further development of the OPFCC;
  - b. the Commissioner himself keeping under review the question of whether to appoint a Deputy PCC or PFCC ahead of it becoming mandatory to do so;
  - c. preparing formal Change Proposals to give effect to the measures set out at 10(a) above (and to other complementary measures, such as rationalising administrative roles and structures, strengthening the customer service model and improving the capability of the OPFCC in respect of public communications and engagement);
  - d. Subject to consultation with staff and stakeholders, moving to implementation of the necessary changes.

11. I had agreed with the former Commissioner that to address long-term lack of resilience in the OPFCC, I would bring forward those recommendations in time to commence changes to the team in November 2021.
12. An initial set of changes is already underway, including enhancing the public communication and engagement capability.
13. A self-assessment of OPFCC Strengths, Challenges, Opportunities, Aims and Results has been conducted.
14. Staff have been briefed upon and contributed to the emerging draft Business Development Strategy which sets out a Mission Statement, Statement of Purpose and Values.
15. Subsequent changes will include – establishing redesigned permanent roles at executive management team to replace the current temporary arrangements due to expire at the end of the current financial year; including amongst those roles, permanent deputy Monitoring Officer arrangements; bringing statutory Data Protection Officer functionality in house; enhancing the Complaints and Recognition structure to make the structure more resilient and to expand the service to encompass all public, partnership and stakeholder correspondence and issues resolution; making some other key roles which are filled on a temporary basis, permanent; and refreshing other role profiles and role titles to make ready for the new Commissioner's term of office.
16. In my judgement, these changes will address the inherent lack of resilience in the current and foregoing design and structure of the OPFCC.
17. Completion of the changes will also allow for the establishment of a formal Resilience and Succession Plan in time for accounting as necessary to HM Government in line with the indication given by the Minister in his letter.
18. In the meantime, the OPFCC relies on temporary executive leadership structures in several respects. This inherently lacks the very resilience required by public policy as set out in this paper.
19. In the event, as Members will see, the unexpected vacancy in the role of Commissioner is being addressed in line with a procedure which draws upon established convention and precedent. Elsewhere on their Agenda for this meeting, Members will have the opportunity to consider the resulting proposals for stewardship through the period of vacancy and the appointment of an Acting Commissioner.
20. Quite apart from the requirement to put in place sufficient resilience upon which to build a formal Resilience and Succession Plan to satisfy the Minister's requirement, it is my assessment as Head of Paid Service that the Commissioner elected in a few weeks will have a pressing need for the very professional support and resilience provided for by the proposals currently underway. In particular, the portfolio leadership structure will provide senior executive advisory and delivery support for the Commissioner in respect of
  - a. *Governance and Constitutional Matters*
  - b. *Finance*
  - c. *Ethics Standards & Risk*
  - d. *Crime*

- e. *Victims & Vulnerability*
  - f. *Criminal Justice & Reoffending*
  - g. *Safer Communities*
  - h. *Fire & Rescue*
  - i. *Police & Crime Planning & Fire and Rescue Planning*
  - j. *Environment & Sustainability*
  - k. *People, Health & Wellbeing, Covid Risk Management and Service Planning*
  - l. *Equality Diversity and Inclusion.*
21. Progressing to a formal Change Proposal and commencing consultation will allow for discussion with the incoming Commissioner, completing the building of the budget and progressing with recruitment in a timely manner. It will also allow a Resilience and Succession Plan to be brought for Members' consideration in early course, in line with the ministerial requirement for the active involvement of the Panel in the process.
- ## Recommendation
22. Members are asked to
- a. note the progress made in respect of OPFCC Business Development, forming the basis of the necessary Resilience and Succession Plan and the next steps set out above.
  - b. note that the Resilience and Succession Plan will be brought to a future meeting of the Panel.
23. I will work with the Panel's officers to ensure that the learning from the procedure brought to bear to address the current vacancy, is built upon so that the resulting Resilience and Succession Plan is robust and future-proof – and has the Panel's full involvement as expected by the Minister.

Simon Dennis  
Chief Executive & Monitoring Officer  
24 October 2021

# Agenda Item 13

## North Yorkshire Police, Fire and Crime Panel

4 November 2021

### Work Programme (*deferred from 14 October 2021*)

#### 1 Purpose of Report

- 1.1 To invite the Panel to consider its future work programme.
- 2 The Panel is responsible for setting its own work programme taking into account the tasks that the Panel must undertake and the priorities defined by the Commissioner within the context of the Police and Crime Plan and Fire and Rescue Plan.
- 3 The work programme at Appendix A highlights those issues which have been previously agreed or which have been added since the last meeting in discussion with the Chair or Vice Chairs.
- 4 It is anticipated that the draft Police and Crime Plan and draft Fire and Rescue Plan will be ready for Panel's review by January 2022 and as such the programme has been adjusted to incorporate these substantive items.
- 5 At the July 2021 Panel meeting, Members highlighted that it would be helpful to receive a biannual update from the Commissioner on progress against some of the areas highlighted in the annual reports, i.e. progress against key objectives of the Police and Crime and Fire and Rescue Plans. Members are invited to give further thought to the level of information they would like to receive and/or whether there are particular areas/objectives they would like to see progress reporting on, to avoid the risk of reporting being too global.
- 6 In addition, some proposed meeting dates for Panel have been included at Appendix A from July 2022 to April 2023. Members are asked to agree these proposed dates.

#### 7 Recommendations

That the Panel:

- 7.1 agrees its outline work programme, with the inclusion of any additional items suggested at the meeting;
- 7.2 agrees the proposed meeting dates for Panel for 2022/23.

Diane Parsons  
Principal Scrutiny Officer  
North Yorkshire County Council

25<sup>th</sup> October 2021

**Background Documents:**

Appendix A – Police, Fire and Crime Panel Work Programme and Calendar of Meetings for 2022/23

## Appendix A

### POLICE, FIRE & CRIME PANEL WORK PROGRAMME AND MEETING DATES FOR 2022/23

<b>January 2022</b>	Thursday, 13 <sup>th</sup> January 2022 at 10:30am Hudson Room, City of York Council West Offices, York (tbc)	Police and Crime Plan 2021/24 – for approval Fire and Rescue Plan 2021/24 – for approval 'Pre-precept' reports for policing and fire and rescue. Tackling drug crime (annual update).
<b>February 2022</b>	Monday 7 <sup>th</sup> February 2022 at 10:30am Brierley Room, County Hall, Northallerton (tbc)	<b>Precept proposals</b> for policing and fire and rescue. Force Control Room - performance update on the 999 and 101 services. Tackling hate crime in North Yorkshire
	Monday, 21 <sup>st</sup> February 2022 at 1:30pm Brierley Room, County Hall, Northallerton (tbc)	<b>Precept reserve meeting</b> (if needed).
<b>April 2022</b>	Thursday, 28 <sup>th</sup> April 2022 at 10:30am <i>Venue tbc – possibly Selby District Council</i>	Enable programme update – inc benefits and savings. Diversity in NYP and NYFRS, including developments around recruitment and retention. PFCC's work around criminal justice.
<b>July 2022</b>	Thursday 21 <sup>st</sup> July 2022 at 10:30am <i>Venue tbc</i>	Rural crime (inc wildlife crime) Risk and Resource Model (FRS)
<b>October 2022</b>	Thursday 13 <sup>th</sup> October 2022 at 10:30am <i>Venue tbc</i>	Substantive issues tbc
<b>January 2023</b>	Thursday 12 <sup>th</sup> January 2023 at 10:30am <i>Venue tbc</i>	'Pre-precept' reports for policing and fire and rescue.

<b>February 2023</b>	Monday 6 <sup>th</sup> February 2023 at 10:30am <i>Venue tbc</i>	<b>Precept proposals</b> for policing and fire and rescue.
	Tuesday 21 <sup>st</sup> February 2023 at <b>1:30pm</b> <i>Venue tbc</i>	<b>Precept reserve meeting</b> (if needed).
<b>April 2023</b>	Thursday 27 <sup>th</sup> April 2023 at 10:30am <i>Venue tbc</i>	Substantive issues tbc.