

## NORTH YORKSHIRE POLICE, FIRE AND CRIME PANEL

### Report to Selby District Council Scrutiny Committee

22 November 2018

## 2 Summary

- 2.1 In November 2012 the landscape of policing underwent its biggest change since the creation of Police Authorities in 1964. This was the creation of a post of directly elected Police and Crime Commissioner ("PCC"); someone to be elected every four years, with a mandate to direct the strategic priorities of the police force in a given area. Julia Mulligan was re-elected PCC for North Yorkshire and York in June 2016.
- 2.2 As part of these reforms, Police and Crime Panels ("Panels") were created in each force area, with the aim of maintaining an important 'check and balance' of the PCC's performance in relation to their policing and crime remit.
- 2.3 Legislative reforms in the last couple of years have begun to further develop the remit for PCCs, including around reforms to the police complaints system (see section 8) and also encouraging further collaboration between the emergency services locally. In 2017, changes to legislation placed an obligation on emergency services to collaborate. This also enabled PCCs to put forward a business case for taking on oversight of the Fire and Rescue Service, if this could demonstrate that this change in governance would bring improvements to efficiency, effectiveness, economy and be of benefit to public safety.
- 2.4 In North Yorkshire, a case was put to the Home Office by the PCC in September 2017. An independent assessment was undertaken thereafter and the Home Office subsequently approved the PCC's case in June 2018.
- 2.5 At the time of publication of this report, it is anticipated that the Statutory Instrument which will legally transfer governance of Fire and Rescue to the PCC (and as such render this role a "Police, Fire and Crime Commissioner") will be passed on 15th November 2018. Consequently, the Panel's scrutiny remit will also be extended and will become the Police, Fire and Crime Panel.
- 2.6 This report provides a flavour of the key Panel business around its policing and crime scrutiny remit over recent months, in addition to looking ahead to future responsibilities. Comments are welcomed from the Scrutiny Committee in relation to the issues reported herein, as indeed are any strategic issues you would like the Panel to take up with the PCC. Councillor Carl Les (Panel Chair) and the Secretariat Officer will be at the meeting to help answer any questions you may have.

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### **3 Introduction – Purpose of the Panel**

- 3.1 The Panel's key function is to maintain checks and balances in relation to the performance of the PCC. The governing legislation intends that this is a dual support and challenge role with regard to the PCC, although independent national reviews conducted of the first term of operation of Panels suggest that many find this dual role somewhat difficult to achieve. Essentially, once a PCC is elected, the Panel provides the key mechanism for checking the PCC's performance for the remainder of the term. It is also a key vehicle for enabling access to the public to relevant information regarding how the PCC is fulfilling the commitments made to local residents.
- 3.2 There are some specific responsibilities which the Panel has, including reviewing the PCC's precept proposals annually and considering the PCC's proposal for the appointment of a new Chief Constable; a role which was undertaken by the Panel in August of this year. The table at Appendix A highlights the key statutory responsibilities for the Panel at time of publication of this report and also its responsibilities when broadened out to take on an extended scrutiny remit in relation to fire and rescue matters.
- 3.3 The Panel can request reports from the PCC and, if it wishes, call the PCC to attend its meetings.
- 3.4 The North Yorkshire Panel comprises: one elected representative from each of the district authorities; one from the County Council and two from the City of York. In addition, two Independent "Community" Members have been appointed.
- 3.5 Each Panel has just over £66k of funding from the Home Office to support its operation. The County Council, as host authority, provides administrative and support services.
- 3.6 The North Yorkshire Panel is committed to exploring ways to develop its membership, to improve key relationships and develop its forward planning to help ensure it is operating as effectively as possible (see also Section 9).

### **4 Police and Crime Plan 2017-2021**

- 4.1 The PCC refreshed her Police and Crime Plan for North Yorkshire in April 2017, following a process of consultation with the public and other stakeholders on the kinds of priorities which should form her focus for the next four years.
- 4.2 The PCC's four priorities within the agreed Plan for 2017/21 are:

- Caring for the vulnerable – includes improving the response to the most vulnerable people in communities and developing a compassionate workforce;
- Ambitious collaboration – includes the forthcoming change in governance to enable the PCC to take on oversight of the Fire and Rescue Services (FRS);
- Reinforcing local policing – includes equipping officers with the skills and technology needed to prevent and tackle crime and reduce demand;
- Enhancing customer experience – includes improving the 101 non-emergency service and developing other ways for communities to report crime.

4.3 A key part of the Panel’s role is to scrutinise the progress made by the PCC in setting out her strategic priorities for policing through the Plan. This often takes the form of individual reports requested for the full Panel meeting, for example on improvements made to the 101 non-emergency service (see section 5), on work underway to tackle wildlife crime in the force area and on the PCC’s plans to transform the police force. In some instances, the Panel will determine that it needs to form a number of sub-groups to review issues relating to the Police and Crime Plan in more detail on a thematic basis, such as on 101, cybercrime and finance.

4.4 Scrutiny is also undertaken by the Panel around the published outcomes following inspections of the police force undertaken by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS). At the point at which the new Police and Crime Plan was in development, North Yorkshire Police (NYP) had been rated as “good” by HMICFRS across all areas. As such, a key target for the PCC with her new Plan has been to make NYP an “exemplary” force by 2021.

4.5 However, subsequent reports by HMICFRS towards the end of last year and during the spring of 2018 have made that target somewhat harder to reach. NYP was found to “require improvement” (November 2017) in the extent to which it is efficient at keeping people safe and reducing crime, and was also found to be “inadequate” in its recording of crimes (February 2018). As such the Panel has requested reports and updates from the PCC over the course of the last year to obtain reassurance of remedial actions being put in place (see also Section 7).

## **5 101 non-emergency service**

5.1 The Panel has taken a keen interest in the development of the 101 non-emergency service over the last couple of years, but has sought to more formally take an overview of the issues besetting the service in 2017 and 2018 following a number of concerns voiced by Panel Members and members of the public regarding the service’s performance. The principal concern has been around extensive waiting times resulting in call abandonment and members of the public ringing 999 as an alternative.

5.2 Some of the issues affecting the service have been national, but many have been local. The Panel has continued to request information about the improvement plans of the PCC and also set up a sub-group consisting of a couple of its Members to get briefings via the Deputy PCC on progress. Some Panel Members also visited the Force Control Room at the end of 2017 to get an insight into the workings of the centre.

5.3 Improvements implemented by the PCC have included:

- A more robust ongoing process of recruitment for officers to the control room;
- Crime recording to be taken out of the control room from June 2017 to free up call-handler time;
- A general enquiries desk will help to quickly re-route calls which aren't about crime reporting;
- A system called Queue Buster which will help with call prioritisation and call waiting.

5.4 Additionally, the PCC announced £3m of investment into the Force Control Room earlier this year, including additional accommodation, additional staff, new IT equipment and a new unit set up to help improve crime recording. The Panel scrutinised related reports on this matter in both April and May 2018. Call waiting times and abandonment rates for the 101 service have now improved on last year, but the latter were still relatively high when the Panel last reviewed this issue in May 2018. As such, this remains an area of concern for the Panel, which will continue to receive regular update reports from the PCC to be able to maintain an overview of progress.

## **6 Precept**

6.1 On 6th February 2018, the Panel considered and formally approved the PCC's proposal for the Police precept for 2018/19, which equated to an increase of £11.50 per year for a Band D property. When reviewing the formal precept proposal, the Panel took into account the requirements to satisfy the statutory requirements of setting a Council Tax Requirement and a balanced budget for 2018/19 and the precept proposal achieved this with no unfunded shortfall.

6.2 In order to give some certainty to next year's budget, the Home Office sought evidence from each force area of efficiencies and savings being made. The PCC has developed an ambitious transformational plan to re-configure the workforce within the police to make it better able to meet the changing nature of demand. This will include some savings being made across areas such as estates and ICT, along with investment (raised through the precept) into areas such as victims' services and the Force Control Room.

6.3 Although the Panel recognised the need for the proposed increase, Members expressed concern at the level of general reserves, which were felt to be low, although noted that there are separate funding streams to help deal with unforeseen external circumstances, such as major incidents. Members also challenged the savings plan for the force (£7.5m over three years) but were reassured that plans in place will make this target attainable.

6.4 The Panel has formed a Finance Working Group, consisting of a small number of members who meet two to three times a year with the PCC's Chief Financial Officer to informally review the budget position and in-year progress against savings and investment plans. This has also helped to develop the quality of scrutiny around budgetary matters at Panel meetings.

## **7 HMI reports 2017/18**

- 7.1 The Panel has continued to review the outcomes of PEEL (Police Efficiency, Effectiveness and Leadership) inspections undertaken by HMICFRS (formerly HMIC) at NYP. Having reviewed reports earlier in 2017 which rated NYP as “good” overall across all of these areas, Members expressed concerns at the 16<sup>th</sup> November 2017 Panel regarding the downgrading of NYP by HMICFRS to “requires improvement” for Police Efficiency (including Leadership). NYP was found to require improvement across four key areas including investment in ICT and the force’s understanding of service demand and how to meet that. In addition, a subsequent report by HMICFRS on Police Legitimacy noted some “areas for concern”. These included the lack of external scrutiny over stop and search powers and a lack of support for the Independent Advisory Groups (IAGs) to the police.
- 7.2 The PCC was asked to bring an update report in July 2018 on actions underway to remedy the issues identified. In relation to the Efficiency report, the PCC updated that an external partner has been appointed to look at business processes and how NYP could become more efficient. The PCC has also taken lessons learned from the County Council’s own 2020 transformation programme. Other measures have been introduced or are in progress such as bringing the NYP expenses system online and implementing a staff suggestions system on the intranet. In relation to the legitimacy outcomes, a broader piece of work has been underway to review how to ensure sustainable support is put in place for the IAGs and a Stop and Search Scrutiny Panel has been put in place to improve independent scrutiny of stop and search across the county.
- 7.3 In addition to looking at the main annual cycle of the ‘PEEL’ inspections, the Panel highlighted its concerns earlier this year regarding the recent HMICFRS report on crime recording in North Yorkshire (published February 2018), which rates NYP as “requiring improvement”. The inspection determined a recording rate by NYP of 80.1% of all crimes reported, estimating that over 9,200 crimes are not being reported each year. Most concerning was that these included violent crimes and sexual offences.
- 7.4 The Panel took a report from the PCC and the then Acting Chief Constable on this matter in April 2018. The Panel were advised of the complexity of crime recording and the work underway to enhance understanding across all areas of the force. The Panel was given reassurances that all crimes reported are recorded but it is the act of formal validation within 24 hours of an initial report being made that had failed and NYP were satisfied that victims of crime themselves were receiving appropriate support. The PCC’s recent investment in the Force Control Room has also helped to improve crime data recording processes.

## **8 Reforms to the police complaints system**

- 8.1 Legislative changes are underway which will reform the current system for handling of complaints about the police. The PCC has championed reforms to the system since her election in 2012, citing that the current system is unduly lengthy, complex and bureaucratic. The changes being put in place will legally require PCCs, as a minimum, to act as the appeal body on police complaints in place of the Chief Constable. They will also enable PCCs to take on a broader (optional) role around recording, assessing, fact checking and resolving complaints, acting as the single point of contact for a complainant.

- 8.2 The PCC is one of a small number across the country who have proposed to take on the fullest role possible around handling police complaints. The Panel reviewed the PCC's business case in the spring, which outlined plans to create a small, dedicated 'complaints and recognition' team in-house. This team will receive, record, triage and resolve certain complaints, as well as acting as the single point of contact for a complainant. The PCC will also be commissioning an independent person to deal with the appeals (to be referred to as "reviews") process, which currently sits with the Chief Constable. Certain complaints under this model would still need to be dealt with by the Professional Standards Department within the force, or the Independent Office for Police Conduct. The PCC felt the proposed changes would also enable her team to get a better understanding of trends than is possible currently and as such better scrutiny of police practice.
- 8.3 The Panel has noted its concerns that such significant changes must be communicated clearly to the wider public. It has also highlighted the potential for an increase in complaints made to the Panel as a result of the changes being implemented and potentially causing confusion. The Panel has also expressed its concern at the PCC taking on such a significant piece of work at the same time as taking on oversight of the FRS. Changes to the legislation have been delayed but it is expected that the PCC will be able to implement the full changes to the system by the spring of 2019.

## **9 Development of the Panel and its work programme**

- 9.1 In preparation for its extended scrutiny remit the Panel has worked with the LGA and with colleagues both within the County Council and FRS to seek briefings around its new responsibilities. The Panel has also made contact with other Panels to understand how they have approached the new remit. The Panel will be giving further consideration to whether it requires any changes (such as co-options) to be made to its membership, how it might approach the extended role at its meetings and identify any further training needs.
- 9.2 A key feature of the Panel's approach going forward will continue to be developing collaborative relationships with other Panels and key partners to help enhance its scrutiny role. The Panel has recently joined a Yorkshire and Humber regional Panel network which has provided a valuable forum for sharing good practice and reviewing common issues, as well as becoming a member of the newly-formed National Association of Police, Fire and Crime Panels. The Panel has also started to forge links with the Community Safety Partnerships for North Yorkshire and York.
- 9.3 Significant areas for future scrutiny will include progress against the PCC's plans to transform the police service and the PCC's review of neighbourhood policing across the force area. The financial challenges facing the FRS going forward are likely to form a key area of ongoing scrutiny.

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13<sup>th</sup> November 2018.

Background documents:

Appendix A - Functions of the Police and Crime Panel and Police, Fire and Crime Panel.



### The role of Police and Crime Panels (PCPs) and Police, Fire and Crime Panels (PFCPs)

The legal responsibilities for Police and Crime Panels (PCPs) are set out in the table below. The governing legislation makes provision to extend the scrutiny powers of PCPs to the Police, Fire and Crime Commissioner's Fire and Rescue Authority functions; where a PCC becomes a Police, Fire and Crime Commissioner (PFCC), the PCP will become a Police, Fire and Crime Panel (PFCP).

<b>PCP scrutiny of the PCC</b>	<b>PFCP scrutiny of the PFCC's FRA role</b>
Review the draft Police and Crime Plan, or a draft variation of it, and make a report or recommendations on it to the PCC.	Review the draft Fire and Rescue Plan, or a draft variation of it, and make a report or recommendations on it to the PCC-style FRA.
Review the PCC's draft Annual Report and subsequently make a report or recommendations on the report.	Hold a public meeting to question the PCC-style FRA on the fire and rescue statement, review the statement and subsequently make a report or recommendations on the statement.
Review or scrutinise any decisions or actions by the PCC in connection with their policing and crime functions, and make reports or recommendations to them regarding these functions.	Review or scrutinise any decisions or actions by the PCC-style FRA in connection with their FRA functions, and make reports or recommendations to them regarding these functions.
Scrutinise the appointment of the PCC's Chief Finance Officer, Chief Executive Officer and Deputy PCC (where applicable). The process of scrutinising this appointment is the same as for other senior PCC appointments, involving a public confirmation hearing and subsequent report and recommendation to the PCC. The PCC can accept or reject this recommendation.	Scrutinise the appointment of the PCC-style FRA's Chief Finance Officer. The process of scrutinising this appointment is the same as for other senior PCC appointments, involving a public confirmation hearing and subsequent report and recommendation to the PCC-style FRA. The PCC-style FRA can accept or reject this recommendation.
Scrutinise the proposed appointment for the Chief Constable. Legislation requires the PCC to notify the PCP of the proposed appointment, allows the PCP to hold a confirmation hearing, and gives the PCP a power of veto over the original proposed	Scrutinise the appointment of the person responsible for managing the fire and rescue service. Legislation requires the PCC-style FRA to notify the PFCP of the proposed appointment, allows the PFCP to hold a confirmation hearing, and gives the PFCP a power of veto over the original proposed appointment

Appendix A

<p>appointment. The PCC must have regard to any report and recommendation made by the PFCP.</p>	<p>from the PCC-style FRA. The PCC-style FRA must have regard to any report and recommendation made by the PFCP.</p>
<p>Scrutinise the proposed policing precept. PCPs are empowered to veto the initial precept proposal submitted by the PCC and the PCC is required to have regard to any report and recommendation made by the PCP.</p>	<p>Scrutinise the proposed fire precept. Again, the process of scrutinising the fire precept is the same as for the police precept, with PFCPs empowered to veto the original proposal and the PCC-style FRA required to have regard to any report and recommendation made by the PFCP.</p>
<p>Deal with non-criminal complaints against the PCC and Deputy PCC in relation to their conduct and pass more serious complaints to the IOPC.</p>	<p>Deal with non-criminal complaints against the PCC-style FRA and Deputy PCC in relation to their conduct and pass more serious conduct matters to the IOPC.</p>