

POLICE AND CRIME PANEL
Friday 28 October 2016

Present:-**Barnsley MBC**

Councillor R. Frost

Councillor D. Griffin

Doncaster MBC

Councillor C. McGuinness

Rotherham MBC

Councillor B. Cutts

Councillor S. Sansome

Sheffield CC

Councillor J. Drayton

Councillor T. Hussain (in the Chair)

Councillor J. Otten

Councillor M. Rooney

Co-opted Members

Mr. A. Carter

Mr. S. Chu

Apologies for absence were received from Councillor G. Jones (Reserve Member – Doncaster MBC)

F20. DECLARATIONS OF INTEREST

There were no declarations of interest.

F21. TO CONSIDER WHETHER THE PRESS AND PUBLIC SHOULD BE EXCLUDED FROM THE MEETING DURING CONSIDERATION OF ANY PART OF THE AGENDA.

The Chair indicated that there were no items for consideration on the agenda that would require the exclusion of the press and public from the meeting.

F22. TO DETERMINE ANY ITEM WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY.

The Chair indicated that there were no items requiring the urgent consideration of the Panel.

F23. QUESTIONS FROM MEMBERS OF THE PUBLIC

The Panel received the following question from Mr. P. Thirlwall:

“Is it true that the Police and Crime Commissioner has appointed the ex-chair of the Police and Crime Panel as his Deputy and if so does the Panel believe this is acceptable?”

The Panel provided the following response to the question:

The PCC has announced the appointment of an Assistant PCC this week who is Sioned Mair-Richards, the former Chair of the Police and Crime Panel. This appointment is not subject to the statutory provision for a confirmation hearing by the Police and Crime Panel and it is therefore a matter for the Police and Crime Commissioner to make any appointment he sees fit. The Panel would however have welcomed the opportunity to engage the PCC prior to this recruitment process to understand the background to the establishment of the position.

As a supplementary question, Mr Thirlwall queried whether the Panel considered the appointment of the Assistant Police and Crime Commissioner to be acceptable.

In response, it was explained that another item on the agenda in respect of the Police and Crime Commissioner’s ‘State of the Nation’ report may provide an opportunity for Panel Members to indicate their views in respect of the appointment.

F24. 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:

Councillor Joe Otten put the following question:

“What costs have been incurred as a result of the decisions to suspend and then remove the chief constable: a) salaries of replacement/interim/acting chief constables, b) recruitment costs c) legal, d) other?”

The Police and Crime Commissioner responded to indicate that the following costs had been incurred:

- Salaries of Interim Chief Constables: The costs amount to £78k.
- Recruitment costs of Interim Chief: These are nil.
- Legal costs: The costs incurred by the PCC amount to £43k although the final position is still to be determined.
- Other costs: Nil

As a supplementary question, Councillor Otten queried whether the Commissioner considered the costs to be proportionate given the imminent retirement of the Chief Constable.

In response, the Police and Crime Commissioner indicated that the process in respect of the Chief Constable had been long and drawn out, which went some way to explain the costs incurred, but considered them to be totally proportionate. He added that it would be appropriate to make representations to government in respect of the process following the conclusion of proceedings.

Councillor Otten asked another question:

“Did you approve the reported £144,000 spend on an IMSI catcher - i.e. a spoof cellphone mast which enables mass surveillance of cellphones within the geographic reach of the device?”

In response, the Police and Crime Commissioner explained that this was a matter that concerned operational policing. The guidance from the National Police Chiefs' Council (NPCC) was to neither confirm or deny any use of any covert activity as it would serve to undermine its operational use. In respect of operational necessity and NPCC guidance, the Commissioner was therefore unable to confirm or deny the approval or purchase of such technology.

Councillor Otten asked a further question:

“Are you satisfied that there is sufficient judicial oversight of the use of an IMSI catcher to ensure that the reasonable expectation of privacy of innocent citizens is not infringed?”

In response, the Commissioner indicated that he was satisfied that the relevant judicial oversight, provided by the Office of the Surveillance Commissioners (OSC), was sufficiently intrusive and robust to ensure the conduct of any relevant police operations is fully in compliance with all legal requirements, including Human Rights Act 1998, and was conducted with the highest standards of professionalism and integrity. He explained that the OSC was led by the 'Chief Surveillance Commissioner' Lord Judge with the assistance of 8 Surveillance Commissioners, who were appointed by the Prime Minister, report their independent inspection of all authorising public bodies annually. The Commissioner took satisfaction that over the last three years South Yorkshire Police had received an outstanding grading in the inspection of this area of policing.

Councillor Otten asked a further question:

“What operational safeguards are in place to ensure that the calls, data and texts of unintended targets of surveillance are not inadvertently or capriciously intercepted?”

In response, the Commissioner indicated that he must correct the implication in the question that the technology referred to involved interception of personal communications between individuals, which was misconceived and inaccurate. It was his understanding that, where such technology was deployed operationally, there was no interception of communications involved. With regard to safeguards, he was reassured that any deployment of such covert technology, where it existed, was subject to independent consideration of the relevant Force Authorising Officer (Detective Superintendent) and authorisation by the Chief Constable under the Regulation of Investigatory Powers Act 2000 and Police Act 1997. Such covert tactics could not be undertaken by the Police, without the official 'Notification' of a Surveillance Commissioner (OSC) approving the legality and compliance with all relevant aspects of the Human Rights Act 1998. Additionally, the Commissioner indicated that the OSC could rescind and quash such an authority if it was not satisfied that such proposed activity was necessary, proportionate and had sufficient regard to the risk of collateral intrusion. Finally, any such deployment was frequently reviewed to ensure it remained necessary and proportionate to the legitimate aim.

As a supplementary question, Councillor Otten queried how the safeguards did justice to the extreme power available to the police through such technology. In response, the Commissioner reiterated that the technology was a tool to assist the police in extremely sensitive and serious matters and that his original answer had set out what the safeguards were in respect of the operation of the technology by South Yorkshire Police. He again confirmed that he was satisfied by the safeguards in place.

F25. MINUTES OF THE PREVIOUS MEETINGS HELD ON 9 JUNE AND 8 JULY 2016

Resolved:-

That, subject to the inclusion of the supplementary questions raised by Councillor Otten at the meeting on 9 June 2016, the minutes of the previous meetings held on 9 June and 8 July 2016 be approved as a true and correct record of the proceedings.

F26. POLICE AND CRIME COMMISSIONER - 'STATE OF THE NATION'

Consideration was given to the Police and Crime Commissioner's 'State of the Nation' Briefing, which was circulated at the meeting and set out a number of key areas of activity and development for South Yorkshire Police.

The Commissioner reported that public concerns around the performance of South Yorkshire Police's call handling service were raised at most public engagement events and feature in much of the correspondence that he received. It was noted that South Yorkshire Police, in collaboration with Humberside Police, were implementing a new contact management information system, which would replace outdated technology by the summer of 2017 and bring about improvements in the call handling service. It was reported that the force would engage with the public and stakeholders to help design the new contact management service.

With regard to neighbourhood policing, the Commissioner reported that the Interim Chief Constable had made it clear that the re-introduction of the model would be at the centre of the future policing offer. This would not involve reinstating the old safer neighbourhood model, but would be a model which considered the police role in neighbourhood delivery and built upon partnerships, was affordable and fit for the future. Again, it was noted that consultation and communication with the public would be at the heart of the approach, along with the views of staff across the force.

It was noted that the Home Secretary had not made a decision in respect of calls for a public inquiry into the 'Battle of Orgreave', but a decision was expected by the end of October 2016.

The Commissioner further reported that the College of Policing was conducting a review of South Yorkshire Police against the recommendations made in the Jay, Casey and Drew reviews. It was noted that Professor Drew had also been asked to work with the College of Policing to quality assure the process and ensure engagement with partners was taking place.

Two updates were provided by the Commissioner in respect of Operation Clover. It was reported that four men and one woman had been jailed for over 102 years on 26 February for the child sexual exploitation (CSE) of 15 girls in Rotherham, whilst another woman received an 18 month sentence, suspended for two years. It was further reported that eight men had been found guilty of CSE offences committed in Rotherham.

Reference was made to the appointment of an Assistant Police and Crime Commissioner on a fixed-term contract, which will end two months after the existing Police and Crime Commissioner's term of office comes to an end. It was noted that the preferred candidate had been appointed on a part time contract following a full recruitment and selection process. It was reported that the main focus of the Assistant Police and Crime Commissioner would be to:

- Develop and lead a project to attain a baseline of public trust and confidence in South Yorkshire Police, which will involve the commissioning of an independent organisation to carry out the work and project manage the process

- Ensure public engagement and consultation forms part of the Force's service design of the new local policing model (neighbourhood policing) and the contact management system (101)
- Assist the Police and Crime Commissioner with his diary commitments and represent him and his views at various public and partner meetings across the county and to bring back public concerns and comments to the attention of the Commissioner and the Engagement Team, and
- Work with local policing teams to ensure that opportunities for engaging communities are maximised.

It was reported that Chief Constable David Crompton's resignation was received on 29 September 2016 following the Commissioner's call for his resignation under the Section 38 process of the Police Reform and Social Responsibility Act 2011. It was noted that Mr Crompton had applied for permission to judicially review the Commissioner's decision in the High Court and a decision to grant permission would be made follow the Commissioner's response.

Finally, the Commissioner reported that Mr Stephen Watson had commenced as Interim Chief Constable on 25 July 2016 and had begun to build his senior leadership group, having appointed a new Assistant Chief Constable, Mr Mark Roberts from Cheshire Constabulary. It was also reported that work was being undertaken to develop a new Strategic Delivery Plan which would involve key senior managers in the Force and would involve wider consultation with the workforce, the public and partners.

The Panel queried whether the change of Chief Constable had been the origin of the change in the neighbourhood policing approach. In response, the Commissioner indicated that he had been presented with concerns across the Force area and he had challenged this with the former Chief Constable. The Peer Review in the spring of 2016 had confirmed the position and the new Chief Constable. The public would be involved in developing the new neighbourhood approach through the Assistant Police and Crime Commissioner. It was recognised that there was an urgent need to prioritise the development of a new model and there would be a need for local authorities and other bodies to be involved in that conversation.

With regard to the appointment of the Assistant Police and Crime Commissioner, the Panel were keen to understand the logic behind the appointment of an Assistant, rather than a Deputy Police and Crime Commissioner. Reference was also made to the Assistant Police and Crime Commissioner's previous role as Chair of the Police and Crime Panel until May 2016 and the potential conflict of interest that presented. In response, the Commissioner confirmed that he did not want another elected representative, but rather someone to undertake work with a range of experiences in the context of a politically restricted role. The Commissioner explained that the post holder's previous experience as Chair of the Panel would be helpful.

Reflecting on the recruitment process for the Assistant Police and Crime Commissioner, the Panel identified that it would be beneficial to develop a strong working relationship and understanding between itself and the Office of the Police and Crime Commissioner in order to be a more effective "critical friend" and contribute to the improvement of policing and community safety across South Yorkshire.

Resolved:-

That officers from the host authority for the South Yorkshire Police and Crime Panel and the Office of the Police and Crime Commissioner prepare a joint Memorandum of Understanding detailing the governance relationship between the Panel and the Commissioner and setting out working protocols to enable closer working.

F27. POLICE AND CRIME COMMISSIONER'S ANNUAL REPORT

Consideration was given to the Police and Crime Commissioner's Annual Report, summarising the work of the Commissioner from 1 April 2015 to 31 March 2016. It was noted that the report was submitted in accordance with the provisions of the Police Reform and Social Responsibility Act 2011 which requires a Police and Crime Commissioner to produce a report on the exercise of his functions in each financial year and the progress which has been made during that year in meeting the police and crime objectives in the Police and Crime Plan.

In presenting his annual report, the Commissioner indicated that a significant amount of time had to be devoted to the legacy issues of child sexual exploitation and the Hillsborough Inquests. The Commissioner also referenced the Peer Review of the force, which took place just after the end of the year summarised within the report, and whilst the outcome of the review was a frank and hard-hitting report, it did provide the incoming Chief Constable with a clear understanding of the issues requiring attention within South Yorkshire Police.

The Panel welcomed the opportunity to review the Commissioner's annual report and began their review by querying the governance arrangements established by the Police and Crime Commissioner and whether there was any cross over between the various panels and the Police and Crime Panel. The Commissioner agreed to bring a report to a future meeting setting out his governance arrangements and membership of various panels.

Reference was also made to cultural issues and the morale of the workforce of South Yorkshire Police and sought to understand how the Commissioner would work with the Chief Constable to establish improvements. In response, the Commissioner referred to the Peer Review's finding of a lack of strategic leadership being a critical issue and that the review process had sought the views of individuals across the force.

The Panel queried whether the Commissioner intended to retain the same priorities as part of the refresh of the Police and Crime Plan. In response, the Commissioner indicated that the existing priorities would likely remain, but the actions underpinning those priorities would change to accord with circumstances on the ground.

Looking ahead to the future, the Panel sought clarification in respect of funding for legacy issues and whether the Commissioner anticipated continued government funding to deal with such matters. In response, the Commissioner explained that those issues that were specific to South Yorkshire Police, such as child sexual exploitation, would likely need to be funded directly from South Yorkshire, but those legacy issues which were connected to wider national issues, such as Hillsborough or if there were to be an inquiry in the events of the 'Battle of Orgreave', may receive government funding.

In addition, questions were asked in respect of the funding of legal costs and a drive towards a collaborative approach to the delivery of emergency services or sharing of services with other force areas. In response, the Commissioner indicated that it was his role to have oversight of the spending on legal costs funded by his office and that it was his intention to continue the development of collaborative approaches with other emergency services and other police force areas to secure effective and efficient services.

Discussions moved on to the impact of protests in Rotherham, in particular, and the specific negative effect on businesses and footfall in the town centre when protest marches took place. The Commissioner referred to the balance that needed to be struck between discouraging such protests and enabling groups to exercise their right to protest. Following the Commissioner's response, Councillor Cutts indicated that he had attended every protest march in Rotherham and had not encountered any issue and was not aware of any business that had been negatively impacted by protests in the town. He further stated he did not

consider that the protests would require a police presence and a requested that the Commissioner provide him with a list of businesses that had been effected by protest marches in Rotherham, which the Commissioner agreed to do. Other Panel Members stated their disagreement with the comments made by Councillor Cutts, as did the Police and Crime Commissioner.

Resolved:-

1. That the Police and Crime Commissioner's Annual Report be noted.
2. That the Police and Crime Commissioner be advised that the Panel endorses his Annual Report.
3. That the Police and Crime Commissioner be congratulated on his achievements during a turbulent year and, in particular, for this leadership in coordinating a force area wide partnership approach to child sexual exploitation with local authorities.

F28. PROGRESS WITH THE PEER REVIEW

Consideration was given to a report submitted by the Police and Crime Commissioner which provided a progress update in respect of actions arising from the Peer Review of South Yorkshire Police.

It was reported that the review had found that there had been "inconsistent strategic direction from the Chief Officer Team" and decision making had been isolated, staff had not been listened and action had not always been taken on agreed plans. It was further reported that financial and operational planning had not been linked and there had been an underinvestment in key areas and there had been a disturbing move away from an effective neighbourhood policing model. The review made a number of recommendations in respect of initially stabilising the force and the transforming it over a three-year period.

The report detailed the progress that had been made since May 2016:

- Support was being provided by Kent and Lancashire police around demand management and analysis
- Work was ongoing to develop a new Strategic Delivery Plan involving key senior managers in the force and wider consultation with the workforce, the public and partners
- A review of HR Shared Services was imminent
- Recruitment of an Assistant Police and Crime Commissioner to co-lead, with the Force, a project aimed at rebuilding public trust and confidence
- The Durham staff survey had been launched to canvas the views of the workforce to underpin the fundamental change required.

The Panel sought assurances that the processes and learning from the support provided by the College of Policing would become embedded within the culture of the force to enable continuous improvement. In response, the Commissioner indicated that he expected the Peer Review approach to become standardised nationally and referred to the benefits of the approach when compared to the focused inspections by Her Majesty's Inspectorate of Constabulary.

The Commissioner committed to provide Councillor Cutts with copies of the reports in respect of protests in Rotherham following a further question on the subject.

The Panel welcomed the high level overview of the progress that had been made since May 2016, but requested that the Commissioner present a more detailed action plan, setting out timescales for completing specific activities and indicating who would be responsible and accountable for ensuring actions were delivered. The Panel also requested sight of the project scope in respect of the public engagement work to be co-lead by the Assistant Police and Crime Commissioner.

Resolved:-

1. That the report be noted.
2. That a future report be submitted to the Panel by the Police and Crime Commissioner detailing the action plan for the implementation of the recommendations arising from the Peer Review of South Yorkshire Police.
3. That a future report be submitted to the Panel detailing the project scope for the work to be co-lead by the Assistant Police and Crime Commissioner in respect of rebuilding public trust and confidence.

F29. UPDATE ON THE OPERATION OF THE COMPLAINTS PROCEDURE

Consideration was given to a report which provided an update in respect of the number of complaints received and the handling of complaints in accordance with the Panel's rules of procedure.

It was reported that the two complaints in respect of the former Police and Crime Commissioner had been referred by the Panel to the Clerk to the Home Affairs Select Committee had been received and assurances had been received that the Select Committee would give extremely serious consideration to the complaints. It was noted that the outcome of the Committee's consideration would be reported back to a future meeting of the Panel.

It was also reported that a complainant had written to the Police and Crime Commissioner after being dissatisfied with how South Yorkshire Police had handled his complaint. The Independent Police Complaints Commission had upheld the decision of the force, but the complainant wrote to the Commissioner to further complain. Whilst not having responsibility for staff or the operational matters of the force, the Commissioner wrote to the complainant to indicate that there was nothing he could do to assist in the matter. The complainant was dissatisfied with this response and submitted a complaint. The Panel noted that a review was to be carried out by the Office of the Police and Crime Commissioner as to whether the correct policies and procedures had been followed.

Resolved:-

That the action taken in respect of the complaints be noted.

F30. JUDICIAL REVIEW PROCEEDINGS - VERBAL UPDATE

The Panel received a verbal update from the Legal Advisor in respect of the judicial review proceedings arising from the Section 38 process instigated by the Police and Crime Commissioner in respect of the former Chief Constable.

Resolved:-

That the update be noted.

F31. WORK PROGRAMME 2016-17

The Panel gave consideration to an update in respect of the development of a work programme for the remainder of the 2016/17 municipal year. Those members who had attended the National Conference for Police and Crime Panels earlier in October 2016 referred to the approaches of other areas which could be incorporated into the practice of the Panel. It was noted that a separate session for work planning would be arranged to take place during November 2016 to inform future activity.

Resolved:-

That the update be noted.