

CUMBRIA POLICE AND CRIME PANEL

Minutes of a Meeting of the Cumbria Police and Crime Panel held on Monday, 15 October 2018 at 11.30 am at Large Conference Room, Barrow Police Station, Andrews Way, Barrow-in-Furness, LA14 2UE.

PRESENT:

Mr W McEwan (Cumbria County Council) (Chair)

Mr RK Bingham, Cumbria County Council
Mrs J Cooke, Independent Co-opted Member
Miss HJ Fearon, Cumbria County Council (Vice-Chair)
Mr KR Hamilton, Barrow Borough Council
Mr P Kendall, Allerdale Borough Council
Mr J Mallinson, Cumbria County Council
Mr P McSweeney, South Lakeland District Council
Mr G Sunderland, Copeland Borough Council
Miss L Vance, Independent Co-opted Member

Also in Attendance:-

Mr H Cox	-	Policy and Scrutiny Officer
Mr T Gale	-	Senior Policy and Scrutiny Project Officer
Mrs L Harker	-	Senior Democratic Services Officer
Mr R Marshall	-	Joint Chief Finance Officer, Office of the Police and Crime Commissioner
Mr P McCall	-	Police and Crime Commissioner (PCC)
Mrs G Shearer	-	Head of Communications and Business Services - Office of the Police and Crime Commissioner
Mr B Spencer	-	Solicitor
Ms V Stafford	-	Chief Executive, Office of the Police and Crime Commissioner

PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

15 APOLOGIES FOR ABSENCE

An apology for absence was received from Mr J Lynch.

Members were informed that Ms J Ellis-Williams was no longer the Carlisle City Council representative on the Panel and would be replaced in due course.

16 DECLARATIONS OF INTEREST

Mr P McSweeney declared a personal interest in agenda item 7 – Lessons Learned (minute 21 refers) as his son-in-law was employed as a Detective Chief Inspector at another Force in the country and had delivered training to Cumbria Police officers.

17 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the press and public be not excluded from the meeting for any items of business on this occasion.

18 PUBLIC PARTICIPATION

There were no items of public participation to be considered at this meeting.

19 MINUTES

RESOLVED, that the minutes of the meeting held on 24 July 2018 be confirmed as a correct record and signed by the Chair.

20 JOINT AUDIT AND STANDARDS COMMITTEE ANNUAL REPORT 2017/18

(Fiona Daley, Chair of the Joint Audit and Standards Committee attended for this item of business).

The Panel received the 2017/18 Annual Report of the Joint Audit and Standards Committee (JASC).

Members were informed that during the course of the 2017/18 financial year, Committee members had considered over 82 reports covering matters of governance including 14 internal audit reviews and the Commissioner and Chief Constable's Statement of Accounts. It was explained that the work included undertaking a substantive review of key elements of the governance framework, challenging and monitoring the approach to risk management, making key recommendations regarding its improvement and scrutinising the effectiveness of arrangements to

secure value for money. In addition it was noted that the Committee had contributed to the assurance arrangements following the introduction of the Joint Chief Finance Officer, making a number of recommendations to ensure a robust approach to assessing the ongoing effectiveness of the arrangement.

The review of the Committee's work for 2017/18 had concluded that the Committee met the CIPFA criteria for being highly effective. It was explained that in previous years the review highlighted scope for improvement in one area within the Committee's core functions and this was in the area of promoting reporting and accountability. Members were informed that measures were put in place for 2017/18 to enable the Committee to consider the draft statement of accounts before they were audited to enhance performance in this area.

Members noted that for 2018/19 the Committee had prepared an action plan to help ensure that its work was proactive in focusing on new and emerging issues of governance. It was highlighted that steps would be undertaken to explore ways to strengthen partnership working with the Cumbria Police and Crime Panel and the Ethics and Integrity Panel and to support and monitor the Cumbria Police and Crime Commissioner and Constabulary plans to address the more stringent funding environment.

Members of the Panel welcomed strengthening a partnership with the Committee. It was explained it was the intention of the Cumbria Police and Crime Panel to produce their own annual report in future and would welcome the opportunity for the Chair of the Panel to present this to the JASC. The Chair of the Committee welcomed this and extended an invitation to the Panel to attend any future meetings.

The opportunity for the Chair of the Panel, Chair of JASC and the Police and Crime Commissioner to work in partnership in the future was also suggested. This was welcomed by the Chair of JASC and the Commissioner in principle acknowledging that a further detailed discussion would need to take place in conjunction with the Chief Constable.

Members requested further information on mapping of accountability relationships be made available in future.

RESOLVED, that the plan be noted.

21 LESSONS LEARNED

The Panel received a report from the Office of the Police & Crime Commissioner which presented the actions taken by the Commissioner to gain assurance that Cumbria Constabulary had made sufficient progress in safeguarding vulnerable people, following the Independent Police Complaints Commission (IPCC) investigation into the death of Poppi Worthington in December 2012.

Members were informed of the Accountability Framework noting that fortnightly meetings were scheduled between the Commissioner and Chief Constable to discuss current issues and demands on the Constabulary, and allowed a more detailed scrutiny of areas for improvement. It was also explained that monthly meetings took place between senior managers from both the OPCC and Constabulary to enable both organisations to work collaboratively.

The Panel noted that the Constabulary had established a Business Improvement Unit to support senior managers to deliver the HMICFRS recommendations and other business improvement actions (including Operation Lavender and Ad Esse) through internal inspection and/or audit. It was explained that all actions were incorporated into a 'Big 6' Business Improvement Plan with regular updates provided to the OPCC through its agreed accountability framework.

Members were informed of the actions taken and noted that over the last six years, the Constabulary had undertaken an enormous amount of work and had made a number of improvements to ensure that mistakes in complex crime investigations, such as the death of a child, mitigated the risk of this happening again. It was explained that the Commissioner had received regular updates which had provided reassurance that significant progress had been made. The Panel noted the actions taken focused on:-

- The deliver of a comprehensive training programme to all officers.
- The supervision of complex investigations.
- A review of processes and procedures.
- Improved partnership working.

The Panel welcomed the actions taken and requested more information in the future on how they were affecting the whole Force.

Members welcomed the recent PEEL: Police Effectiveness 2017 Inspection, published in March 2018, which had graded the Constabulary as 'Good'. It was noted that the inspection had included an assessment of the Constabulary's capability to undertake complex crime investigations effectively, stating "**Cumbria Constabulary investigates**

crimes involving vulnerable victims to a good standard". It also stated "Cumbria Constabulary is good at keeping people safe...HMICFRS is pleased to see improvements in how the Constabulary protects vulnerable people."

A discussion took place regarding county lines and members were informed that a substantial amount of partnership working was being undertaken to deal with social issues to try and solve the bigger problems which were a consequence of those issues. Whilst it was acknowledged there were drug problems in the county it was highlighted that they were not on the same scale as other parts of the country but emphasised there was no complacency around the issues.

RESOLVED, that the report be noted.

22 POLICE AND CRIME PLAN - MONITORING OF OBJECTIVE 3: TACKLE CRIME AND ANTI-SOCIAL BEHAVIOUR AND OBJECTIVE 5: ALWAYS PUT VICTIMS FIRST

The Panel received a report from the Office of the Police & Crime Commissioner which provided a high level performance summary against the Police and Crime Plan objectives and a specific thematic update against Objectives 3 'Tackle Crime and Antisocial Behaviour, focusing on hate crime', and Objective 5 'Always Put Victims First'.

Members were informed that the Police and Crime Plan was key in setting out the Commissioner's objectives. It was explained Delivery of the Plan was in partnership with statutory and third sector partners with an underlining principle of 'We Not They', recognising that it was the responsibility of all to make "Cumbria even safer". It was highlighted that the Commissioner had in place a governance framework that enabled him to fulfil his statutory duty.

The Panel noted that the Commissioner had been visible in county by holding a number of surgeries across the county to hear views of the public on policing in Cumbria and a number of Public Accountability Conferences.

Members highlighted a number of positive outcomes through partnership working and requested a map detailing the distribution of resources throughout the county. During the course of discussion the availability of three open grants was highlighted and the Panel were asked to encourage their community groups to submit bids which could be considered for future funding.

The Panel welcomed the Commissioners funding which had enabled 'Chelsea's Choice', a national theatre production company to raise awareness of Child Sexual Exploitation. Members were informed performances would commence in February 2019 for a 5 week period and it was anticipated would reach over 6,000 secondary school students across Cumbria.

Members welcomed the report and asked for further monitoring information in future, together with examples of a small number of projects, to allow the Panel to understand the auditing process.

RESOLVED, that progress against the Police and Crime Plan objectives be noted.

23 REVENUE BUDGET MONITORING - QUARTER 1

a Constabulary Revenue Budget Monitoring 2018/19

The Panel received the Constabulary Revenue Budget Monitoring report 2018/19. Members noted that the current forecast of net expenditure (expenditure less income) amounted to £117.156m compared to a revised budget of £116.754m. It was explained that the variance amounted to a forecast overspend of £402k (0.34%) and was made up of a forecast overspend on expenditure budgets of £287k (0.24%) and under recovery on income of £115k (2.16%).

Members were informed that the forecast Constabulary overspend was largely as a result of a forecast overspend on police officer pay and allowances of £609k. It was explained the overspend had arisen as a result of changes to the proposed HR Workforce Plan to facilitate earlier recruitment of the additional 25 police officers as pledged by the Commissioner in relation to the increase in Council Tax Precept. The benefits of a police presence working in neighbourhoods was highlighted.

The Panel noted that the overspend on police officers was being offset by reductions in relation to PCSO and police staff pay. It was explained the PCSO underspend arose as a result of an increase in the number of PCSO leavers (mainly to join regular PCs), this now saw the average PCSO numbers for the year being 87.21 FTE - 7.79 FTE below the establishment. Members were informed that a decision was outstanding with regards to the immediate backfilling of vacant PCSO posts. It was highlighted that the underspend on police staff had arisen as a result of the number of vacant posts and the assumptions made with regard to when they were expected to be filled.

A discussion took place regarding the wider issues around the introduction of an entry qualification for police officers and the difficulties encountered within the new regime.

Members noted the supplies and services budget was showing a forecast overspend of £108k, this was largely as a result of a forecast overspend in respect of Microsoft licencing fees. It was explained that in addition, Income was forecast to under recover by £115k in the main due to the cyclical nature of Firearms Licencing income, which followed a five year cycle (£98k).

The Panel were informed that the forecast for police officer pay was based on an adjusted version of the HR WFP as at June 2018 in relation to police officer pay. It was explained the adjustment revised the HR WFP plan for recruits following the initial front loading of police officer recruitment in order to deliver the pledged extra 25 frontline officers and that the adjusted forecast returned to overall budgeted numbers by September 2018. It was highlighted that the adjusted WFP still represented a budget overspend as a result of the timing of additional recruitment being brought forward and the effect of other decisions such as acting ups and changes to rank structure

RESOLVED, that the report be noted.

b Office of the Police and Crime Commissioner Revenue Budget Monitoring 2018/19

The Panel received the Office of the Police and Crime Commissioner Revenue Budget Monitoring 2018/19. It was explained that the current forecast of net expenditure (expenditure less income) amounted to £98.978m compared to a revised budget of £98.627m. Members were informed that the variance amounted to a forecast overspend of £351k (0.36%) and was made up of a forecast overspend of £402k (0.34%) in respect of Constabulary budget and a forecast underspend of £51k (0.28%) on budgets managed by the Commissioner.

Members noted that the underspend on the Commissioner's own budget arose principally as a result of forecast underspends on staff in the office of the PCC (£36k) and external audit costs. It was explained that in respect of other budgets managed by the Commissioner, additional interest income from investments (£45k) was offset by forecast overspend on premises costs (£10k), employee insurance premiums (£18k) and grants (£9k).

The Panel were informed that the forecast constabulary overspend was largely as a result of a forecast overspend on police officer pay and allowances of £609k. It was noted that the overspend had arisen as a result of changes to the proposed HR Workforce Plan (WFP) to facilitate

earlier recruitment of the additional 25 police officers as pledged by the Commissioner in relation to the increase in Council Tax precept. It was highlighted that the overspend on police officers was being offset by reductions in relation to PCSO (£292k) and police staff pay (£180k). In addition the Constabulary was forecast an overspend of £95k in respect of Microsoft licencing fees and was forecast to under recover income by £115k in the main due Firearms Licencing income, which follows a five year cycle (£98k).

Members were informed that as at 30 June 2018 the balance on the Police Property Act fund was £43k. In June 2018, awards totalling £28k were made from the fund.

RESOLVED, that the report be noted.

24 COMPLAINTS PROCEDURE UPDATE

Members considered a report which updated the Panel on the review of the Police and Crime Panel complaints procedure and process.

The Panel were informed that the proposed procedure included a suite of documents aimed at clarifying and simplifying the complaint process for both Panel members and the public. It was explained that following feedback from the Panel it was felt the following would be particularly helpful, therefore, the Working Group agreed that they be drafted within the local context:-

- Complaints and Conduct Matters Protocol – a detailed guide as to the steps that would be followed when handling complaints, with references to legal obligations.
- Habitual and Vexatious Complaints Protocol – a detailed guide as to how habitual and vexatious complaints would be assessed and dealt with.
- Complaints Form – a standard form that would ensure complainants provided sufficient information for a complaint to be processed.
- Complaints Process – a ‘high level’ guide to the complaints process and timescales involved.

The Panel thanked the Working Group and officers for the work they had undertaken.

RESOLVED, that

- (1) the update be noted;
- (2) the views on the draft updated procedures and process be noted;
- (3) the revised procedures be approved.

25 COMPLIMENTS AND COMPLAINTS

The Panel received a report from the Monitoring Officer (Cumbria County Council) which advised members of any complaints received in accordance with the Panel's Complaints Procedure. The report also outlined where appropriate, what, if any, action had been taken in respect of the complaints.

Members were informed that (as detailed at paragraph 4.1 of the previous report to the Panel, dated 24 July 2018), there were four complaints ongoing, one had been ongoing for some time, and three were, at that time, new. It was explained that as detailed in that previous report, one of the new complaints was resolved. The Panel noted that since the previous report, one further complaint had been received, therefore, there were currently four ongoing complaints.

It was recommended that a Complaints Sub-Committee of the Panel was convened in November in line with the Panel's current procedures to consider two of the complaints further

The Panel were informed that the only complaint received since the date of the last report, whilst framed as a complaint, did not actually detail any failing on behalf of the Commissioner. Accordingly, a query had been raised with the complainant as to what the complaint was regarding.

RESOLVED, that

- (1) the report be noted;
- (2) the membership of the Complaints Sub-Committee be agreed as follows:-

Ms J Cooke
Miss H Fearon
Mr W McEwan
Mr P McSweeney (substitute)
Mr G Sunderland (substitute)

- (3) if it was necessary for another substitute to be nominated for a specific meeting of the Complaints Sub-Committee this be delegated to the Deputy Monitoring Officer in consultation with the Chair and Vice-Chair of the Panel;
- (4) the Complaints Sub-Committee be convened, in accordance with current procedures, to consider two ongoing complaints.

26 PANEL UPDATE REPORT

Members received a Panel Update report which provided an update on:-

- Key issues and developments that had occurred since the last meeting of the Panel on 24 July 2018 including:-
 - Progress on actions agreed at the July Panel meeting.
 - National policy developments
- The Panel's Work Programme.

The Panel were informed that the weblink to the PCP website was not functioning and would be investigated by officers.

Members discussed the police handling of complaints and requested further information at the next meeting of the Panel.

A discussion took place regarding forthcoming events and, in accordance with the Members' Allowance procedure, the Panel had to approve attendance at national conferences or training events. The Panel were informed that interest had been expressed for two events:-

- Police and Crime Panel Conference, Warwick Conference Centre, University of Warwick, Monday 12 November, 10am-4pm
- Safeguarding Vulnerable People in Custody: Ensuring Protection and Preventing Negligence, Public Policy Exchange, London, Wednesday 21 November, 10:15am-4:30pm

RESOLVED, that

- (1) the report be noted;
- (2) the Panel approve attendance at future events as follows:-
 - (a) Ms L Vance at the Police and Crime Panel Conference (as detailed above);
 - (b) Mr W McEwan at the Safeguarding Vulnerable People in Custody: Ensuring Protection and Preventing Negligence, Public Policy Exchange, London (referred to above);
- (3) further information on the police handling of complaints be made available at the next meeting of the Panel.

27 DATE OF NEXT MEETING

It was noted that the next meeting of the Panel would be held on Monday 21 January 2019 at 10.30 am in Conference Room A/B, Cumbria House, Botchergate, Carlisle, CA1 1RD.

The meeting ended at 1.40 pm