

POLICE AND CRIME PANEL
Friday, 27th November, 2015

Present:-

Barnsley Metropolitan Borough Council

Councillor M. Dyson

Councillor R. Frost

Doncaster Metropolitan Borough Council

Councillor A. Jones

Councillor G. Jones

Rotherham Metropolitan Borough Council

Councillor E. Wallis

Sheffield City Council

Councillor J. Armstrong

Councillor J. Otten

Councillor S. Richards

Co-opted Members

Mr. A. Carter

Mr. Chufungleung

Apologies for absence were received from Councillors J. Campbell (Sheffield), C. McGuinness (Doncaster) and C. Vines (Rotherham).

F27. APPOINTMENT OF CHAIR

27.1 Due to the long term absence of Councillor Bowler, nominations were sought for the position of Chair for the remainder of the 2015/16 Municipal Year.

**Action: That Councillor Sioned-Mair Richards be appointed Chair until the Annual Meeting.
Councillor Sioned-Mair Richards in the Chair**

F28. QUESTIONS FROM MEMBERS OF THE PUBLIC

28.1 A member of the public asked the following question:-

“As a layman and member of the public I have been led to believe and had the understanding that the Police Force as a whole was free from external influences with the mandate to keep the peace and maintain the law within society, therefore, free of external influences. If you accept the above in principle, can you explain why advertising on Police cars in South Yorkshire?”

28.2 Due to this question being of an operational nature, it was a matter for the Police Force and the Police Commissioner. The question will be forwarded directly to South Yorkshire Police.

28.3 A member of the press asked the following question:-

“Could you provide more explanation about why the Hillsborough costs item will be private? Which ‘individuals’ does the exempt information refer to, and why is information about them exempt when it is the subject of a public inquest, with the legal fees of senior ex-SYP officers funded by South Yorkshire tax payers and previously revealed in published spending records?”

28.4 Stuart Fletcher, Legal Adviser, reported that, following the previous Police and Crime Panel meeting, the Coroner’s Office had contacted Rotherham Council in respect of the Hillsborough inquest in relation to possible Contempt of Court issues. As a result the papers that had been before the Panel had been removed from the website immediately and it was felt, going forward, that any issues relating to Hillsborough in the future should be dealt with in the confidential section of the meeting.

28.5 A member of the public asking the following questions:-

“At your meeting on 29th June, it was reported that Professor John Drew had been commissioned to review CSE in parts of South Yorkshire not covered by the Jay and Casey reports on Rotherham.

(a) When do you expect this review to be complete and the results publicised?

The comprehensive Engagement Strategy presented at the 16th October is welcome but may take time to implement e.g. PACT meetings, soon to be Community Safety meetings, which would require involvement from other partners e.g. Council, Fire and Rescue, NHS, Local Police Teams etc. which is not obvious in some areas.

(b) Can we suggest that satisfactory progress is monitored by a Scrutiny Committee with feedback from ordinary community members?”

28.6 With regard to question (a), the Police and Crime Commissioner reported that the review had commenced in September. Following a period of scoping it would conclude in late December, 2015/early January, 2016. It would be reported to the Police and Crime Panel shortly afterwards.

28.7 With regard to question (b), the Chair reported that scrutiny of the Police and Crime Commissioner was work undertaken by the Panel and, therefore, would scrutinise the Engagement Strategy and how it was implemented. The Police and Crime Commissioner’s own Governance and Assurance Board would scrutinise the delivery of the Engagement

Strategy by the Force and Engagement Officers within the Office of the Police and Crime Commissioner. Legislation prescribed that the Police and Crime Panels were in place to scrutinise Commissioners in exercise of their statutory functions. It was, therefore, for this Police and Crime Panel to determine how it wished to perform that duty generally and specifically in relation to the progress being made to deliver the Strategy. The Commissioner was happy to provide regular updates to this Panel if it required such.

Members of the public were welcome to attend Panel meetings and ask questions. There were independent members on the Panel that reflected the community and organisations as well as Members who were Elected Members of the community.

Action: That the panel receives 6 monthly reports on the delivery of the Engagement Strategy - OPCC

F29. MINUTES OF THE PREVIOUS MEETING HELD ON 16TH OCTOBER, 2015

29.1 Consideration was given to the minutes of the previous meeting of the South Yorkshire Police and Crime Panel held on 16th October, 2015.

Action: That the minutes of the previous meeting held on 16th October, 2015, be approved for signature by the Chair.

F30. CSE UPDATE

30.1 In light of the communication from the Coroner's Court (see Minute No. 28), part of this item would be considered in the confidential part of the meeting due to possible Contempt of Court.

30.2 Dr. Alan Billings, the Police and Crime Commissioner, reported that as yet none of the Police Officers (both serving and retired) referred to the IPCC had been interviewed as yet. He had met representatives from the IPCC and urged them to speed up the process. He had been assured that additional resources would be employed. Other issues that were not directly related to the conduct of Officers but in relation to the culture of the Police Force itself had been picked up by Professor John Drew's report.

30.3 Disappointment was expressed that the interviewing of Officers had not commenced.

Action:- That a letter be sent to the IPCC expressing the Panel's disappointment with regard to the lack of progress – Immediate.

F31. REVISED COMPLAINTS PROCEDURE

31.1 Stuart Fletcher, Legal Adviser, submitted the current Complaints Procedure with suggested revisions.

31.2 The initial handling of complaints had previously been delegated by the Panel to the Monitoring Officer. However, following a review of the current procedure, an alternative means of operating the Procedure was proposed as set out in the flow chart at Appendix 1 of the report submitted. This was based on the procedure adopted by Hampshire PCP, amongst others, and which had been referred to in publications of the LGA as being good practice.

31.3 The revised procedure allowed for a 'triage' role for the Chief Executive of the OPCC following delegation of receipt and initial handling and recording functions of the Panel.

31.4 Members of the public may view the complaints process as not sufficiently independent should the proposed revisions be approved. However, there were a number of factors which would provide reassurance:-

- Regulation 13(1-3) required cases which were serious and criminal in nature to be investigated by the IPCC
- The Panel would monitor any 'triage' of complaints to check that complaints were sifted in a fair and transparent way. It was proposed that the 'triage of complaints' would be carried out in consultation with an Independent Member of the Panel
- If a complaint was made to a PCC about their own conduct, the PCC had to inform the Panel (under Regulation 9(4))
- The PCC or other relevant officer could not deal with complaints about themselves (Regulation 7(2))
- Ability of the IPCC to compel the Panel to record and refer a particular matter if it considers it to be in the public interest to do so
- Home Office did not consider that such a role for the Chief Executive of the OPCC represented a conflict of interest

31.5 If approved, the Chief Executive, in conjunction with an Independent Member of the Panel, would consider:-

- whether the complaint was a complaint against the Commissioner;
- was a complaint for which the Panel was the relevant Police and Crime Panel;
- whether it was a complaint at all or was a complaint relating to an operational matter of South Yorkshire Police to be resolved in accordance with the Force's complaints procedures.

31.6 The report included a flowchart illustrating the proposed handling of a complaint.

31.7 Discussion ensued on the proposal with the following issues raised/clarified:-

- The proposed revision to procedure was seen as a more efficient way of dealing with matters. Officers in the OPCC had the experience and knowledge of dealing with such matters rather than the current practice
- Does the handling of the complaints by the Commissioner's Office not seem to be a less transparent process than the one in operation currently? Why take the risk of being less transparent?
- In accordance with the Regulations, any issues would be referred onto the IPCC or the Panel and any deviation would be in breach of the Regulations
- The Panel had limited resources and it was felt that if the initial handling of complaints could be delegated to the OPCC the Panel's resources could be used differently. There was no suggestion whatsoever that the PCP would no longer handle complaints about the Commissioner
- The most popular mechanism across the country for handling complaints was for the initial role to be delegated to the OPCC.

31.8 Mr. Carter, Independent Member, felt that the Independent Member would play a role in the new procedure, more so than within the present process which he felt was not transparent enough and that there was a far more efficient way of dealing with complaints than currently adopted. The Panel needed to monitor/report on complaints to the Panel on a regular basis. The revised procedure should be implemented with himself and his fellow colleague undertaking to report to each Panel meeting of any complaint(s) there had been and what their involvement had been to assure the Panel that matters were being dealt with in a proper and responsible manner.

31.9 Mr. Chufungleung requested information on the following:-

- Clarity as to whether the procedure would just be applicable to the Commissioner himself or the OPCC and if not and the complaint was with regard to the OPCC, what was the procedure for those?
Yes the procedure only related to the Police and Crime Commissioner as set down in the Legislation. However, the Home Office was looking at a national Code of Conduct for Commissioners and Deputy Commissioners.

With regard to transparency, an Independent Member would sit with the Chief Executive in the early stages of the process and witness the decision making and exercise of judgement to reassure themselves and the Panel that the duty had been exercised efficiently.

- If the complaint was to be dealt with by the Panel, it appeared that the only possible outcomes would be Informal Resolution and the IPCC. Were there other complaints in between that could be potentially dealt with by other means?
The OPCC had its own internal complaints procedure, details of which were available on the website. There was a large section on informal resolution and the IPCC but there were other means, as set out in the report submitted, of the Chief Executive fulfilling the triage role.
- To go straight to the Panel's Complaints Sub-Committee may seem to be overkill particularly if something had been resolved informally. Why did it have to go to the Complaints Sub-Committee?
A matter would not be referred straight to the Sub-Committee; if it appeared that the issue could be resolved through discussion/correspondence that would be the route pursued.
- Was there an appeal process
There was no appeal in these circumstances.
- Was there a route to the Local Government Ombudsman if the procedure had been exhausted?
There was a route to the Ombudsman if a complainant was not satisfied.

Having heard the above, Councillor Otten still felt concerned with regard to the issue of transparency and opposed the proposal to revise the procedure.

Action:- (1) That the receipt, initial handling and recording of complaints in respect of the Police and Crime Commissioner be delegated to the Chief Executive of the Office of the Police and Crime Commissioner.

(2) That a revised Complaints Procedure and Protocol be prepared based on the changes set out in the report submitted.

F32. UPDATE ON THE HANDLING OF COMPLAINTS

32.1 Stuart Fletcher, Legal Adviser, presented a report on the handling of complaints received against the Police and Crime Commissioner.

32.2 The following complaints had been resolved:-

1. A complaint 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.

The Police and Crime Commissioner had issued a statement apologising for asking the OPCC's communications team to release a press notice he had written to publicise a seminar he was leading on with regard to his book.

This had been an acceptable outcome to the complainant and, therefore, the complaint was considered resolved.

2. A complaint in relation to the Police and Crime Commissioner's declaration of interest form in that it appeared that the Commissioner did not live anywhere in South Yorkshire or he was not declaring it.

The Commissioner, to remove any doubt, had now made it clear on the form that he owned a flat in Sheffield jointly with his wife. He had asked for the guidance notes to be amended to ensure clarity in the future.

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

3. Councillor C. Vines, a Police and Crime Panel member, had raised an issue in respect of the previous Crime Commissioner's security costs being paid for by the tax payer which to date had not been recovered. Councillor Vines had requested that the matter be considered by the Panel.

The OPCC had confirmed that information relating to the home security of the previous Commissioner had been published on the PCC's website in response to a number of Freedom of Information requests.

The OPCC had confirmed that any equipment that would not cause damage to the property if removed had been received on 22nd October, 2014, to the value of £6,172.00. The work had been completed at no cost to the taxpayer.

32.3 There were three other complaints which were the subject of ongoing informal resolution the conclusion of which would be reported to future Panel meetings.

Action: That the report be received and the contents noted.

F33. 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 items of business on the grounds that they involve 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).

F34. CSE UPDATE

34.1 Dr. Alan Billings, Police and Crime Commissioner, gave a brief verbal update in respect of those Police Officers being investigated in relation to child sexual exploitation.

Action:- That the report be noted.

F35. THE FUNDING OF HILLSBOROUGH LEGAL COSTS

35.1 Dr. Alan Billings, Police and Crime Commissioner, presented an update on the funding of legal costs relating to the Hillsborough Inquests.

35.2 This item was considered in the confidential part of the meeting in accordance with the Coroner's Directive.

Action: That the report be noted.

F36. DATES OF FUTURE MEETINGS

Action:- That meetings be held during the remainder of the Municipal Year as follows all commencing at 11.00 a.m.:-

15th January, 2016 (subject to change)

4th March

15th April

27th May