## You are hereby summoned to a meeting of the Police and Crime Panel to be held on:-

Date:- Friday, 27 November 2015 Venue:- Town Hall, Moorgate Street, Rotherham. S60 2TH

Time:- 11.00 a.m.

## POLICE AND CRIME PANEL AGENDA

## **Questions from Members of the Public**

If any member of the public wishes to ask a question at the Panel meeting they should be submitted in writing at least 24 hours before the date of the meeting and be no more than 50 words.

They should be submitted to Dawn Mitchell, Senior Democratic Services Officer (<u>dawn.mitchell@rotherham.gov.uk</u>) 01709 822062.

## Webcasting Notice

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The webcast will be available at http://www.rotherham.public-i.tv/core/portal/home

- 1. Appointment of Chair
- 2. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
- 3. To determine any item which the Chair is of the opinion should be considered as a matter of urgency.
- 4. Apologies for Absence
- 5. Questions from Members of the Public

- 6. Minutes of the Previous Meeting held on 16th October, 2015 (Pages 1 7)
- 7. CSE Update -verbal report by the Police and Crime Commissioner
- 8. Revised Complaints Procedure (Pages 8 13) -report by Legal Adviser
- 9. Update on the Handling of Complaints (Pages 14 16)
- 10. Exclusion of the Press and Public

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and information relating to the financial affairs of particular persons).

- 11. The Funding of Hillsborough Legal Costs (Pages 17 18)
- 12. Dates of Future Meetings Friday, 15<sup>th</sup> January, 2016 11.00 a.m. (subject to change) 4<sup>th</sup> March 15<sup>th</sup> April 27<sup>th</sup> May

**CATHERINE A. PARKINSON,** Interim Director of Legal and Democratic Services.

## Membership

Barnsley Metropolitan Borough Council - Councillors Dyson and Frost,

Doncaster Metropolitan Borough Council – Councillors Jones, McGuiness and Jones

Rotherham Metropolitan Borough Council - Councillors C. Vines and Wallis

Sheffield City Council – Councillors Armstrong, Campbell, Otten and Richards

Independent Members – Mr. A. Carter and Mr. S. Chufungleung

The South Yorkshire Police and Crime Panel Website can be found at Southyorkspcp.org.uk

Agenda Item 6

#### POLICE AND CRIME PANEL Friday, 16th October, 2015

#### Present:-

Barnsley Metropolitan Borough Council Councillor R. Frost

#### **Doncaster Metropolitan Borough Council**

Councillor A. Jones Councillor C. McGuinness

## **Rotherham Metropolitan Borough Council**

Councillor C. Vines

#### **Sheffield City Council**

Councillor J. Campbell Councillor S. Mair-Richards Councillor J. Otten

#### **Co-Opted Members**

Mr. A. Carter Mr. Chufungleung

#### F17. APPOINTMENT OF CHAIR

17.1 Due to the absence of Councillor Bowler (Chair) and Councillor Wallis (Vice-Chair), nominations were sought for the position of Chair for the meeting.

17.2 It was reported that due to the long term sickness of Councillor Bowler, Councillor Sioned Mair-Richards had been appointed by Sheffield City Council as their substitute representative.

Action: (1) That Councillor J. Campbell be appointed Chair for the meeting.

(2) That the Panel's best wishes for a speedy recovery be conveyed to Councillors Bowler and Wallis – Immediate.

(Councillor Campbell in the Chair)

The Panel welcomed Councillor Mair-Richards to her first meeting of the Panel.

#### F18. QUESTIONS FROM MEMBERS OF THE PUBLIC

18.1 There were no questions from the member of the public present at the meeting.

18.2 No written questions had been received.

# F19. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH SEPTEMBER, 2015

19.1 Consideration was given to the minutes of the previous meeting of the South Yorkshire Police and Crime Panel held on 11<sup>th</sup> September, 2015.

Action: That the minutes of the previous meeting held on 11<sup>th</sup> September, 2015, be approved for signature by the Chair.

19.2 Arising from Minute No. 11.2, Deborah Fellowes, Scrutiny Manager, reported that the questioner had received a detailed response from Dr. Billings, Police and Crime Commissioner. A summary of the response was as follows:-

"The flag is the rainbow flag which has been an internationally recognised symbol of the Lesbian and Gay community since 1978. Each marked Police vehicle has been displaying a window sticker in the front of the vehicle that can be easily seen by the public for a number of years. It is hoped that by seeing this symbol being openly displayed on the vehicle that will instil confidence in member of the public to made contact and report homophobic incidents. In doing so this will enable South Yorkshire Police to ensure the appropriate support services are offered to those involved".

Arising from Minute No. 12.4 (visit to Atlas Court), it was noted that the visit would take place on either 23<sup>rd</sup> or 28<sup>th</sup> October, 2015.

Action: Deborah Fellowes to finalise arrangements and notify Panel members as soon as possible – Immediate.

Arising from Minute No. 14 (Annual Report), Councillor Vines reported that the Police and Crime Commissioner had agreed to meet residents to discuss anti-social behaviour.

## F20. RECRUITMENT OF INDEPENDENT CO-OPTEE

20.1 Deborah Fellowes, Scrutiny Manager, reported on the recruitment process that had taken place for a replacement independent co-opted member to achieve a full complement of Panel members.

20.1 The Police Reform and Social Responsibility Act 2011 required that the Panel, when co-opting members, must ensure that the co-opted members had the skills, knowledge and experience necessary for the Panel to discharge its functions effectively. The majority of candidates were strong contenders for the position but it was felt that the best candidate was Stephen Chufungleung who brought the most appropriate mix of skills and abilities to complement those of the existing Panel members.

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Action: That Mr. Stephen Chufungleung be appointed as an independent co-opted member for a term of four years commencing 16<sup>th</sup> October, 2015, until September, 2019.

Stephen was welcomed to the meeting.

## F21. CAPITAL PROGRAMME

21.1 Further to Minute No. 12.6 of the previous meeting, Dr. Billings, Police and Crime Commissioner, presented the 2015/16 Capital Programme which was approved in February, 2015, in the sum of £27.4M with further planned spending of approximately £29M from April, 2017 to March, 2020.

21.2 There were more than sixty schemes included in the Programme the management of which was delegated to the Chief Constable.

21.3 Since the original Programme was approved, there had been further additions as a result of further external funding and an assessment of the position at the end of 2014/15. The revised Capital Programme amounted to  $\pounds$ 27.5M for 2015/16.

21.4 Officers within the Force had provided forecasts of the anticipated level of spending in the current financial year. The overall forecast Capital outturn amounted to  $\pounds 24.8M$ , a forecast variation of  $\pounds 2.6M$  to the end of the year. The majority ( $\pounds 1.7M$ ) was expected to slip into the following financial year. The full detailed position was set out in Appendix A of the report submitted.

21.5 Issues arising from presentation of the report included:-

- The proposed joint provision in Maltby for both the Fire Service and the Police was the start of an excellent collaboration, saving money for both parties and making better use of the building. All was on track with no problems or issues
- The level of borrowing, compared with previous years, was much higher due to the strategy of moving away from using reserve funds and using borrowing given the current low interest rates
- Regular reports were given to the Governance and Assurance Board and a strategic monthly planning meeting both of which considered reports relating to the Capital Programme. Due to the collaboration with Humberside Police, there was a Joint Collaboration Board to bring the infrastructure together particularly around IT projects. The Chief Finance and Commissioning Officer had commissioned an internal audit review to ensure awareness of any potential for slippage given the savings proposals and plans in place. The internal audit report would be available shortly

Action: That the project Capital outturn for 2015/16 be noted.

#### POLICE AND CRIME PANEL - 16/10/15

## F22. ENGAGEMENT STRATEGY

22.1 Further to Minute No. 12.2 of the previous meeting, Dr. Billings, Police and Crime Commissioner, presented the Engagement and Communications Strategy which demonstrated how the Office of the Police and Crime Commissioner (OPCC) would engage and communicate with victims and the wider community and stakeholders.

22.2 Communication and engagement with the public and stakeholders was essential in order to understand what the priorities were and to ensure that their views were an integral part of the Police and Crime Commissioner's decision making process. It was also vital to increase public trust and confidence in policing.

22.3 There were numerous ways in which the OPCC currently engaged with the public (as set out in Section 4.3 of the Communications and Engagement Strategy) and would continually strive to seek out new ways of engaging and communicating with many different groups and sections of the community to ensure the processes were as inclusive as possible.

22.4 Throughout the Strategy, it was made clear the commitment to:-

- Be open, accessible, transparent, accountable and responsive
- Gather views and involve the community in setting police and crime priorities and commissioning services
- Inform the community of performance, how they had influenced priorities, how the OPCC held South Yorkshire Police to account and how the public could access services

22.5 A programme of engagement opportunities within the community was being established where members of the public could speak to the Police and Crime Commissioner (PCC) and members of the Engagement Team at a variety of venues. These would be promoted widely within the communities.

22.6 A section of the PCC's website was currently being developed which would provide information on all engagement activity undertaken since the PCC came into office and would then be updated on a weekly basis.

22.7 As part of the statutory duty to hold the Chief Constable to account on South Yorkshire Police's engagement activity with local communities, a full review of PACT (Partners & Communities Together) meetings had taken place. A set of recommendations had been agreed to improve the way the meetings worked and would be rebranded as "Community Safety Meetings" forging closer links with partner organisations to provide a more community-based focus. Work on this was currently ongoing with the Local Policing Teams and engagement with partners to establish the new meetings in the New Year. In those areas where PACT was working well there would be no change to the current format other than the name change; in other not successful areas the existing PACTs may be merged with other established community meetings.

22.8 Issues arising from presentation of the report included:-

- Although the list of community groups, organisations and individuals the Police and Crime Commissioner had engaged with did not specifically mention an older person's group, almost every group had retired people in attendance. However, the Commissioner would look at engineering an invitation to meetings in that sector
- The OPCC had been kept informed of the progress of the South Yorkshire Devolution Deal but no more than that; the Police did not feature in the Devolution document
- A meeting with the Fire Authority, Fire Chief Officers and the Commissioner to talk about collaboration and efficiencies had been convened prior to the Government announcement of potentially PCCs running the Fire Service and replacing Fire Authorities. The Home Office consultation ran until 23<sup>rd</sup> October

Action: That the Communication and Engagement Strategy and the Police and Crime Commissioner's commitment to engagement activity be noted.

# F23. FINANCE REPORT - OPTIONS FOR REDUNDANCY PAYMENT SCHEMES

24.1 In accordance with Minute No. 13 of the previous meeting, Dr. Billings, Police and Crime Commissioner, presented a report on the Voluntary Enhanced Redundancy Scheme together with details of the redundancy rates.

24.2 Savings and/or additional income of up to £17M had been required in order to balance the 2015/16 budget with a similar amount required for 2016/17. With the majority of the Force costs being employee costs, it was estimated that up to 300 staff posts would be lost over the said period.

24.3 Neither the Force or Commissioner had a budget for redundancy costs, therefore, in order to make the redundancy costs self-financing, the majority of the staff posts to be lost needed to be removed by July, 2015.

24.4 In line with statutory redundancy conditions, the Enhanced Voluntary Redundancy Scheme was only open to employees of the Chief Constable or Police and Crime Commissioner with 2 years' service or over (including those on Fixed Term contracts). The granting of any voluntary enhanced redundancy remained purely at the discretion of the organisation and, therefore, there was no right to severance or early retirement under the scheme.

## POLICE AND CRIME PANEL - 16/10/15

24.5 The Chief Constable and Police and Crime Commissioner had power, in law, to enhance the statutory redundancy payments of any employee who had 2 or more years relevant service.

24.6 The basis for calculation of a week's pay had been the employee's actual weekly salary without reference to the statutory maximum (£475 per week).

24.7 The number of weeks' service had been enhanced by a factor of 2 subject to a maximum of 60 week's pay.

24.8 The Force had released 25 staff on VER in 2014 and 151 in 2015 costing a total of  $\pounds$ 3.4M at an average cost of  $\pounds$ 19,359 per individual. Had the same individuals been made compulsorily redundant it would have cost  $\pounds$ 3.1M, however, additional costs would have then been incurred due to the length of time compulsory redundancies would have taken to implement. Based on the 176 individuals, compulsory redundancy would have added a further  $\pounds$ 0.9M salary costs.

24.9 The VER scheme had allowed the Force to achieve the required reductions in staffing levels relatively quickly with no legal challenges.

Issues arising from presentation of the report included:-

- Not everyone who had applied had been successful due to service requirements
- Police Officers could not be made redundant therefore the VER option had only applied to 1 part of the workforce. Service provision had to be managed properly and sensibly

Action: That the report be noted.

## F24. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 (contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime and information relating to the financial affairs of particular persons).

## F25. THE FUNDING OF HILLSBOROUGH LEGAL COSTS

23.1 Further to Minute No. 13, Dr. Billings, Police and Crime Commissioner, presented further information on the Police and Crime Commissioner's funding of legal costs relating to the Hillsborough Inquests.

23.2 The Commissioner was keen to remain neutral throughout and not comment on the inquests' process. The Coroner had issued a directive while the inquest proceedings were active for the purpose of the Contempt of Court Act 1981.

Discussion ensued on the report with a number of issues raised which Dr. Billings and the Office of the Police and Crime Commissioner responded to.

Action: That the report be noted.

Action: That the Panel be kept informed of any further developments.

## F26. DATE OF NEXT MEETING

Action: That a further meeting be held on Friday, 27<sup>th</sup> November, 2015, commencing at 11.00 a.m.

## SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	27 <sup>th</sup> November 2015
3.	Title:	Revised Complaints Procedure
4.	Officer and Organisation:	Legal Adviser, Rotherham Metropolitan Borough Council – Host Authority

## 5. Summary

To suggest revisions to the current Complaints Procedure.

## 6. Recommendations

It is recommended that the Panel:

6.1 Delegate the receipt, initial handling and recording of complaints in respect of the Police and Crime Commissioner to the Chief Executive of the Office of the Police and Crime Commissioner.

6.2 Request officers to prepare a revised Complaints Procedure and Protocol based on the changes described in this report.

## 7. Details and Proposals

The initial handling of complaints has previously been delegated by the Panel to the Monitoring Officer for the Panel, i.e. the Legal Advisor to the Panel at the host authority, Rotherham Borough Council.

Following a review of the current procedure an alternative means of operating the Complaints Procedure is proposed as set out in the flow chart at Appendix 1. This is based on the procedure adopted by Hampshire PCP amongst others, and which has been referred to in publications of the LGA as being good practice.

This revised procedure allows for a 'triage' role for the Chief Executive of the Office of the PCC (following delegation of receipt, and initial handling and recording functions of the panel to the Chief Executive of the PCC by means of this report).

The handling of such complaints is governed by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations). Regulation 7 allows the panel to delegate initial receipt of complaints to the chief executive of the office of the PCC (in their role as monitoring officer) who will then distribute the complaints to the panel, the IPCC or the chief constable (or anyone else) as appropriate. Discussions with the Office of the PCC have confirmed that they are willing to accept this delegation of functions.

In this context the perception of independence in respect of the complaints process is relevant and it should therefore be noted that members of the public may view the complaints process as not sufficiently independent where the panel has delegated certain functions to the Chief Executive of the office of the PCC in their monitoring officer role.

However, there are a number of factors which will provide reassurance on this point, and will mean that delegation to the monitoring officer of the PCC as described above would be appropriate from the panel's perspective. These are as follows:

• Regulation 13(1-3) requires cases which are actually serious and criminal in nature to be investigated by the IPCC – these must be referred. If later investigation revealed that obviously criminal matters were not referred, the chief executive would have been contravening the Regulations.

• The panel will monitor any 'triage of complaints' when this aspect of complaint handling has been delegated to check that complaints are sifted in a fair and transparent way. Further it is proposed 'triage of complaints' will be carried out in consultation with an Independent Member of this Panel.

• If a complaint is made to a PCC about their own conduct, the PCC has to inform the panel (under Regulation 9(4)). If the chief executive of the office of the PCC consults with the PCC but then does not refer complaints about the PCC to the panel, they would be contravening the PCC's duty to notify the panel under Regulation 9(4).

• The PCC or other relevant officer cannot deal with complaints about themselves – this is prohibited under Regulation 7(2).

• An additional safeguard is the ability of the IPCC to compel the panel to record and refer a particular matter if it considers it is in the public interest to do so.

• Finally, the Home Office does not consider that such a role for the chief executive of the office of the PCC represents a conflict of interest. They point out that many organisations have satisfactory procedures for dealing with complaints on an inhouse basis.

If the delegation to the Office of the PCC is approved, pursuant to the revised procedure the Chief Executive of the Office of the PCC in conjunction with an Independent Member of the PCP would consider whether the complaint is a complaint against the PCC, is a complaint for which the South Yorkshire PCP is the relevant Police and Crime Panel, is a complaint at all, or is a complaint relating to an operational matter of South Yorkshire Police (SYP) to be resolved in accordance with the complaints procedures of SYP.

• When in accordance with the proposed delegation to the Chief Executive of the Office of the PCC the decision has been made to record a complaint that will not subsequently be referred to the Independent Police Complaints Commission (the IPCC), the Chief Executive of the Office of the PCC will:

- Record the date of receipt and ensure that the complaint has been made on the appropriate Complaints Form.

- send a record of the complaint, the Complaints Form, to the complainant and to the person complained about (in the latter case, subject to any decision taken not to supply a copy of the complaint or to supply the complaint in a form which keeps anonymous the identity of the complainant or of any other person) and will include the contact details of the Panel's Complaints officer (a Complaints officer from the host authority); and

- refer the record, the Complaints Forms, and copies of all the associated paperwork, to the Panel's Complaints officer. This will be no later than two working days after the complaint has been recorded.

## **Informal Resolution**

The Panel does not have power to investigate complaints. The Regulations require that complaints are dealt with by means of informal resolution. As stated in the current complaints procedure this is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint. In terms of process, on receipt of the complaint, the Panel's complaints officer will:

- Assess the complaint to ensure that it is complete, and that it clearly identifies the alleged conduct matter

- Refer incomplete or unclear complaints back to the Chief Executive of the Office of the PCC seeking further information.

- Consider whether the complaint has been satisfactorily dealt with and if so, consulting with the complainant, to treat the complaint as withdrawn.

- convene a meeting of the Complaints Sub-Committee.,

- write to the complainant, setting out timescales and providing details about the informal resolution procedure; and giving the complainant an opportunity to make further comments in support of his/her complaint (allowing him/her two weeks to respond). Where the Panel's Complaints officer believes that the circumstances of the case are such that the Complaints Sub-Committee may decide to treat the complaint as having been resolved, he/she will ask the complainant to provide his/her representations in this regard for the Complaints Sub-Committee to take into account; and

- write to the person complained about, setting out timescales and providing details about the informal resolution procedure; and giving him/her an opportunity to make comments in response to the complaint (allowing him/her two weeks to respond).

• The Panel's complaints officer will, taking advice from the legal adviser, compile a brief report for the Complaints Sub-Committee, setting out the pertinent details of complaint, recording any failure by the person complained about to comment on the complaint and making suggestions for the next steps.

There are no formal sanctions arising from informal resolution. Ways in which complaints may be resolved include:

Any such resolution may include (for example):

- An explanatory letter being written by an officer of the Panel (or on behalf of the Complaints Sub-Committee),

- An explanatory letter being written by an officer of the OPCC,

- A suggested change to OPCC policy; or

- A request that an apology is tendered (no apology may be tendered on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology).

The outcome of complaints concluded by Informal Resolution will be reported on a quarterly basis to the Panel. Similarly the Office of the PCC will report to the Panel

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on a quarterly basis in respect of the complaints received and the way in which these have been recorded and dealt with.

## 8. Finance

None

## 9. Risks and Uncertainties

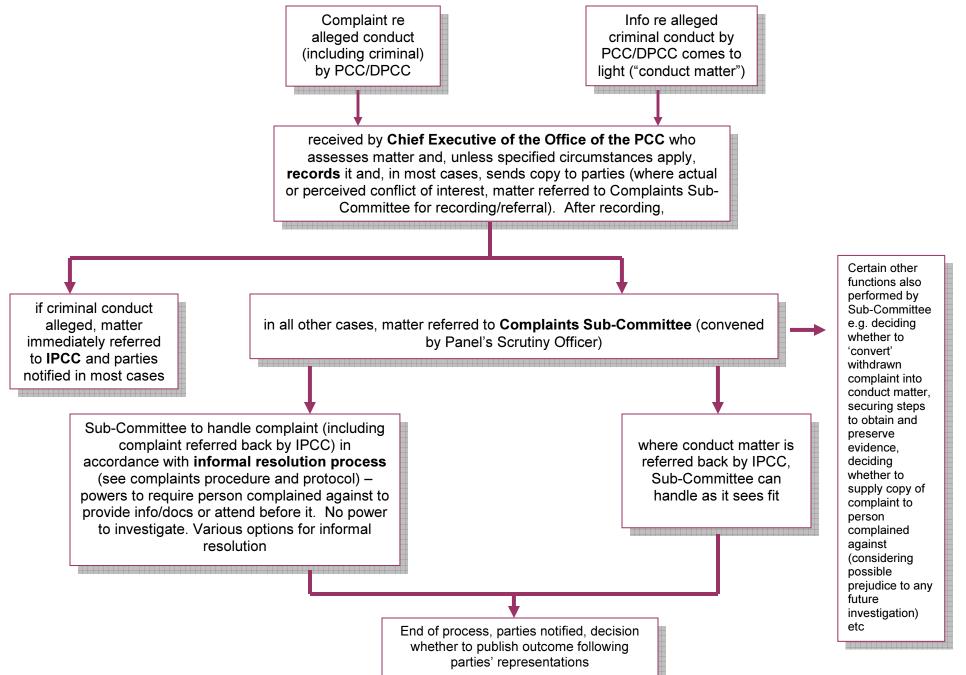
None

## **10. Background Papers and Consultation**

Files held by the Panel's Legal Adviser.

**Contact**: Stuart Fletcher, Legal Adviser South Yorkshire Police and Crime Panel Email: <u>stuart.fletcher@rotherham.gov.uk</u> Tel: 01709 823523

## **COMPLAINT HANDLING FLOWCHART**



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## SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS

1.	Meeting:	South Yorkshire Police and Crime Panel
2.	Date:	27 <sup>th</sup> November 2015
3.	Title:	Update on the handling of complaints
4.	Officer and Organisation:	Legal Adviser, Rotherham Metropolitan Borough Council – Host Authority

## 5. Summary

To update the Panel in respect of complaints made against the Commissioner.

## 6. Recommendations

That the Panel notes the complaints and the way they have been resolved.

## 7. Information and Analysis

The following complaints have been resolved:

1. A complaint was received that the Police and Crime Commissioner had used his official tax payers funded office to promote his own Religious activities and his book, by means of issuing a press release.

In response a statement from the Police and Crime Commissioner was received as follows:

"I am asked by many groups to speak about matters touching on law and order, policing, crime and the ethical use of force. I am always pleased to do so since this is one way in which I can discover the views of the public. However, on this occasion, on reflection, I believe that asking the comms team at the OPCC to release a press notice I had written to publicise a seminar I was leading on my book about the ethical use of force was not directly related to my work as PCC and inappropriate. I apologise for it."

This was an acceptable outcome to the complainant and therefore the complaint is considered resolved.

2. A complaint was received that in relation his declaration of interest form, it appeared that the Commissioner did not live anywhere in South Yorkshire or he was not declaring it.

A statement from the Police and Crime Commissioner was received as follows:

"I did not interpret the guidance notes for the Notification of Disclosable Interests in the way being suggested. However, to remove any doubt, I have made it clear on the form – to be posted on the OPCC website - that I own a flat in Sheffield jointly with my wife, and I have asked for the guidance notes to be amended to ensure clarity in future."

This was an acceptable outcome to the complainant and therefore the complaint is considered resolved.

3. Panel member, Cllr Vines has raised an issue in respect of the previous Crime Commissioner's security costs being paid for by the tax payer, which to date have not been recovered. Cllr. Vines has requested that this matter be considered by the Panel.

The Office of the PCC confirmed that information relating to the home security of the previous Police and Crime Commissioner has been published on the Police and Crime Commissioner's website in response to a number of FOI requests.

The information as stated in response to the FOI requests is as follows:

1. The total cost of installing the security measures at the home address of Mr Wright

Response - £12, 819.70 (equipment & installation)

2. The cost of the enhanced security measures Response - As question 1

3. The amount paid back for the installation of security measures at his home address by Mr Wright on leaving the PCC role.

Response - Equipment removed to the value of £6,172.00. Items remain, because it would have caused further damage to remove, therefore, not cost effective. No monies recovered.

As such the Office of the PCC confirmed that any equipment that would not cause damage to the property, if removed, was recovered on 22nd October 2014. This work has been completed at no cost to the taxpayer. The following equipment remains: component parts of the alarm system, fencing, door panel, wall mounted letter box and window locks.

There are three other complaints which are the subject of ongoing informal resolution, the conclusion of which will be reported to a subsequent meeting of the Panel.

## 8. Finance

None

## 9. Risks and Uncertainties

None

## **10. Background Papers and Consultation**

Files held by the Legal Adviser.

**Contact**: Stuart Fletcher, Legal Adviser, South Yorkshire Police and Crime Panel Email: <u>stuart.fletcher@rotherham.gov.uk</u> Tel: 01709 823523

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted