OVERVIEW AND SCRUTINY COMMISSION
HELD ON MONDAY, 29 OCTOBER 2018
(FROM 5.30 PM – 8.06 PM)

PRESENT: Councillor Philip Broadbank in the Chair. Councillor Margaret Atkinson, Councillor Bernard Batemen, MBE, Councillor Nick Brown, Councillor Sue Lumby, Councillor John Mann, Councillor Pat Marsh, Councillor Ann Myatt, Councillor Victoria Oldham and Councillor Tom Watson.

In Attendance: Councillor Paul Haslam
Councillor Alex Raubitschek

Late Arrivals: Councillor Paul Haslam at 5.33 pm

Early Departures: Councillor John Mann at 7.47 pm
Councillor Alex Raubitschek at 7.47 pm

55/18 – APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES:
Apologies for absence had been received from Councillors Norman Waller and Nigel Middlemass. (5.33 pm)

56/18 – DECLARATIONS OF INTEREST:
There were no declarations of interest. (5.33 pm)

57/18 – MINUTES:
The Minutes of the meeting of 1 October 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)

58/18 – EXEMPT INFORMATION:
There were no exempt information items. (5.33 pm)

59/18 – PUBLIC ARRANGEMENTS- QUESTIONS:
There were no questions to consider under Standing Order 27. (5.34 pm)

CRIME AND DISORDER MATTERS

60/18 – THE POLICE AND CRIME COMMISSIONER:
The Chair welcomed Julia Mulligan, the Police and Crime Commissioner (PCC) for North Yorkshire to the meeting to provide a strategic overview of the current position of North Yorkshire Police (NYP).

The PCC provided an overview of North Yorkshire Police (NYP) and stated that it was the largest single county police force in the UK, with a budget of £158 million
and 1360 police officers (PO’s) and approximately 200 police community support officers (PCSO’s). NYP had a largely new senior management team with a recently appointed Chief Constable, Lisa Winward, which would have a greater focus on early intervention and policing in the community.

By April 2019, there were plans to increase the number of PO’s to 1400, which would be the highest since November 2012 and an increase in the numbers of PCSO’s, which would be the highest ever in place. The changing nature of crime meant that NYP was under pressure with an increasing number of domestic, fraud and high harm crimes conducted by serious and organised criminals. In Harrogate, organised criminals are operating, particularly across county lines. NYP was facing financial pressures, with an additional £10 million savings required over the next 3-4 years mainly due to a revaluation of pension schemes. An efficiency programme “Transformation 2020” was currently underway which would seek to understand where efficiencies could be made and how to deliver services differently.

In Harrogate, there were hotspots for anti-social behaviour activity and there had been a large increase (38%) in the numbers of burglary incidents. It was reported this may be due to changes in the way burglary was recorded, as previously it was split between dwelling burglaries and other burglaries and is now reported as one single crime. The most prolific offender had been recently arrested which may result in a reduction in the number of incidents. Measures had been introduced to counteract cross border crimes, such as automatic number plate recognition, as Harrogate district was surrounded by areas of higher levels of crime such as West Yorkshire. NYP faced many challenges ahead but remained the safest county in England and Wales.

NYP was also working closely with partners such as Harrogate Borough Council, and Harrogate Homeless project.

The PCC then responded to questions.

**Governance of Fire and Rescue –**

In response to a question regarding the transfer of governance of fire and rescue services to the PCC, it was stated that this would occur on 15 November 2018. The PCC was working with an ex-Chief Fire Officer to publish an independent assessment of the fire service. The budget for the police and fire would be kept entirely separate and run by different operational leaders. The police would be headed by the Chief Constable, Lisa Winward, and at present there were temporary arrangements in the fire service. There was plans to put in place a more sustainable management in the fire service, which would include the creation of a Chief Executive of both the police and fire. The back office roles would see greater collaboration, which would result in greater efficiencies and savings. Savings were required to be made to the fire service that may affect front line service in the long term, as changes to the way that pensions were calculated meant that potentially savings of 17.5% of the total budget may be required.

In response to a question from Councillor Victoria Oldham regarding the 17.5% budget reduction required, the PCC advised that this level was not concrete and she
was lobbying government to change this. Savings would be made to back office roles and by looking at delivering services more efficiently prior to any changes at front line. The issue of revaluing pension schemes was a relatively new concern and was as a result of uncertainty in the economy and the way that central government calculated contributions.

The independent assessment of the fire service was underway and due to be published on 15 November 2018. This would show the current status of the fire service and following this, any changes that were required would be put forward for public consultation, this would include staff. The consultation would detail options for delivering savings, such as a single team for delivering finances and human resources. A risk management plan was also being developed which would provide the operational blueprint to understand where risks were in communities and any changes required to manage them. It was noted that both the fire and rescue plan and the precept would be subject to public consultation. It was agreed that the Commission would be part of the consultation exercise for the fire and rescue plan.

In response to a question from Councillor Tom Watson regarding retained firefighters in Nidderdale, the PCC stated that there was a challenge to work out what response was required across the county and how this should be delivered.

Complaints –

In response to a question regarding police complaints, the PCC advised that the current system was poor. In order for a complaint to be valid, it had to be about a specific officer. The PCC was reviewing the process to provide the facility to complain about the service, this would lead to an increase in the number of complaints. Currently, around 25 complaints were received a month and took an average of 80 days to be resolved. Harrogate saw a lower than average level of complaints. There were concerns about the current system with 60% of complaints being upheld following referral to the Independent Office of Police Conduct. The review of the complaints system sought to understand why the number of complaints upheld was so high and implement any legislation changes. The new system would see all complaints being recorded centrally by a new customer service team. Concerns around Officer Conduct would go through a formal investigation process conducted by a Professional Standards Department.

In response to a question from Councillor Paul Haslam around whether there was a feedback process from complaints to facilitate lessons learnt, the PCC stated that there was an organisational learning bulletin which was circulated to all officers but there was not currently a culture of learning from feedback/complaints at NYP.

County Lines –

The PCC stated that the issue of county lines was a national threat and this had recently led to a number of arrests in Harrogate. The biggest drug issues being sold through county lines in North Yorkshire (NY) were crack and heroine. Criminals were using challenging techniques such as cuckooing and were targeting young people to sell drugs. There were 9 identified county drugs lines in NY. The issue was being targeted collaboratively with the national crime agency (NCA) and regional organised
crime units. According to the NCA, there were currently 2800 active county lines across England. In response to a question regarding the ability to reduce the level of smoking cannabis in young people, the PCC stated that NYP and partners work with young people to raise awareness of drug safety through initiatives such as the ‘Crucial Crew’ which worked with children in Year 6. There was also a youth engagement team at NYP.

**Vehicle activated signs –**

The PCC stated that NYP fully supported the use of VAS and reflected positively on recent changes introduced by NYCC that would allow parish councils to purchase VAS. It was stated that there was no net income from the use of mobile safety cameras and it actually cost NYP £300k to run a year.

**Speeding –**

The PCC stated there were four placement options of mobile safety cameras. This related to regularly used motorcycle routes, areas with high numbers of accidents, areas of community concern and areas where mobile phones were regularly being used. In NYP there were 13 vehicles used for mobile safety cameras and 448 potential placement sites. A recent report published by the PCC detailed where vans were being deployed and statistics around success rates, it was agreed this would be shared with Members of the Commission (the report is also available on the PCC’s website).

It was stated that communities were able to put forward areas where speeding was an issue and a black box would be provided to measure the average speed in the area over seven days. A decision on whether this would be a placement site for mobile safety vans would be based on this information. The PCC also referred to a number of areas where there was a successful community speed watch programme in place, such as in Pannal.

In response to a question from Councillor Bernard Bateman regarding the location of vans on the outskirts of a village, the PCC stated that vans have to be placed in an off road parking spot with long range vision and were not selected based on areas where the most revenue would be collected. It was reported that 1700 people had died on roads in England in the past year, with rural roads being the most dangerous and it was important that speeding was controlled. The penalties for speeding were determined nationally. It was stated that the policy in North Yorkshire was that speeding limits were 10% above the speed limit plus 2 miles per hour.

**Freedom of Information (FOI) –**

It was reported that FOI was being reviewed under the Transformation 2020 Programme. In 2015, NYP had responded to 70% of FOI requests within 20 working days which was below the Information Commissioners target. An action plan was put in place which had increased compliance to 85%. Due to the introduction of General Data Protection Regulations (GDPR) there had been a large increase (160%) in the number of subject access requests (SAR’s) which had increased the burden on the team dealing with FOI’s and SAR’s. This meant that performance in responding to
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FOI requests within 20 working days had decreased to 60%. The number of FOI’s received was also increasing over time. A number of initiatives were being introduced to improve performance such as nominated champions, increased transparency of the website and improved internal communications. The PCC agreed to provide the Commission with the main topics of FOI’s.

101 calls –

The PCC stated that performance in September was 48% of calls answered within 5 seconds and the average waiting time was 2 minutes. The new call back system saw call backs within 13 minutes. Call waiting times were dependent on the time of day/day of the week and staff resources had been altered to respond to the peaks and troughs in the numbers of calls. An additional £1.3 million of funding had allowed the PCC to increase the number of staff in the control room (with 56 staff currently under training) and the development of an extension to the site. Crime recording had been taken out of the control room which meant that call handlers could take more calls rather than spending time recording them. The introduction of a switchboard had allowed for calls to be directed appropriately instead of going through the control room. It was reported that there was also an increase in 101 calls across England. This may be due to 101 calls responding to wider issues such as public safety and welfare. It was also reported that there were mental health nurses in the control room to access medical records and provide support. The PCC was looking at other ways of communicating such as in Lincolnshire where there was a reporting WhatsApp group. It was agreed that Members of the Commission could visit the control room.

Mental health services –

The PCC reported concerns about the closures of section 136 suites across the county and the increasing demand on the police for mental health support. The PCC stated that she sits on the Mental Health Concordat which brings together different agencies. Recent work included the use of ambulances instead of police vehicles during mental health crises. It was agreed that the Commission would write to local Members of Parliament (MP’s) to try to influence the provision of mental health services in the district and the PCC would support this.

Annual report 2017/18 –

A number of successful initiatives were underway to improve the levels of crime in the district such as working with the community safety hub, tackling cross border crimes and specific concerns being reported at local surgeries. The PCC stated that the increase in crimes in Harrogate may be due to changes in the way crime was being recorded. This was following a report by the HM Inspectorate of Constabulary and Fire & Services (HMICFRS) which showed that crime reported in NYP was rated inadequate. As a result, the way that crimes were recorded had changed which meant that the numbers of crimes reported would increase. North Yorkshire Police was already implementing the changes and so reported crime levels were increasing. This would affect every force area once implemented.

The PCC stated that there were currently two types of statistics showing the level of
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Crimes in an area. Firstly, there was the crime survey of England and Wales which showed the levels of crimes people were saying are happening; this was showing that the level of crime had remained relatively static. The second type was police recorded crimes which showed a large increase in the levels of crime. It was noted that due to the changes in reporting crime rates would show a significant increase in April.

Rural crimes –

The PCC is the Chair of the Rural Crime Network and it was stated that satisfaction with police forces was double in urban areas compared to rural areas, which may be due to chronic under reporting of crimes in rural areas. A rural taskforce had been set up by NYP which had two principle objectives: crime prevention and education. This had led to 9000 farms being visited across the county and work undertaken to tackle rural crimes such as animal theft. This taskforce was the largest dedicated rural team in the country and was well commended.

The Chair of the Commission then thanked the PCC for her attendance at the meeting and responses to questions.

(5.34 pm – 7.47 pm)

SCRUTINY MATTERS AND REVIEWS UNDERTAKEN BY THE COMMISSION

61/18 – 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.

The Chair welcomed Mr Peter Lilley to the meeting, who addressed the Commission to request an item be added to the future work programme. Mr Lilley comments are detailed below:

"I want to suggest an item of future work for this committee to consider.

It concerns the way the Council’s legal and governance department deals with complaints against both councillors and council officers.

In my view the system isn’t working effectively and that far too much power is held by one individual, namely the Head of Legal & Governance/Monitoring Officer.

We’re told that the Monitoring Officer is entirely independent and impartial and not fully accountable to anyone (which in itself I find worrying.) Yet at the same time there would appear to be a conflict of interest as the Council’s management structure shows the Monitoring Officer reporting to both the Director of Corporate Affairs & the Chief Executive. So how does the Monitoring Officer ensure she deals entirely impartially with any complaints involving either of these two officers? It’s a similar situation with the Leader of the Council. How can the Monitoring Officer take an entirely impartial view in relation to any complaint against his conduct when she is,
effectively accountable to him (as indeed, all council officers are.)

At present the only person the Monitoring Officer appears to consult in relation to complaints is the oddly-named Independent Person who some councillors may not even be aware of. But he has no power to overrule the Monitoring Officer’s decisions; and his advice is not available to the complainant - who can only communicate with him via text message.

There also seems to be a lack of consistency with the Monitoring Officer choosing to refer some complaints to a standards hearing (where a decision would be made by a panel of councillors) but choosing not to do so in other cases. And when she decides to take no further action, she is under no obligation to inform other councillors of the nature of the complaint; or explain clearly why she’s decided not to proceed.

Wouldn’t it be so much more open, transparent and fully accountable if ALL complaints were heard by a panel comprising both councillors and legal officers? Finally, what about complaints against council officers? What procedures are in place to ensure that officers who behave improperly, such as providing misleading information to the public, are required to account for themselves and potentially face disciplinary proceedings? At present, this again, seems to be entirely at the discretion of the Monitoring Officer.

Will this committee agree to consider the whole area of complaint handling in your future work programme; and in particular the role played by the Head of Legal & Governance in assessing and deciding upon complaints?

* It was agreed that the Commission would seek further information about the issues raised before any decision is made to include this item in the future work programme.

"Councillor Victoria Oldham sought clarification about the ‘no blame culture’ at the council’ during the discussion about complaint handling within the council’.

Amended by the Overview and Scrutiny Commission on 12 November 2018

(7.47 pm – 8.04 pm)

MATTERS HOLDING EXECUTIVE/PARTNERS TO ACCOUNT

62/18 – FORWARD PLAN OF KEY DECISIONS:
Members considered the latest Forward Plan of key decisions.

(8.04 pm – 8.06 pm)