

POLICE AND CRIME PANEL
9th June, 2016

Present:-

Councillor Talib Hussain	Sheffield CC	(In the Chair)
Councillor Brian Cutts	Rotherham MBC	
Councillor Jackie Drayton	Sheffield CC	
Councillor Rob Frost	Barnsley MBC	
Councillor Alan Jones	Doncaster MBC	
Councillor Chris McGuinness	Doncaster MBC	
Councillor Joe Otten	Sheffield CC	
Councillor Mick Rooney	Sheffield CC	
Mr Alan Carter	Independent Co-opted Member	
Mr Steve Chufungleung	Independent Co-opted Member	

Also in attendance:-

Dr. Alan Billings	Police and Crime Commissioner for South Yorkshire
Michelle Buttery	Chief Executive & Solicitor – Office of the Police and Crime Commissioner

Apologies for absence were received from Councillors Griffin (Barnsley MBC) and Sansome (Rotherham MBC).

F1. APPOINTMENT OF CHAIR FOR THE MUNICIPAL YEAR 2016/17

Resolved:-

That Councillor Talib Hussain be appointed as Chair of the South Yorkshire Police and Crime Panel for the 2016/17 Municipal Year.

F2. APPOINTMENT OF VICE-CHAIR FOR THE MUNICIPAL YEAR 2016/17

Resolved:-

That Councillor Stuart Sansome be appointed Vice-Chair of the South Yorkshire Police and Crime Panel for the 2016/17 municipal year.

F3. TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA

The Chair confirmed that there were no items of business on the agenda which would require the exclusion of the press and public from the meeting.

F4. TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY

The Chair reported that there were no urgent items of business requiring consideration by the Panel.

F5. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Griffin (Barnsley MBC) and Sansome (Rotherham MBC).

F6. DECLARATIONS OF INTEREST

There were no declarations of interest.

F7. MINUTES OF THE PREVIOUS MEETING HELD ON 4 MARCH 2016

Resolved:-

That the minutes of the meeting of the South Yorkshire Police and Crime Panel held on 4 March 2016 be agreed as a true and correct record of the proceedings.

F8. QUESTIONS FROM MEMBERS OF THE PUBLIC

It was reported that Procedure Rule 10 (General Questions by Members of the Public at Panel Meetings) enabled members of the public to submit questions to the South Yorkshire Police and Crime Panel. The Clerk to the Panel reported that Mr Peter Thirlwall had submitted the following question:-

“Is it true that the Crime Commissioner’s Election Agent is the Partner/Husband of the previous Police and Crime Panel Chair and if so, was it detailed in his declaration of interests and it is appropriate?”

The Chair invited the Police and Crime Commissioner to comment on the question. The Commissioner indicated that the South Yorkshire Elected Local Policing Body Code of Conduct required him to notify disclosable interests in the following areas:

- Employment
- Sponsorship
- Contracts
- Land
- Licenses
- Corporate Tenancies
- Securities
- Other Interests: Membership of other organisations

He indicated that he had met that required and published his disclosable interests on the Office of the Police and Crime Commissioner website. He further explained that, as the selected Labour candidate, not in his capacity as Police and Crime Commissioner, he had formally appointed Howard Knight (husband of the former Chair of the Police and Crime Panel) as his election agent on 4 April 2016, although he asked him informally on 15 March 2016.

The Commissioner indicated that in the interests of openness and transparency, had a meeting of the Police and Crime Panel taken place after that date, he would have drawn attention to this relationship with the Police and Crime Panel's Monitoring Officer before the meeting, notwithstanding that he was not required to declare it.

In response to Mr Thirlwall's question, the Chair indicated that the former Chair of the Police and Crime Panel was no longer a Panel Member or an Elected Councillor in Sheffield and he could not comment further.

F9. QUESTIONS FROM MEMBERS OF THE PANEL

In accordance with Procedure Rule 11 (General Questions from Members of the Panel), the following questions were put with responses from the Police and Crime Commissioner:

Mr. Alan Carter, a Co-opted Independent Member of the Panel, had submitted the following question:

"My question arises from some information that I have which relates to the Government having opened bidding to a £15m fund with the intention of providing health based places of safety to stop the practice of those in mental health crisis being held in police cells. I am anxious to know if the Commissioner is concerned about current practice and is aware of this initiative. I would ask if, in the interests of the people of South Yorkshire generally, he will be actively encouraging the South Yorkshire Police to support a bid for a proportion of this funding for allocation to South Yorkshire, thereby significantly reducing the need in South Yorkshire for the use of police cells and vehicles for this purpose."

The Police and Crime Commissioner responded:

"I am aware of the £15 million fund available to provide health and community based places of safety, in order to prevent vulnerable people being held in police cells. However this funding has not come directly to Police and Crime Commissioners.

South Yorkshire Police and I fully support this initiative. A number of bids are currently being developed and discussed at the Countywide Strategic Mental Health Partnership Board and such bids have already received my full support."

Mr Alan Carter submitted a further question for the Police and Crime Commissioner:

“Does the Commissioner see any relevance in this arrangement in the NHS to addressing the not entirely dissimilar situations (of unacceptable levels of care and a culture which deters staff from raising genuine concerns) which can and do arise in the Police Service? And could he envisage the similar appointment of a National Guardian, to promote and reinforce best practice in supporting police staff (uniformed and civilian) to speak up safely through a network of Freedom to Speak Up Guardians (which, at a local Force level, conceivably might be Police and Crime Commissioners and/or their Deputies)?”

The Police and Crime Commissioner provided the following response:

“I do see the relevance of work undertaken by the NHS in relation to staff being deterred from raising genuine concerns about poor care and dangerous practices.

In January this year, the draft National Policy and Guidance about Reporting Concerns (Whistleblowing) released by the College of Policing was presented to my Independent Ethics Panel for comment prior to being rolled out in the Force. The Independent Ethics Panel has a role and there is a protocol which sets out the process Panel members should follow if they are approached by a member of South Yorkshire Police wishing to challenge or report improper behaviour.

Officers and members of police staff also report concerns directly and confidentially to my office and these are treated sensitively and seriously, usually by my Chief Executive and/or the Chair of my Independent Ethics Panel. Concerns reported to my office anonymously are also considered and any issues which need to be raised with the Chief Constable and Senior Leadership Group, and action taken, are so raised.”

Councillor Robert Frost submitted the following question:

“Could Dr Billings outline his plan for South Yorkshire Police moving forward to regain the trust of the public. Will Dr Billings lobby the Home Secretary forcefully to have any costs of an enquiry into Orgreave funded centrally? Many people in the area were not born at the time and should not suffer police cuts as a result. Other forces were also involved in policing the dispute and I believe the Tory Government at the time was complicit in decisions taken.”

In response, the Police and Crime Commissioner stated:

“Dealing first with the question about the policing of events at the Orgreave coking plant in 1984, I am currently talking to the Interim Chief Constable, the Truth and Justice Campaign and the Home Office about a way forward, particularly over the matter of making the archives held by the Force publicly available. I have, of course, said publicly many times that I support an independent review or public inquiry into Orgreave.

It is well known that policing at Orgreave was provided by a number of forces in the country and, if this is to be the subject of an enquiry this should be seen as a national issue and funded by central government. One of the lessons from Hillsborough is that the only way to establish all the facts and for justice to be done is for the Force to be fully open and to do everything possible to ensure that any enquiry is both thorough and swift.

The Interim Chief Constable and I have already requested a meeting with the Home Secretary to discuss a range of issues facing South Yorkshire Police. I am hopeful of constructive discussions; the Home Secretary has already been receptive to previous approaches I have made for funding, and supportive following recent events.

In terms of my plan for South Yorkshire Police moving forward, in order to regain the trust and confidence of the public, there are a number of strands of work that have been initiated by the Interim Chief Constable and myself:

- College of Policing Peer Support with a team currently in Force led by DCC Andy Rhodes (of Lancashire Constabulary).
- Support in Examining the Financial Position of the Force
- Exploring different approaches to issues relating to Hillsborough – potential prosecutions, misconduct proceedings and civil claims
- Exploring the best approach to Orgreave
- Support to the Office of the Police and Crime Commissioner with two projects – peer support aimed at strengthening my ‘holding to account’ arrangements, and a commissioned research project aimed at restoring public trust and confidence.

Finally, it is important to grasp the opportunity presented by the national support being made available and the arrival of a new Chief Constable to demonstrate to the public that the Force is willing to learn the lessons of recent events, especially the child sexual exploitation scandals and the Hillsborough Inquests, and to listen to victims, survivors, families and other interested groups

who can help the Force begin the fundamental culture change necessary.”

Councillor Otten submitted the following question:

“Do you and did you approve of the timing of the Acting Chief Constable’s statement on Orgreave, being the day before the Police and Crime Commissioner election, in contravention of the spirit of ‘purdah’?”

The Police and Crime Commissioner responded as follows:

“Councillor Otten is mistaken as to the date. The Interim Chief Constable made his statement on the day of the election so he did not contravene the spirit of ‘purdah’. I did not know the Interim Chief Constable was going to make his statement. However, I do agree with his sentiments. South Yorkshire Police must approach the whole matter of Orgreave with the spirit of openness and cooperation.”

Councillor Otten submitted a further question to the Police and Crime Commissioner:

“Given the Home Office guidance on the ‘legal high’ ban wherein the legality of buying whipped cream and antifreeze seems to depend on how old you are and what time of day it is, are you confident that police will be able to enforce this law in a fair and proportionate manner?”

In response, the Police and Crime Commissioner stated:

“I would expect South Yorkshire Police to enforce all laws in a fair and appropriate manner.

South Yorkshire Police has provided the following information:

“The new Psychoactive Substances Act provides a blanket ban on the production, supply and import of new psychoactive substances. The Act covers psychoactive substances which create a psychoactive effect by stimulating or depressing the person’s central nervous system, effecting their mental functioning or emotional state. It does however, contain certain exemptions which include controlled drugs, medicinal products, nicotine and tobacco products, caffeine and food (including drink).

The legislation came into effect on 26 May 2016 and has since, changed the way forces tackle the issue of psychoactive substances.

This Act is policed in a practical manner adopting a common sense approach and provides a variety of options to police forces to ensure it is enforced correctly. This includes, but is not limited to; powers to seize and destroy psychoactive substances, search persons, premises and vehicles and enter premises by warrant if necessary. There are

provisions for civil sanctions: prohibition notices and prohibition orders — to enable the police and local authorities to adopt a proportionate response to the supply of 'legal highs' in appropriate cases. South Yorkshire Police are committed to reducing the harm caused by all drugs and are working with partner agencies to ensure prevention, education and health services all play a vital role in tackling psychoactive substances.”

F10. THE 'DREW REVIEW' AND THE POLICE AND CRIME COMMISSIONER'S RESPONSE

Consideration was given to a report submitted by the Police and Crime Commissioner detailing the findings of the independent review by Professor John Drew in respect of South Yorkshire Police's response to child sexual exploitation (CSE). The Commissioner also set out his response to the review findings.

It was noted that the review had been announced in March 2015 and the following areas for review were identified:

- 1) Has the police response to safeguarding children and young people from child sexual exploitation been adequate in the past?
- 2) Has South Yorkshire Police (SYP) understood and acted on the findings of and recommendations in previous reports and inspections, in the media and during parliamentary questioning?
- 3) Is the police response to safeguarding children and young people from child sexual exploitation adequate now?

It was reported that Professor Drew's overall judgement was that the police response to safeguarding children and young people from child sexual exploitation in the past was inadequate, especially in Rotherham where he simply repeated the criticisms already made in the Jay and Casey reports. Professor Drew was satisfied that South Yorkshire Police had understood and acted both on the general direction of previous criticism and also on most of the specific recommendations of previous scrutiny activity of its performance. Furthermore, Professor Drew believed that the police response to safeguarding children and young people from child sexual exploitation was now adequate. Indeed, it was noted that some recent work undertaken by South Yorkshire Police appeared to be of high quality.

Panel Members noted the eleven recommendations from Professor Drew and the response of both the Police and Crime Commissioner and the Chief Constable to the review. The Panel welcomed the Commissioner's commitment to continuously hold South Yorkshire Police to account in delivering on the review's recommendations.

Discussions range from the need to continue rigorous scrutiny of South Yorkshire Police and local authorities to how the nature of CSE was moving from the streets to an online problem. Reference was made to the review of licensing policies in the authorities across South Yorkshire and the introduction of mandatory training on identifying CSE.

In view of the recent changes in personnel at the top of South Yorkshire Police, the Panel sought assurances that recommendation 9, in respect of a standard operating procedure for the investigation of CSE, had been progressed. The Police and Crime Commissioner indicated that the Interim Chief Constable had been tasked with reviewing this, as part of a thorough review of practices and operations at South Yorkshire Police.

In response to further questioning, the Police and Crime Commissioner explained that a lot of work was ongoing within South Yorkshire Police to raise consciousness of CSE and to improve the sharing of intelligence with other public bodies, such as local authorities.

The Panel recommended that the Police and Crime Commissioner submit reports providing updates on progress on a regular basis in respect of the implementation of the recommendations from the Drew Report.

Resolved:-

1. That the Drew Report and response of the Police and Crime Commissioner be received.
2. That the Police and Crime Commissioner be requested to provide update reports on the implementation of the recommendations arising from the Drew Report to future meetings of the Panel.

F11. THE POLICE AND CRIME COMMISSIONER'S INITIAL RESPONSE TO THE HILLSBOROUGH INQUESTS VERDICTS

The Panel agreed to defer consideration of this item until after Members had completed their induction.

Resolved:-

That the item be deferred to a future meeting.

F12. PROCEDURE TO BE FOLLOWED IN RESPECT OF THE POLICE AND CRIME COMMISSIONER'S PROPOSAL TO CALL FOR THE CHIEF CONSTABLE'S RETIREMENT OR RESIGNATION

The Panel agreed to defer consideration of this item until after Members had completed their induction.

Resolved:-

That the item be deferred to a future meeting.

F13. PROCEDURE TO BE FOLLOWED IN RESPECT OF THE APPOINTMENT OF A NEW CHIEF CONSTABLE

The Panel agreed to defer consideration of this item until after Members had completed their induction.

Resolved:-

That the item be deferred to a future meeting.

F14. COMPLAINTS CONCERNING THE CONDUCT OF THE FORMER POLICE AND CRIME COMMISSIONER

Consideration was given to a report which informed the Panel of its options in relation to the complaints received in respect of the conduct of the former Police and Crime Commissioner, in accordance with the Panel's decision at its previous meeting.

It was reported that two complaints were received in October 2015 to the effect that the previous PCC had misled in his evidence to the Home Select Committee. As it appeared that the complaint may have referred to the commission of a criminal offence, in accordance with the Panel's complaints procedure, the complaints were referred to the Independent Police and Crime Commission (IPCC). In March 2016, the IPCC referred the complaints back to the Panel on the basis that the IPCC had obtained legal advice to the effect that deliberately misleading a Select Committee was not in fact a criminal offence, but if proved would be a contempt of Parliament. As such the IPCC stated that it was not necessary for them to investigate the complaint.

The Panel's complaints procedure provided for complaints received by the Panel to be resolved through the mechanism referred to as "Informal Resolution", which 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. The method of informal resolution is left up to the individual PCP, provided that it is in accordance with the Regulations and guidance issued by the Secretary of State.

It was reported that there was little prospect of an informal resolution being successful and there was no requirement for the former PCC to engage with a sub-committee and there would be no sanctions which the Panel could impose. It was reported that an alternative option for the Panel would be to refer the complaint to Parliament, although it was noted that Parliament's powers in respect of contempt tended to be used very sparingly.

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The Panel discussed the importance of responding to the issues raised by the complainants, but noted the lack of options available in providing redress. Consequently, the Panel concluded that the complaints should be referred to the Clerk of the Home Affairs Select Committee.

Resolved:-

1. That the report be noted.
2. That the complaints in respect of the former Police and Crime Commissioner of South Yorkshire be referred to the Clerk of the Home Affairs Select Commission.

F15. POLICE AND CRIME PANEL - FUTURE WORK PROGRAMME

It was reported that a work programme planning session involving all Panel Members would be convened in due course. Panel Members requested that the work programme from the previous municipal year be circulated for information.

Resolved:-

That the position in respect of the work programme be noted.

F16. DATE AND TIME OF THE NEXT MEETING AND FUTURE MEETINGS

It was noted that the next meeting of the Police and Crime Panel would be held on Tuesday 28 June 2016 for the purposes of considering the recommendation from the Police and Crime Commissioner in respect of the appointment of a new Chief Constable of South Yorkshire Police. Members were advised that the time of the meeting would be confirmed in writing at a later date.