

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).

Copies of all documents considered are in the Minute Book

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 5th 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.

538 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 22nd July 2021, having been printed and circulated, be taken as read and confirmed and signed by the Chairman as a correct record.

539 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.

540 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.

541 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 14th October 2021.

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.

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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