

SOUTH YORKSHIRE POLICE AND CRIME PANEL

**OFFICES OF THE SOUTH YORKSHIRE JOINT AUTHORITIES, 18 REGENT STREET,
BARNSELY, S70 2HG**

28 APRIL 2017

PRESENT: Councillor S Sansome (Chair)

Councillors: B Cutts (Rotherham MBC), J Drayton (Sheffield City Council), D Griffin (Barnsley MBC), J Healy (Doncaster MBC), C McGuinness (Doncaster MBC), M Rooney (Sheffield City Council) and J Otten (Sheffield City Council)

Independent Co-opted Members: Mr A Carter and Mr S Chufungleung

Dr A Billings (South Yorkshire Police and Crime Commissioner), M Buttery (Chief Executive), S Parkin and F Topliss (Office of the South Yorkshire Police and Crime Commissioner)

Chief Constable S Watson (South Yorkshire Police)

Officers: D Cutting, A Frosdick, M McCarthy, L Noble and M McCoolle (Barnsley MBC)

Apologies for absence were received from Councillor T Hussain, Councillor R Frost, Councillor G Jones and E Redfearn

1 APOLOGIES FOR ABSENCE

Councillor Sansome wished to send condolences, on behalf of the Panel, to Councillor Hussain, following a recent family bereavement.

Councillor Sansome thanked Chief Constable Watson for taking the time out of his busy schedule to attend today's meeting, on an informal rather than a scrutiny basis.

2 NEIGHBOURHOOD POLICING MODEL

Chief Constable Watson provided the Panel with a verbal update on the emerging proposals around neighbourhood policing. The Panel noted the following pertinent points:-

- South Yorkshire Police was determined to resurrect a neighbourhood policing function, to meet the public's needs and expectations, with a new model to be enforced as soon as possible.
- South Yorkshire Police would make improvements to the way it engaged with the public.
- It was envisaged that every neighbourhood would have a dedicated policing team consisting of PCSO's, PC's, Sergeants and Inspectors to work in conjunction with partners in order to tackle crime and anti-social behaviour, together with engagement and communication with the public.
- Detailed analysis had been undertaken during the first phase of the development model, to understand the demand across the areas which had traditionally taken a basic form.
- An initial public consultation had commenced, led by Chief Constable Watson who had recently attended public sessions in Mexborough, Hexthorpe and Maltby. He would also attend Rotherham Town Hall on 2 May, Burngreave in Sheffield on 3 May, Bramall Lane in Sheffield on 9 May, Penistone Grammar School on 11 May and Oxford Street in Barnsley on 17 May. Councillors were invited to attend the public sessions. The sessions would include the interactive means of trailing the broad definition of neighbourhood policing and the emerging promises. The survey trialled with the public would be replicated through the 30,000 people that followed South Yorkshire Police through social media.
- Emphasis would be placed on working in partnership with other agencies to problem solve, to protect voluntary people through early intervention and prevention, to proactively understand and prevent crime, and to identify offenders and those people most at risk of harm.
- Notwithstanding that there would be a fully developed model, District Commanders had been instructed where neighbourhood policing teams would be reinstated, and a basic footprint of neighbourhood policing could start to be re-established.
- Work was underway with the four local authorities on the emerging proposals around the vulnerable, locality management and anti-social behaviour task force teams.
- The 'Police Now' Initiative was a national scheme, designed to attract high quality graduates. South Yorkshire Police had recruited 13 individuals who were currently undertaking training in London specifically to work in locations with partners to problem solve and would join the Force on 11 September. Following a week's induction session they would move out to their specific areas on 18 September:- Mexborough, Kendray, Page Hall, Balby, East Wood, Goldthorpe, Edlington, Parsons Cross, Sheffield city centre, Doncaster town centre and Dinnington. After a period of 2 years the individuals would be permitted to continue with a policing career or become ambassadors for the Force. A post implementation review would be carried out in the New Year.

Councillor Sansome thanked Chief Constable Watson for his update, but expressed concern that there had been no consultation with elected Members across the four local authorities. In appreciating the principles of the role of the Panel to scrutinise, he requested that Members be permitted to address a number of questions to Chief Constable Watson.

RESOLVED – That:-

- (i) Members noted the update.
- (ii) Chief Constable Watson be invited to the Panel in September to provide an update on the neighbourhood policing model.
- (iii) The Panel be provided with printed copies of the Neighbourhood Policing Model.

3 URGENT ITEMS

None.

4 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

6 MINUTES OF THE PREVIOUS MEETING HELD ON 24 FEBRUARY 2017

Councillor Cutts requested that Members be provided with the draft Panel minutes as soon as possible after the meetings; he also requested that agendas be sent to his home address.

A Carter stated Members had not yet been provided with the details of those organisations that had been unsuccessful in their bids or requests for funding.

The Police and Crime Commissioner (PCC) highlighted that the process had moved to a rolling programme over the past year, with grants provided on a monthly basis. A review of the whole year would be undertaken and the information would be provided to Members.

RESOLVED – That the minutes of the Police and Crime Panel held on 24 February 2017 be agreed and signed by the Chair as a correct record.

7 QUESTIONS FROM POLICE AND CRIME PANEL MEMBERS TO THE POLICE AND CRIME COMMISSIONER

In accordance with Procedure Rule 11 (General Questions from Members of the Panel), the following questions had been submitted together with the responses from the PCC:-

Question from Alan Carter

My question is asked in the interests of the better understanding of the Panel Members of the extent (in such general terms as may be disclosed and discussed)

to which the South Yorkshire Police has entered into formal and legally binding agreements, either voluntarily or at the instigation of the Home Office and for overriding reasons of cost-effectiveness and service efficiency, concerning the organisation and discharge of specific aspects of its operational and administrative functions in collaborative, consortia and/or otherwise co-operative intent with other Police Forces, both regionally and nationally.

And, as a supplementary question - in the opinion of the Commissioner, are such agreements (a) invariably made with his full knowledge and approval and, if so, is he sufficiently persuaded that they are then ultimately publicly accountable, suitably time-limited and reviewed on a regular basis and (b) is he satisfied that these arrangements in the main deliver meaningful benefits and demonstrable ongoing financial efficiencies to the public purse without unnecessarily compromising the continuing and future independent status of the South Yorkshire Police?

Response

There has been no government mandate for police force collaboration since force mergers were proposed in 2005, and then the proposal was withdrawn by the then Home Secretary in 2006.

However, for reasons of effectiveness and efficiency, collaboration between police forces is highly developed in South Yorkshire as part of the Yorkshire and the Humber regional collaboration (i.e. North Yorkshire, West Yorkshire, Humberside and South Yorkshire police). Collaborative functions across these four forces include Procurement, Underwater Search and Scientific Support Services, where capacity and capability has been improved and efficiencies achieved through economies of scale.

Collaboration is also being advanced around Specialist Capabilities in the seven forces in the North East region (i.e. Northumbria, Cleveland, Durham, North, West and South Yorkshire and Humberside). 'Specialist Capabilities' include areas like Roads Policing, Major Investigations, Surveillance, Technical Support Units and Armed Policing.

South Yorkshire Police, then, has bilateral collaboration agreements with Humberside Police to deliver significant savings for the forces, primarily by streamlining support services – e.g. there is now shared Human Resources and Information Systems departments. Further collaboration has occurred to differing degrees in Fleet, Estates and Finance.

PCCs and chief constables are required by law to be parties to any collaboration agreement, and have to be persuaded of the benefits of collaboration for their area when business cases for collaboration come forward. I set out at the end of this answer, the main legal provisions and statutory guidance relevant to your question.

If a collaboration agreement is put in place, the agreement includes clauses covering termination of the arrangements, review of arrangements, and the regular reporting of performance and finance information for each collaborative area of business. It is a legal requirement to publish collaboration agreements, and these appear as supporting information to decisions on the PCC's website.

The 7-force, 4-force and two-force collaborative models in which South Yorkshire Police is involved each has a governance structure overseen by a governance meeting comprising the PCCs and chief constables for each area. PCCs and chief constables receive the business cases and performance and financial reports outlined above.

I regularly discuss with the Chief Constable the collaboration arrangements in place and any emerging proposals for future collaboration. We are keen to ensure that any decisions we make at governance meetings, continue to benefit South Yorkshire's communities. Where this is judged not to be the case, the Chief Constable and I can terminate, and have terminated, ongoing collaborative activity or developing plans to collaborate.

I hope that this provides Panel members with sufficient information to assure them on this topic, but I can provide more detailed information if required.

The legal framework

Sections 22A, 23 and 23A of the Police Act 1996 (amended and expanded by the Policing and Crime Act 2009 and the Police Reform and Social Responsibility Act 2011) provide for joint working between police forces and/or policing bodies (PCCs) and/or other parties where, in the opinion of the Chief Constable or PCC, the collaboration delivers greater efficiency or effectiveness to at least one of the participating forces or PCCs. Sections 22A to 23I of the Police Act 1996 set out the provisions under which collaboration agreements may be made by police forces and PCCs.

In 2012, the Home Office published "Statutory Guidance for Police Collaboration" to assist chief constables and PCCs when considering and implementing collaborative working as a means to achieving more efficient and effective delivery of policing services.

Section 22A and Section 23A of the Police Act 1996 (as amended) enables two or more PCCs to make a collaboration agreement about the provision of support for any of those PCCs and/or for any of the police forces which they maintain. Support includes the provision of premises, equipment, staff and facilities. A PCC may enter into a collaboration agreement only if he/she considers that the agreement is in the interests of the efficiency and effectiveness of one or more PCCs or police forces, and only after consulting with the chief constable of the police force maintained by the PCC.

Similarly, Section 22A and Section 23 of the Police Act 1996 (as amended) enable chief constables of two or more police forces to make a collaboration agreement about the discharge of functions by officers and staff of any of their forces in the interests of efficiency and effectiveness. Functions comprise all and any of the powers and duties of police forces. A chief constable may enter into a collaboration agreement only with the approval of the PCC responsible for maintaining the chief constable's force.

Where a collaboration agreement includes a provision about the discharge of functions by employees who are under the direction and control of a chief constable, the collaboration agreement may only be made with the approval of that chief constable.

Supplementary Question from Alan Carter

I wish to thank the Commissioner for his very full and informative response to my question about South Yorkshire Police's involvement in collaboration arrangements with neighbouring Forces. I am pleased to say that I (and I trust my fellow Panel members) are now better informed about the extent to which these arrangements are in place and the legal framework which facilitates the various agreements.

I have noted that the Commissioner has said that he can provide more information if required.

In order to take him up on that offer I feel that I should say that my question to him today arose primarily from a long-held concern that I have that it may only be a matter of time before the possibility of Force amalgamations and mergers re-emerges. The continuing existence of the 42 individual Forces in England and Wales may be seen by some as now being somewhat archaic, given the situation which has arisen in recent times in both Scotland and Northern Ireland where, in each case, one Force covers each of the entire geographical areas.

The Commissioner says that "the Chief Constable and I can terminate, and have terminated, ongoing collective activity or developing plans to collaborate". So - if possible, I would be very interested to be advised of relevant examples, please.

And to continue....

There have been fairly inconclusive observations made at previous meetings of this Panel in the light of recent calls by some commentators for South Yorkshire Police to be merged with neighbouring Forces.

There is even a reference within this morning's papers about closer working between the Police and the Fire and Rescue Services. Indeed, the Commissioner has informed us at a previous meeting that he is now serving in membership of the South Yorkshire Fire Authority.

In my view, something of a halfway house appears to be developing somewhat piecemeal around shared resources, both sub-regionally, regionally and nationally. I understand that this growing practice may, of course, be completely logical and acceptable, especially given the various safeguards that the Commissioner has outlined in his response.

My ongoing concerns, however, relate to the future relationship between the well documented desire to return to a neighbourhood policing pattern in South Yorkshire and how compatible that may prove to be when many aspects of the service are discharged by collaborative arrangements.

And finally - as a supplementary question, I asked (amongst other things) about the public accountability of collaborative arrangements. I feel that, in response, this part of my question was not dealt with quite so thoroughly. The underlying concern that still troubles me is the feeling of some unease when I ponder the question of whether or not in the longer term the emergence of collaborative agreements compromise the continuing and future independent status of the South Yorkshire Police.

I wonder if the Commissioner would be prepared to comment further on this aspect?

Response

The PCC referred to the different collaboration agreements and arrangements in place at different levels with numerous partners, involving various policing areas. It had been agreed, following the appointment of the new Police and Crime Commissioner at Humberside, to review the South Yorkshire Police and Humberside Police collaboration partnership; neighbourhood policing did not form part of the collaboration. There could be the potential to collaborate with West Yorkshire Police; the PCC would provide further information.

The PCC advised that there was no appetite for police mergers across the country. He suggested it would be key for A Carter to be provided with details of who South Yorkshire Police collaborated with and on what basis.

Questions from Councillor Joe Otten

- a) Do you concur with or deny the written answer by Councillor Iqbal at the Sheffield City Council meeting of 5th April that vehicles were towed on 17 November on Rustlings Road for tree works using police powers relating to vehicles causing an obstruction?
- b) Do you believe that a legally and properly parked vehicle constitutes an obstruction purely on the grounds that some other road user wishes to use that space for some other purpose?
- c) Do you agree that such a wide interpretation of 'obstruction' as this would effectively render a power that is intended by statute to be a limited one, as unlimited, and that no parked vehicle anywhere would be safe as a result?
- d) Having seen the video at <http://bit.ly/rustlingdogs> will you retract your previous comments regarding the presence of dog vans at the Rustlings Road tree operation?

Response

- a) The Police did not remove any vehicles from Rustlings Road on the 17 November and police powers were not utilised to remove any vehicle. However, Sheffield City Council had obtained a road closure order for Rustlings Road and contracted the Mansfield group to undertake the removal of any vehicle that was obstructing their tree felling activity.

- b) If this question also relates to Rustlings Road, the previous answer stands. The PCC considered that it would make more sense if Councillor Otten took up this matter with Sheffield City Council.
- c) South Yorkshire Police were not involved in the removal of cars, so your question is better directed at Sheffield City Council.
- d) The PCC had been assured (again) by South Yorkshire Police that no dogs or dog handlers were assigned to the incidents on Rustlings Road or utilised by them.

Supplementary Questions from Councillor Joe Otten

What view does the PCC have to a possibility of a prosecution under the Theft Act 1968 Section 12(1) of taking a vehicle without the owner's consent, and is it something that should it be considered or is it not in the public interest to prosecute council officers over what may indeed just be a mistake? Didn't we ought to be clear that council officers are being let off, rather than that no crimes had been committed?

He accepted that the video at <http://bit.ly/rustlingdogs> was not particularly clear but that it did appear to show a police dog van, although he accepted that no dogs were visible in the video. He sought clarity from the PCC that it did not appear to be a police dog van on Rustling Road on the occasion of the tree operation.

Response

The PCC stated that this was an operational matter for South Yorkshire Police, who had assured him that they had not removed vehicles using police powers on that day.

The PCC confirmed that he had seen the video. He would have to take Councillor Otten's word that the video was taken on the day in question, as part of the Rustlings Road operation. South Yorkshire Police had assured him that no police dogs had been used or assigned on that day; he would speak to them again to ascertain whether a police dog van had been at that location. The police dog van had certainly not been used to deploy police dogs, although it could have been used as a means of transport for a police officer.

Councillor Sansome commented that Members had noted the omission of public questions from the agenda. Removing the agenda item prior to the discussion was pre-emptive and an administrative error, for which he apologised. Bearing that in mind and taking into account the amount of emails that the issue had created, and the fact that three members of the public and one member of the press were in attendance, he was prepared to permit them to ask one question to the PCC, provided it was not in relation to the Rules of Procedure and public questions, which would be debated as part of the agenda.

8 COMPLAINTS PANEL

Councillor Sansome informed the Panel that, following meetings with the PCC, the Panel's support officer and the Member pre-meeting held today, that membership of the Complaints Panel would consist of A Carter, S Chufungleung, Councillor Hussain as a third party Member and himself as a substitute Member, to receive the complaints concerning the PCC.

RESOLVED – That Members noted the position.

9 PROPOSED MEMORANDUM OF UNDERSTANDING BETWEEN THE POLICE & CRIME PANEL AND THE POLICE & CRIME COMMISSIONER FOR SOUTH YORKSHIRE

A report was submitted to introduce a proposed Memorandum of Understanding (MOU) between the Police and Crime Panel and the PCC for South Yorkshire that had been prepared at the request of the Panel Members to provide a framework for managing the relationship between the two bodies.

L Noble gave thanks to James McLaughlin at RMBC, for his assistance in the production of the MOU and the Rules of Procedure. An agreement was in place for the MOU to be kept under review and the amendments submitted to the Panel had been consulted upon with the OPCC; a number of minor amendments would be made to the wording and terminology of the MOU to reflect the positive and proactive partnership working with the OPCC. The MOU provided sound rules of engagement between the Panel and the OPCC, which would be extremely useful for new Members undertaking the induction process.

Councillor McGuinness referred to the fact that the Panel had delegated its function with regard to complaints to the Chief Executive of the OPCC. He suggested that all complaints should be considered by the Complaints Panel who would determine, alongside the Chief Executive of the OPCC, the complaints to be presented to the Panel. The Chief Executive confirmed that this had only ever been regarded as an interim arrangement and was pleased to note this new procedure.

Councillor Otten highlighted that part of the motivation in drawing up the MOU had been to clarify the dispute between the Panel and the PCC, to enable the Panel to scrutinise the relationship of the PCC with South Yorkshire Police, to which he considered that this had not been clearly addressed within the MOU. The PCC said it was more a matter of mutual frustration as to what each wanted of the other than a 'dispute'.

Councillor Rooney felt the term 'dispute' was perhaps a little negative. He felt the MOU provided a basis on which the Panel and PCC would work together, but was not a document that would be followed to the letter. He hoped that Panel Members and the PCC could work together positively without the need of an MOU but it provided a useful reference.

RESOLVED – That:-

- i) The Panel considered and commented upon the proposed Memorandum of Understanding.
- ii) The Memorandum of Understanding be amended and a draft copy be circulated onto the Panel Members.
- iii) All complaints to be considered by the Complaints Panel who would determine, alongside the Chief Executive of the OPCC, the complaints to be presented to the Panel.
- iv) Due regard be given to the comments of the Police and Crime Commissioner for South Yorkshire.

10 PROPOSED AMENDMENTS TO THE RULES OF PROCEDURE

A report was submitted to seek the views of and approval by Members to update the Panel's Rules of Procedure in respect of public questions, access to information and the introduction of a provision to manage the relationship with Crime and Disorder Scrutiny Committees (Community Safety Partnerships) in constituent local authorities.

Councillor Drayton proposed that procedure rule 10 (General Questions by Members of the Public at Panel Meetings) remained within the Panel's Rules of Procedure, and that the questions be split between those addressed to the PCC and the Panel, whether written if possible or verbally at the meeting. She also suggested the inclusion of verbal questions from Panel Members within the written questions from Panel Members to the PCC agenda item, but to recognise that a written response would be provided in the event that an immediate response was unavailable, and would be included the minutes of the next Panel meeting.

All Members voted in favour of the proposals.

A Carter suggested that notices of the forthcoming Panel meetings should be displayed at the district council offices, to ensure that members of the public were made aware that the meetings were open to the public for observation and comment.

M McCarthy stated that the procedure rule 10 (General Questions by Members of the Public at Panel Meetings) paragraph within the Rules of Procedure would be re-drafted and circulated to Members of the Panel and the OPCC.

Mr Kewley sought clarification on the process of public questions addressed to the Panel. He suggested that both the public questions and responses should be included within the Panel's minutes, to ensure that they were available within the public domain.

M McCarthy accepted Mr Kewley's comments. Inclusion of public questions / responses on the Panel's website would be considered, as well as the process for submitting public questions.

M Buttery suggested that from, an administration point of view, it would be appreciated in supporting the PCC, that written public questions be provided prior to Panel Meetings, to allow the information to be provided at the meetings and to avoid disappointment.

RESOLVED – That:-

- i) The report be noted.
- ii) The procedure rule 10 (General Questions by Members of the Public at Panel Meetings) be retained within the Panel's Rules of Procedure, and that the questions be split between those addressed to the PCC and the Panel, whether written if possible or verbally at the meeting.
- iii) The inclusion of verbal questions from Panel Members within the agenda item for written questions from Panel Members to the PCC, but to recognise that a written response would be provided in the event that an immediate response was unavailable.
- iv) That, having regard to the example of other Police and Crime Panels across England and Wales and the existing arrangements at the Public Accountability Board, consideration be given to the value of including a provision for the public to submit and put questions to the PCC at meetings of the Police and Crime Panel.
- v) That, subject to consideration of recommendation 2.4 above, the Chair and Vice-Chair consult the PCC on the future of public questions to the PCC at Panel Meetings and report back to the next meeting.
- vi) That the Panel adopt the Access to Information Rules of the host authority (Barnsley Metropolitan Borough Council).
- vii) That all reference to Rotherham MBC and any officers of that authority detailed within the Rules of Procedure be removed and replaced with the detail of the new host authority of the Police and Crime Panel.
- viii) That the Rules of Procedure be amended to include reference to the relationship with Crime and Disorder Scrutiny Committees (Community Safety Partnerships), as detailed within paragraph 7.3 of the report.

11 DATE AND TIME OF THE NEXT MEETING

The Panel noted that the next Police Accountability Board would be held on Tuesday 6 June at South Yorkshire Police Headquarters, Carbrook House, Carbrook, Sheffield, commencing at 10.00 am.

Members would liaise through the Chair, to determine whether the date of the next Panel meeting (2nd June 2017) should be rescheduled, due to the General Election on 8 June.

RESOLVED – That subject to the above, the next meeting of the Police and Crime Panel be held at 11.00 am on Friday 2 June 2017 at the offices of the South Yorkshire Joint Authorities, 18 Regent Street, Barnsley.

CHAIR