

North Yorkshire Police, Fire and Crime Panel

21 July 2022

Annual Report of the Police, Fire and Crime Panel 2021/22

1 Purpose of Report

1.1 To invite the Panel to approve its draft Annual Report 2021/22.

- 2 The Panel has not previously formally agreed an Annual Report of its activities or achievements, although annual Panel update reports have been prepared for district council crime and disorder committee meetings in recent years along these lines and have been shared with the Panel Members.
- 3 It is important in governance terms that the Panel is able to continue documenting its efficacy through scrutiny undertaken and to outline its forward plan, use of budget, membership and training opportunities through a single, cohesive document. It has also become a 'Key Performance Indicator' within the terms of the grant agreement from the Home Office that the Panel produces relevant scrutiny documents and publications "including the Panel's annual report". As such, it is now necessary for the Panel to review and formally agree an Annual Report going forward. It is suggested that this is done each year at the annual meeting in July.
- 4 Members are therefore invited to consider the Annual Report 2021/22 at Appendix A and provide any comments or suggestions, in addition to giving approval (pending any further changes agreed) for the draft submitted.

5 Recommendation

5.1 That the Panel approves the draft Annual Report 2021/22.

Diane Parsons
Principal Scrutiny Officer
North Yorkshire County Council

12th July 2022

Background Documents:

- Appendix A – Draft Annual Report of the North Yorkshire Police, Fire and Crime Panel 2021/22.

North Yorkshire Police, Fire and Crime Panel

Annual Report 2021/22

Foreword from the Chair

As Chair of the North Yorkshire Police, Fire and Crime Panel I am pleased to introduce the Panel's Annual Report for 2021/22.

The Panel has an important mandate. We are here to ensure that there is both support and constructive challenge to the Police, Fire and Crime Commissioner for North Yorkshire; making sure on behalf of the public that the Commissioner's plans for our police and fire and rescue services deliver effective and efficient services across North Yorkshire and York. The last year has brought this mandate under greater public focus during an exceptionally turbulent period. I believe we have demonstrated to the public and partners that we have continued to provide an important scrutiny forum for reflecting the views and concerns of residents and that we are able to bring some positive influence to bear around the way that these key services are run.

We have a new Commissioner, Zoë Metcalfe, who has taken up office at a time when there is much to be done; to rebuild confidence in the office of Commissioner, to enhance public trust in policing, to secure a resilient and sustainable fire service. We have welcomed the Commissioner's commitment to these important matters and to building an effective working relationship with the Panel. I would like to thank the Commissioner and her team for their tireless efforts to ensure continuity of service during a difficult period.

Last but by no means least, I would like to thank my colleagues on the Panel for their efforts over the last year, and those officers from Democratic Services, Legal, Finance and Communications at the County Council who have advised and supported us.

Cllr Carl Les
Chairman

July 2022

1. What is the Police, Fire and Crime Panel?

Police and Crime Panels were established in England and Wales in 2012 to provide a check and balance function in relation to the performance of Police and Crime Commissioners, who also came into being at that time. Panels have a wide remit to review or scrutinise decisions made, or other actions taken, by the Commissioner in connection with the discharge of the Commissioner's functions. Panels have oversight of some of the Commissioner's key documents, decisions and reports, requiring them to provide information and answer any questions which the Panel considers necessary.

Police and Crime Panels are joint scrutiny bodies of the local authorities in the police service area. They are mainly comprised of elected members from these authorities, with normally at least two independent members who are co-opted to bring additional or complementary skills and knowledge. Councillor membership of a Panel must be geographically and politically proportionate. The Panel's membership in this reporting period is outlined in section 8 below.

With the transfer of fire and rescue governance to the Commissioner in 2018, the North Yorkshire Panel duly became the Police, Fire and Crime Panel ("the Panel"), to reflect a broadening out of its scrutiny functions.

The Panel does not scrutinise the Chief Constable or Chief Fire Officer or hold them to account. They are not required to attend Panel meetings but can be asked to attend with the Commissioner where it is felt that providing further operational context or clarification to a discussion would be helpful.

The Commissioner has responsibility for setting the direction, objectives and budgets of North Yorkshire Police and North Yorkshire Fire and Rescue Service, and for holding the Chief Constable/Chief Fire Officer to account. The Panel's role is to scrutinise and support the performance of the Commissioner and specifically to conduct the following statutory functions:

- To review the Commissioner's draft Police and Crime / Fire and Rescue Plans and make a recommendations on these;
- To review and make recommendations on proposed appointments for the roles of Chief Constable and Chief Fire Officer, in addition to some other senior roles – the Panel also has the power to veto proposed appointments for Chief Constable and Chief Fire Officer.
- To review and make recommendations on the Commissioner's proposed level of Council Tax precept for policing and fire – the Panel has a power of veto for the Commissioner's first precept proposal.
- To review and make recommendations on the Commissioner's draft Annual Reports for Policing and Fire and Rescue;
- To consider non-criminal complaints made against the Commissioner.

Further details about the Panel's governance and recent publications can be found at <https://nypartnerships.org.uk/pcp> Meeting papers and agendas can be found on the [County Council website](#).

Panel meetings take place roughly five to six times per year and are held in public. Support to the Panel is provided by the host authority, North Yorkshire County Council.

2. Meetings held during 2021/22

In this reporting period, the Panel convened on six occasions to undertake Panel business; on 22 July 2021, 14 October 2021, 4 November 2021, 13 January 2022, 7 February 2022 and 16 March 2022. Following the expiry in May 2021 of legislation enabling committee meetings to be held remotely, the Panel kept under review the need for public access while observing the latest public health guidance regarding Covid-19. It was determined over the course of the period that five of these meetings would take place remotely, via Microsoft Teams, and these were live broadcasted via the County Council's YouTube channel, with the continued facility for members of the public to submit and ask questions within the meeting as required. These meetings were as such 'informal meetings' in status and any formal decision-making required of the Panel was done via the County Council's Chief Executive's emergency delegated decision-making powers, as were drawn on during the worst of the pandemic. The Chief Executive's decisions are published on the [County Council's website](#). All livestreamed meeting recordings can be viewed at <https://northyorks.gov.uk/live-meetings>

One meeting of the Panel was held in public, as an urgent formal meeting, in November 2021. This meeting was also live broadcasted from the Joint Police and Fire HQ in Northallerton.

As at January 2022, the average viewing figures for live broadcasted Panel meetings from April 2021 to January 2022 were 454, although this is due to the substantial viewings of the October 2021 meeting (see also Key Areas of Focus for the Panel, below).

One Panel meeting scheduled for April 2021 was cancelled due to observance of the pre-election period restrictions placed on local authority Members, prior to the election for Commissioner in May 2021.

Panel members have also continued to meet remotely for more informal briefings and development sessions during the period and these are outlined through this report.

In line with the County Council's own review of how it conducts its meetings from April 2022, the Panel has returned to holding in-person meetings for the 2022/23 financial year for its main business, rotated between York, Northallerton and Selby. These meetings will be live broadcasted where there is the capability to do so.

3. Key Areas of Focus for the Panel in 2021/22

a) Ensuring continued transparency to the public and robustness of scrutiny during an exceptional period for the office of Commissioner

It is fair to say that this has been an exceptional and turbulent period for the Office of Commissioner which, through a variety of circumstances, has seen four appointees to this office during the 2021/22 financial year. The Panel's focus has been to ensure support for continuity of purpose for that office while also ensuring that scrutiny of key areas of work can continue.

Commissioner Julia Mulligan stepped down from her role prior to the elections for Commissioner held in May 2021, having served for nine years. The Panel would like to thank Commissioner Mulligan for her committed service over the years to the residents of North Yorkshire and York.

Commissioner Phillip Allott was elected in May 2021 and the Panel ensured that an early informal meeting could be held remotely in July 2021 to better understand the Commissioner's priorities and to build a new scrutiny relationship.

However, subsequently, significant concerns were raised locally and nationally regarding comments made by Commissioner Allott in a radio interview in October 2021 following the death of Sarah Everard, which were felt to be inappropriate. This shifted the Panel's focus to ensuring that adequate challenge could be provided by the Panel on behalf of the public and that it was robustly discharging its role in relation to complaints handling. Mechanisms were put in place to receive and consider over 300 complaints made against the Commissioner, in conjunction with support from the Commissioner's staff team. Members of the public were also able to submit statements or questions to the Panel on this matter during a live broadcasted meeting held in October 2021. The outcome of this meeting was that a vote of no confidence in Commissioner Allott was passed at the Panel meeting. Commissioner Allott subsequently resigned from office.

The Panel raised concerns with the Home Office regarding its limited powers surrounding this matter and the fact that there is no power of Recall for a Commissioner, in the same way as there is for an MP. A recent Home Office review concluded that power of Recall for Commissioners would not be pursued as it was not deemed to be necessary in view of the stringent disqualification rules in place. However, the matter arguably demonstrated the Panel's strength in providing robust challenge and voice to public concerns surrounding the Commissioner's ability to maintain trust and confidence in the discharge of their functions. It should be noted that there were 1,647 online views of this broadcasted meeting, which includes 'live' views and those watching the recording subsequently.

It should be noted also that some very constructive actions arose for the Panel, Commissioner and public as a result of focussing the lens to a greater degree around issues such as trust in policing and how we can protect women and girls from violence. For example, following a public question raising concerns about police vetting processes, the Panel requested further information and reassurance via the Commissioner's office, and were presented with a detailed exposition at public meetings of the Panel, in November 2021 and January 2022. The Panel has also agreed with the Commissioner's office that an annual update will be received by the Panel around work to prevent violence against women and girls, and the Panel has welcomed the Commissioner's commitment to developing her own strategy around this. IDAS were also invited to provide additional informal briefings and context for the Panel on issues surrounding violence against women and girls, which have further enhanced the Panel's own understanding.

Subsequently, the Panel was called upon to very quickly consider a proposed appointee from among the Commissioner's staff to become Acting Commissioner, until an election could take place. A meeting was held on 4th November at which the Panel were pleased to confirm the appointment of Mrs Jennifer Newberry, thereby supporting that office to ensure that key areas of business could continue.

Further to the election for Commissioner on 25 November 2021, Zoë Metcalfe was elected Commissioner for North Yorkshire. The Panel and its supporting officers, along with the Commissioner and her team, have worked to quickly build effective working links and to ensure co-planning around agendas. Commissioner Zoë has had to very quickly be inducted into that role and publish key statutory documents such as the Police and Crime Plan, as well as Council Tax precept proposals. The Panel's role as 'critical friend' in reviewing these is outlined further below.

b) Senior appointments reviewed by the Panel

In addition to reviewing the proposed appointment of Acting Commissioner in November 2021, the Panel was also required to review the proposed appointment of Mr Jonathan Foster as Interim Chief

Fire Officer – following the retirement of the substantive postholder – in July 2021. Following a confirmation hearing, the Panel were pleased to recommend Mr Foster’s appointment.

c) Review of the draft Police and Crime Plan and Fire and Rescue Plan 2022/25

The Panel reviewed the Commissioner’s draft statutory plans in March 2022. The plans provide a set of core principles and objectives to direct expectations of progress in policing and fire for the next three years. The Panel welcomed the direction of travel of both documents and that they felt tonally appropriate. However, the Panel discussed that the absence of specific performance targets or benchmarks undermined the efficacy and impact of the draft Plans. On the basis that the Commissioner agreed to undertake to review this with colleagues subsequently, the Panel were pleased to recommend the approval of the Plans. Following the meeting, the Commissioner advised Panel that an Assurance Plan would be published in due course that will set out how progress is expected to be made against both Plans. Additionally, the Commissioner has requested that the Chief Constable and Chief Fire Officer bring forward their delivery plans to the Executive Board for approval. The Panel looks forward to hearing about the progress made against both Plans at its regular meetings.

d) Review of the Commissioner’s Council Tax precept proposals for policing and fire 2022/23

Policing Precept

The Commissioner put forward a proposal to the Panel on 7 February 2022 to set the policing precept at £281.06, representing an increase of £10 (or 3.69%) over the 2021/22 level for a Band D property. The Panel heard that the income levied would not only support the policing budget by meeting anticipated increases in costs (pay and non-pay inflation) but would also ensure the recruitment and training of new officers under the national uplift programme, in addition to investment around victims’ services. Members sought further reassurance as to the rationale for setting the precept at the maximum permissible and that the impact of this levy would be discernible to the wider public. The Commissioner and Chief Constable spoke to the police service’s plans for deploying the additional police officers to improving public contact, enhancing place-based neighbourhood problem-solving, victim engagement and roads policing (including prevention). Members noted that over 40% of the public who responded to the Commissioner’s consultation had supported an increase of £10 and that 65% had supported some level of increase on last year’s levy. Following consideration of all these points, the Panel gave its support to the Commissioner’s proposal to increase the policing precept for 2022/23 to £281.06.

Fire and Rescue Precept

The Panel considered the Commissioner’s proposal to set the fire and rescue element of the Council Tax precept at £75.61 for 2022/23, which represented a 1.98% increase (or £1.47) over the 2021/22 level for a Band D property. This was the maximum permissible increase for the service before a referendum would be triggered. The Panel heard that government funding is failing to keep up with the organisation’s costs and investment needs, and that both pay and non-pay inflationary costs are expected to present a significant challenge moving forward. The Panel noted that reserves are being drawn on to balance the planned budgets for 2022/23 and 2023/24 but that thereafter there is currently an unbalanced budget position. Members expressed their concerns at the precarious financial position that the service is currently forecasted to be in over the next few years and that planning assumptions around pay and non-pay costs are fairly tight for 2022/23.

Both the Commissioner and Panel Members expressed disappointment that in spite of the efforts of the Commissioner and other local partners, including the Panel Chair and Vice Chairs, the government has not afforded North Yorkshire's fire service the same £5 flexibility that has been awarded to some other fire and rescue authorities for 2022/23. The Panel offered its continued support for the Commissioner's efforts in seeking to influence future spending reviews in this respect. Panel members were keen to understand how sustainable efficiencies can be delivered and welcomed the Commissioner's offer to engage with the Panel around the developing work on the Risk and Resource Model in a few months' time. It was also noted that work is underway to try to link up the police and fire IT systems and that once this is given Home Office approval this should afford greater efficiency too.

The Panel gave its support to the Commissioner's proposal to increase the fire and rescue precept for 2022/23 to £75.61, thereby representing an increase of £1.47 (or 1.98%) for a Band D property.

e) Force Control Room Performance Updates

The Panel has continued to request an annual update on performance levels in the police Force Control Room (FCR) in relation to the 999 and 101 non-emergency numbers.

Members reviewed an update in February 2022 and expressed concerns that some 999 calls have taken over two minutes to answer and asked for further detail about a planned business case which will aim to deliver further service improvements. Members were advised that the business case would look at introducing software to help more accurately predict demand and as such support the better targeting of resources into the FCR. Members were reminded that Single Online Home has been introduced and this should help to shift demand away from the 101 service, although the Panel were also keen to highlight the difficulties of relying on this method where there is a growing ageing population. The Panel requested additional information for the next update around when many of the 101 calls are abandoned (e.g. weekends, evenings) and what the take-up level is for Single Online Home.

f) Review of the Mid-Year Budget Position for Policing and Fire and Rescue

The Panel annually takes a substantive item in the autumn looking at the mid-year budget position for both policing and the fire and rescue service. The Panel discussed the £2m of underspend expected in the policing budget, which has been driven by higher levels of police officers leaving and retiring from the service in the first half of the year, a number of unexpected staff vacancies and savings achieved through supplies and services. The Panel also highlighted the ongoing slippage in the policing capital programme, which remains an area of concern. Members requested to see a copy of the internal audit review of areas of the capital plan. The Commissioner was also asked about environmental sustainability in relation to the fleets and estates programmes. The Panel heard that the Executive Board has been considering this in terms of potential for electric vehicles, solar panels, for example.

In terms of the fire and rescue budget, Members were apprised of the significant financial challenges for the service, which is drawing on reserves to balance its plan. The pay award at 1.5% presents a challenge, with additional pressures next year from increases in utility costs, additional NI contributions and pay awards. Members discussed maintenance of the estate and were advised that while a number of properties are in need of replacement, without the budget available to invest back into the service, costs for 'patching up' these buildings will increase over time. The possibilities for greater sharing of premises between services is limited as for example there have to be fire

stations in specific locations. Members requested further information regarding collaboration opportunities for fire and rescue premises.

g) Hate crime / Misogyny / Violence Against Women and Girls (VAWG)

The Panel requests an annual update from the Commissioner regarding hate crime reporting in North Yorkshire and York and how hate crime is being tackled. At the February 2022 meeting of the Panel, Members were keen to understand what measures are put in place to decrease hate crime and also the range and spread of available reporting centres. Members heard that a hate crime awareness course can be used as a possible catalyst for behaviour change in those who have perpetrated and that a range of partnership work is also undertaken around prevention. Members also asked about the Commissioner's proposal to set up an independent hate crime scrutiny panel and whether this could form part of an existing group. Further consideration will be given around this and will be revisited by the Panel next year.

The Commissioner was also asked what is being done proactively to tackle misogynistic behaviours in both the police and fire services, following the grossly misogynistic language and behaviour among some London police officers as reported through a recent IOPC investigation. The Chief Constable and Deputy Chief Constable outlined various elements to this approach. These included the national Violence Against Women and Girls Strategy, to which North Yorkshire is aligned, and how clear standards are set around calling out inappropriate behaviour so that issues can be tackled at source before potentially developing into something worse. The Interim Chief Fire Officer also outlined the importance of the Code of Ethics for the fire service; that it is a values-driven organisation, which ensures that people have a voice at all levels and feel able to challenge.

The Panel will be returning to both of these important issues in the next year and in particular will want to review the Commissioner's strategy developed in partnership for tackling violence against women and girls.

h) Tackling drug crime

Another key area for annual update to the Panel is around reviewing the work to tackle County Lines and drug crime more broadly. Members asked about the linkages between the drug strategy and the strategy for tackling violence against women and girls. Members were also keen to understand the apparent increase in reported County Lines and linked phone numbers compared with figures given pre-pandemic. It was explained that NYP has become more effective in its response over the last few years and more resource has been dedicated to tackling drug crime. However, once one line is taken down another gets set up. NYP's understanding of trends and vulnerable individuals has, however, improved as a result of having greater resource. During the discussion with Panel Members, it was acknowledged that education and proactive working with schools is important for gaining intelligence on drugs activity. The Commissioner stressed that this issue cuts across various parts of the public sector and that she will be pushing for greater collaboration with health partners. The Panel will keep this issue under review on an annual basis.

4. Forward Plan – Key Issues for 2022/23

The Panel has a number of issues on the forward work programme for the 2022/23 municipal year, including statutory and non-statutory business such as:

- Undertake a confirmation hearing for the appointment of a substantive Chief Fire Officer (*undertaken May 2022*)

- Consider the Commissioner's consultation on the Risk and Resource Model for the fire and rescue service;
- Review and make recommendations on the Commissioner's draft Annual Reports for Policing and Fire and Rescue 2021/22;
- Review and make recommendations on the Commissioner's proposed Council Tax precept levels for 2023/24 for both policing and fire and rescue;
- Panel's review of the work undertaken and planned in response to the HMICFRS inspection of NYP's child protection arrangements;
- Mid-year budget review of policing and fire and rescue;
- Consider the issue of diversity in NYP and NYFRS and efforts to enhance this;
- Review work being undertaken and planned to tackle violence against women and girls;
- Review work being undertaken and planned to tackle hate crime;
- Review work being undertaken and planned to tackle drug crime;
- Consider how rural crime is being tackled, including wildlife crime;
- Receive an update on the Commissioner's work around criminal justice.

5. Development of the Panel

In spite of the restrictions placed on Members as a result of the Covid-19 pandemic, the Panel has continued to ensure that, where possible, informal briefings, training opportunities and development workshops can take place. Panel Members and supporting officers have been involved in the following during 2021/22:

- **Briefings on VAWG** – IDAS provided three remote briefing sessions for the Panel between February and April 2022 on the work that they do and to provide further awareness-raising around domestic abuse and sexual violence.
- **Finance Sub-Group** – the Panel continues to make use of informal opportunities to meet remotely with the Commissioner's Chief Financial Officer, prior to the precept-setting and also prior to the mid-year budget review, to gain further insight into the budget position. This group is open to all Panel Members and helps to develop lines of enquiry for Panel meetings. The Sub-Group met in October 2021 and February 2022.
- **Online induction workshop for new Panel Members** – four of the newest Members to the Panel attended an online induction session to the role, responsibilities and challenges of being a Panel Member, facilitated by Frontline Consulting, in February 2022.
- **Regional Yorkshire and Humber Panel Network** – the Panel subscribes annually to membership of a Member and officer network of Panels in Yorkshire and the Humber. Remote meetings were held in September 2021 and March 2022; with the latter meeting attended by both a co-opted independent member and the Panel's supporting officer.
- **Annual Fire and Rescue Conference 2022** – One of the Panel's Vice Chairs attended the LGA's annual Fire Conference in person in March 2022.
- **LGA Annual Panel Conference** - The Panel's supporting officer represented the Panel at the LGA's annual workshop for Police and Crime Panels (held remotely) on 13 July 2021, which included an update from the Home Office and from the National Association of Police, Fire and Crime Panels.

Further induction / familiarisation visits are planned for the Panel in 2022/23, including a visit to the Force Control Room and meetings with lead officers from the Commissioner's team.

6. Complaints handling by the Panel

The Panel has a statutory role to consider non-criminal complaints made regarding the conduct of the Commissioner.

During 2021/22:

- 348 complaints or expressions of dissatisfaction were received by the Panel specifically in relation to Commissioner Allott's comments during a radio interview in October 2021 (see section 3a), above). These were considered by the Panel at their meeting of 14 October 2021.
- 7 complaints were received by the Panel which had regard to North Yorkshire Police and as such were not recorded or considered by the Panel. These cases were re-directed to the OPFCC's Complaints and Recognition Team or other areas of NYP as appropriate.
- 1 complaint was recorded regarding the Commissioner (March 2022) but was considered by the Panel's Lead Officer to not require any further action.

Further information about the Panel's complaints handling process and complaints publications can be found at <https://nypartnerships.org.uk/pcpcomplaints>

7. Panel budget for 2021/22

As host authority, North Yorkshire County Council receives an annual grant from the Home Office to support the administration of the Panel. For the 2021/22 financial year the Home Office grant was **£64,340**. The Panel is required to report biannually to the Home Office as to how the grant has been spent, how the Panel has achieved against certain Critical Success Factors (CSFs) and how it is achieving Value for Money.

The County Council submitted a year-end return to claim the full amount of £64,340 for 2021/22.

The Panel also received **£11,338** from Hambleton District Council and City of York Council for the 2021/22 financial year, to contribute towards both administration costs and Member allowances.

For the 2021/22 financial year, NYCC has needed to absorb an estimated **£8,485** in costs for the running of the Panel (c£4,000 more than in 2020/21), in addition to the grant and income received. This is largely due to increased staffing expenditure related to handling of the exceptional level of complaints and additional support work received to Panel in October 2021, legal guidance, communications and Secretariat support around that time. The following table highlights actual spend:

Expenditure Breakdown 2021/22 financial year (£)

	84,163
--	---------------

made up of:

Support to the Panel (inc on-costs) Secretariat, Legal,
Finance, Business Support & Communications staff

61,598

Printing / Postage / Admin / Meeting costs

150

Panel Member expenses (inc training, Member allowances, expenses)	<u>22,415</u>
Total Expenditure	<u>84,163</u>
Home Office total grant 2021-22	<u>64,340</u>
Income received from City of York and HDC 2021-22	<u>11,338</u>
Total Income Received	<u>75,678</u>
Total overspend incurred by NYCC	<u>8,485</u>

8. Membership

Membership of the Panel during the 2021/22 municipal year was as follows:

Craven District Council	Cllr Richard Foster (to May 2021); Cllr Patrick Mulligan (from May 2021);
Hambleton District Council	Cllr Peter Wilkinson (Vice Chair)
Harrogate Borough Council	Cllr Mike Chambers MBE
North Yorkshire County Council	Cllr Carl Les (Chair)
Richmondshire District Council	Cllr Helen Grant
Ryedale District Council	Cllr Eric Hope (to July 2021); Cllr Lindsay Burr MBE (from July 2021)
Scarborough Borough Council	Cllr Carl Maw
Selby District Council	Cllr Tim Grogan
City of York Council	Cllr Keith Aspden (Vice Chair)
City of York Council	Cllr Ashley Mason (to May 2021); Cllr Darryl Smalley (from May 2021)
Co-opted independent member	Santokh Sidhu (to October 2021)
Co-opted independent member	Paula Stott (to October 2021)
Co-opted independent member	Fraser Forsyth (from October 2021)
Co-opted independent member	Mags Godderidge (from November 2021)
Co-opted independent member	Martin Walker (from October 2021)