PRESENT: Councillor Philip Broadbank in the Chair. Councillor Margaret Atkinson, Councillor Nick Brown, Councillor Pat Marsh, Councillor Nigel Middlemass, Councillor Ann Myatt, Councillor Victoria Oldham, Councillor Norman Waller and Councillor Tom Watson.

In Attendance: Councillor Trevor Chapman

Late Arrivals: None.

Early Departures: None.

80/18 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:
Apologies for absence had been received from Councillors Bernard Bateman, Sue Lumby and John Mann.  

(5.32 pm)

81/18 – DECLARATIONS OF INTEREST:
There were no declarations of interest.  

(5.32 pm)

82/18 – MINUTES:
The Minutes of the meeting of the Commission held on 26 November 2018 were approved as a correct record and signed by the Chair.  

(Six Members voted for the motion and there were three abstentions)  

(5.33 pm)

83/18 – EXEMPT INFORMATION:
There were no exempt information items.  

(5.33 pm)

84/18 – PUBLIC ARRANGEMENTS- QUESTIONS:
There were no questions to consider under Standing Order 27.  

(5.33 pm)

CRIME AND DISORDER MATTERS

85/18 – INVITATION TO THE CHIEF CONSTABLE:
The Chair welcomed Chief Constable Lisa Winward to the meeting to provide a strategic update on policing in North Yorkshire. Also in attendance were Acting Superintendent John Wilkinson and Inspector Simon Williamson.  

Acting Superintendent John Wilkinson stated that staffing levels across North
Yorkshire Police (NYP) were good, with nine police constables joining the force in January, mainly into the Harrogate area. It was reported that the number of burglaries had increased in the year to date but an arrest made in July had seen a reduction in levels.

The issue of county lines (where drugs are taken across county borders) remained significant in the district, with two main lines into the Harrogate area. Young people were being involved and drafted to commit crimes. Operation Expedite sought to understand where threats were coming from and vulnerabilities. This also included ‘cuckooing’ whereby vulnerable people’s homes were being used for the purposes of drug dealing. This was a big challenge for NYP and they were working with partners and the Community Safety Hub to tackle the issue.

Other issues raised were:

- The level of anti-social behaviour in the Jennyfields/Hydro area had been reduced due to proactive policing.
- Fraud was an on-going significant issue for NYP, which saw vulnerable people being targeted. Police community support officers (PCSO’s) were being trained in fraud protection and were delivering talks to elderly and young people to raise awareness.
- Motor vehicle thefts were occurring, particularly tools being stolen from vehicles. On-going work to raise awareness about the importance of locking vehicles was underway as well as putting information in the press.
- Child sexual exploitation remained a major concern. Vulnerable young people deemed high risk of child sexual exploitation had an appointed point of contact. NYP regularly reviewed the trends of these types of crimes. This included a recently introduced weekly resources review meeting.
- Events management had seen uplifts in policing levels due to an increased risk of terrorism across the country. As a result of large numbers of people gathering at events such as the Great Yorkshire Show or Harrogate Town Football Club, policing levels had been increased. Each event is risk assessed to determine appropriate police levels. Also highlighted were the Christmas markets in Harrogate. The upcoming Union Cycliste Internationale (UCI) World Championships, which would see starts and finishes in Harrogate, had seen major operation planning for the past 12 months to ensure safety and business continuity during the event.
- Harrogate outer areas were seeing anti-social behaviour in Knaresborough spilling into the King James retail park. This included one commercial burglary in which the suspect had been identified.
- Other on-going work included Rural Watch and community speed watches.

The Chief Constable stated that she had been in post since August 2018 and was seeking to deliver against the police and crime plan. A number of key priorities in the plan were highlighted:

- **Financial pressures** – NYP faced financial pressures due to the requirement to make £10 million revenue savings in four to five years.
- **Caring for the vulnerable** – This meant providing specialist service, police officer support and investigation to detect and protect from further harm.
OVERVIEW AND SCRUTINY COMMISION

- **Ambitious Collaboration** – NYP working with partners through a place based approach.
- **Visibility** – This included reinforcing the front line of policing to ensure residents felt safe with a visible policing presence whilst also dealing with the impact of growing levels of fraud and crime online.
- **Customer experience** – Enhancing the customer experience included improving the service of 101/999 calls. Recent investment in the service had seen improvements but it was reported this could still go further. NYP was also exploring different means of contact for residents to ensure it was fit for the future and suited the lifestyle of residents. It also meant delivering a high standard of customer service. The Chief Constable stated that she read every letter received and replied personally.

In response to a question from Councillor Nick Brown regarding the potential for motorway services to attract crime, the Superintendent stated that motorway service areas are a safe and authorised environment for lorry drivers to use. Due to the transportation of high value goods they could also be places of potential cross border crimes. It was also stated that the motorway services in Wetherby had seen high value thefts from lorries but work was on-going with partners and the owners of the services to deter crimes. The Chief Constable stated that motorway services could be designed to deter crime in the planning process such as installing CCTV and the use of security patrols.

In response to a question from Councillor Pat Marsh around the support for parents when their children are the victims of crime particularly being groomed, the Chief Constable stated that NYP worked closely with victim support services and charities but that there was more they could do which included understanding parents experiences and how to support them. There was also work being undertaken with PCSO’s to enable them to signpost victim’s families to appropriate support agencies.

In response to a question from Councillor Pat Marsh regarding the development of the homelessness centre planned to be built in Starbeck and the impact this would have on the community, the Inspector stated that NYP was aware of the site and were having local conversations to ensure the impact on local communities was reduced. Inspector Penny Taylor had been involved in this.

In response to a further question about whether the police were consulted during the planning/design stage for sites such as homelessness centres, the Chief Constable stated that facilities of that nature would usually involve the police being consulted. Although the Chief Constable had not been consulted personally on the Starbeck site, it was stated that consultation would identify the associated risks and any potential objections based on intelligence the police held. The Director of Community from Harrogate Borough Council stated that the site in Starbeck was single person accommodation with support and not a hostel. This would be managed appropriately and conversations were on-going to determine how this would be delivered. It was confirmed that the police had been consulted and construction of the site would commence in 18 months’ time.

In response to a question from Councillor Victoria Oldham regarding the potential closure of the mental health unit in Harrogate hospital and whether the police had
been consulted, the Chief Constable stated that the Police and Crime Commissioner had been consulted. The Chief Constable had visited colleagues in mental health services and understood the strategic direction was to provide more care in the community rather than in secure beds.

Councillor Tom Watson raised concerns regarding a parked car on the highway and it was agreed that he would provide further information outside of the meeting. In response to a further question regarding the fracking site at Kirkby Misperton, the Chief Constable stated that intelligence was gathered through protest liaison officers on those involved but was not aware of the impact of this once they had gone back into their communities and it was agreed that he would provide further information outside of the meeting.

In response to a question from Councillor Trevor Chapman regarding cross border crimes, the Chief Constable stated that NYP was surrounded by areas of higher levels of crimes but that automatic number plate recognition (ANPR) was an effective tactic to monitor cars coming into the area on a daily basis which had led to arrests. NYP was working with neighbouring forces to track criminals in and out of the area. It was also stated that there was now an ANPR hub in the force control room and Councillors were invited to visit.

In response to a question from Councillor Nick Brown regarding the split between urban/rural crimes, the Chief Constable stated that the National Rural Crime survey showed an improvement in the perception of rural crimes and that work was ongoing to improve public confidence. Nationally the public confidence in rural crimes was low. The NYP transformation programme took a place based approach to increase visibility and support for people who felt isolated, including the work of the Rural Taskforce. The Superintendent stated that it was also about crime prevention and proactive work with PCSO’s such as the neighbourhood watch scheme in Boroughbridge.

In response to a question from Councillor Nick Brown regarding the number of 101 calls relating to mental health, the Chief Constable stated it could be as high as 30 – 40% of calls but this was not accurately recorded. Data had showed that there had been 50% rise in calls with a mental health element since last year. In response to a question on the impact of the potential closure of the mental health unit in Harrogate, the Superintendent stated that NYP had seen a reduction in the number of people in mental health crises in custody as this was not a suitable place and was a last resort.

In response to a question from Councillor Nigel Middlemass regarding 20 mph speed restriction zones, the Superintendent confirmed that 20 mph zones were not policed as they did not fulfil the criteria. There were however community speed watch schemes and initiatives such as campaigns around schools and local community involvement. If a complaint was received, recording boxes were put in place and data downloaded after a period of time. If the evidence suggested further enforcement then this would be undertaken. If there were still local concerns then community speed watch could be initiated that could monitor traffic speeds and issue letters and put up signs.

In regards to the effectiveness of community speed watches, the Police Inspector
stated that it was not measured, but speed watch was based on continuous challenge and a lot of it was based on perception of speeds. It was reported that less people were dying on the roads in NYP. Across North Yorkshire, there were 12 safety camera vans with four of these based in Harrogate. Recent serious injuries and deaths in Craven district had led to cameras being used in areas to prevent motorbike incidents to reduce deaths and injuries.

In response to a comment from Councillor Nick Brown regarding the perceived lack of respect in the community of PCSO’s, the Chief Constable stated this was a worrying trend and may be due to a wider issue of building resilience in communities to support PCSO’s.

The Chair thanked the Chief Constable, Acting Superintendent and Inspector for attending the meeting and providing responses to questions.

(5.38 pm – 6.47 pm)

SCRUTINY MATTERS AND REVIEW UNDERTAKEN BY THE COMMISSION

86/18 – OVERVIEW AND SCRUTINY COMMISSION FUTURE WORK PROGRAMME:
The Scrutiny, Governance and Risk Manager submitted a written report presenting the current draft Work Programme for the Commission. Members noted the current draft Work Programme.

86/18 (01) – CODE OF CONDUCT INFORMATION:
The Scrutiny, Governance and Risk Manager (SGRM) submitted a written report containing information to be considered by the Commission as a potential future item of work. The Commission had been requested to review how the council deals with Code of Conduct Complaints and as such, was requested to use the information in the report to consider if a review of the Code of Conduct should be included in the work programme.

Mr Peter Lilley, a member of the public, attended the meeting and spoke to the Commission on the potential future item of work. Mr Lilley’s comments are detailed below:

“I congratulate Mr Codman on his very thorough report. But I suspect it reveals rather more than he intended. Not least it confirms what I’ve suspected for some time; that while you councillors are bound by quite a lot of rules; it seems that officers are pretty much a law unto themselves. How jolly convenient!

Point 3.9 says: The Monitoring Officer is not generally responsible for officer conduct.
Point 3.33 says: The Monitoring Officer is not responsible for complaints against officers. So, who is?

As if this wasn’t worrying enough, you’ve also got the vagueness of the so-called “no blame culture” which I noticed Mr Codman goes into great detail about, even giving
us the benefit of a definition from the Oxford University Press. But rather similar to the Freedom of Information review he compiled, he appears to have skated over how this policy relates specifically to Harrogate Borough Council; and the fact that elected members have never discussed, let alone approved, the introduction of a no-blame culture.

Perhaps I can remind you that the no-blame culture was first talked about by Mr Sampson in the aftermath of the Council’s 4.5-year breach of the Equality Act, citing it as a reason why there should be no investigation into why he and the legal department appeared to be completely unaware of this breach for quite so long. We were assured that lessons had been learned and hence, there was no need for a full inquiry.

But have lessons really been learned? I see no evidence at all that the Council, least of all the Chief Executive, is more responsive to criticisms from members of the Public. Indeed, he’s just imposed an Unacceptable Behaviour Order on me based on what I regard as very questionable evidence and seemingly, without full consultation with the legal department. So another aspect of governance where there seems to be a certain amount of confusion and lack of consistency.

And when I ask questions of the Chief Executive or legal department, I’m invariably palmed off with selective answers. Or no answer at all. I’ve also now been banned from asking questions on certain issues (such as the Council’s funding of The Local Lotto, which still hasn’t been properly addressed.) And as we now know, there’s little point in me making a conduct complaint against any officer as, apparently, there’s no system in place for dealing with that.

It does lead me to believe that the current system of governance within the council is a bit of a shambles; that there’s some very hazy procedures; and far too much power and influence concentrated in the hands of one officer (the Head of Legal & Governance) who seems to be almost entirely unaccountable. I don’t think this is healthy and would like to suggest that as well considering a review into the handling of code of conduct complaints (against both councillors and officers) that you also look into the wider issue of governance. But then also undertake to produce the review yourself. Don’t ask the legal department to draft, manage and oversee a review into how governance is dealt with by the legal department!

There’s a lot more information I can provide you with if you’re interested; and can I remind you that there’s no reason at all why this scrutiny committee can’t actively involve members of the public. I can also see nothing in the Standing Orders which restricts outsiders from speaking for more than 5 minutes.

I think it’s really important that residents should be confident that if they have a complaint about the conduct of either a councillor or an officer that it will be investigated entirely independently; that the process is transparent; that the decision does not rest with an individual officer; and that there is a consistency about the decisions which are made.

I also believe it’s up to Harrogate Council alone to ensure that it has effective and impartial policies and procedures in place in relation to governance. Frankly, it’s a
cop-out and rather pathetic to keep directing unhappy residents to the Information Commissioners Office. The ICO also has a tendency to operate very, very slowly – which I suspect may be a reason why the Council is always so keen to recommend its services.

So please consider a review of governance; and I’m very happy to answer any questions you might have.”

In response to a question from Councillor Norman Waller, Mr Lilley confirmed he had a number of issues on-going with Information Commissioner’s Office (ICO) in response to freedom of information requests he had made to the council, one of which the ICO had asked the council to issue a fresh response and the other he was still waiting for a response from the ICO.

The SGRM stated that the report provided information on the process and procedures for code of conduct complaints against councillors and officers. It was stated that General Purposes Committee was responsible for the Code of Conduct and reviewed annually complaints made to the Local Government Ombudsman and Code of Conduct complaints against councillors. The Audit and Governance Committee was also responsible for obtaining assurance about the operation of the Code of Conduct.

The SGRM explained the governance arrangements within the council. It was stated that the council must undertake an annual review of all its governance arrangements and report the results of this in the Annual Governance Statement (AGS). A Code of Corporate Governance was agreed every year that detailed all governance arrangements within the council. A Governance Framework was also agreed that sets out how the council complies with the Framework. The review of governance arrangements was undertaken by the SGRM and uses the Framework to test the governance arrangements annually.

The review forms part of the AGS which is a statutory document. It identifies any areas to be addressed including significant governance issues for the following year. The AGS was reported with the final accounts to the Audit and Governance Committee, who consider if it was a fair reflection of the council through the work that has been undertaken by the Committee for the year. It is signed by the Chairman and the Committee then recommend approval to the Leader and Chief Executive who also sign it. The AGS was also audited by the council’s external auditors (Mazars LLP) who confirm whether it was an accurate reflection of the council.

It was stated that if the Commission wanted to review the council’s governance arrangements then it could consider the 2017/18 AGS and action plan and 2018/19 AGS once it had been signed off in July 2019.

In response to a question from Councillor Victoria Oldham regarding whether there was a standard officer code of conduct across local government, the SGRM stated that each council had its own Code of Conduct for Officers but they all would be very similar. Each council would also have policies and procedures underpinning the Code such as Grievance/Disciplinary procedures, Gifts and Hospitality, Harassment/Bullying etc.
Councillor Pat Marsh stated that there was a lack of clarity about the “no blame culture” at the council, particularly how this related to the Officer Code of Conduct. The Commission wanted to understand how Officers were responsible for their actions as both public representatives and in their job roles. Any review should aim to ensure that officers highlighted any mistakes and that lessons were learnt.

It was agreed unanimously that the Commission would undertake a review of the way the council handles Code of Conduct complaints. In particular this would include the operation of the Officer Code of Conduct and the relationship with a “no blame culture”. The scope of the review and priority of it in the work programme were to be determined.

(6.47 pm – 7.24 pm)

MATTERS HOLDING EXECUTIVE/PARTNERS TO ACCOUNT

87/18 – FORWARD PLAN OF KEY DECISIONS:
Members considered the latest Forward Plan of key decisions.

(5.33 pm – 5.38 pm)