

Minutes of a meeting of the Leicester, Leicestershire and Rutland Police and Crime Panel held at County Hall, Glenfield on Thursday, 25 June 2015.

PRESENT

(in the Chair)

Mrs. Helen Carter	Mr. J. T. Orson JP CC
Cllr. Malise Graham	Cllr. Rosita Page
Cllr. A. V. Greenwood MBE	Cllr. Trevor Pendleton
Cllr. Kevin J. Loydall	Cllr. Lynn Senior
Col. Robert Martin OBE, DL	Cllr. David Slater
Cllr. Kirk Master	Cllr. Manjula Sood, MBE
Cllr. Ozzy O'Shea	

Apologies

Cllr. Roger Begy, OBE

In attendance

Simon Cole, Chief Constable, Paul Stock, Chief Executive (OPCC) and Helen King, Chief Finance Officer (OPCC)

133. Election of Chairman.

It was resolved that Mr. J. T. Orson JP CC be elected Chairman of the Police and Crime Panel for the period up to June 2016.

Mr. J. T. Orson JP CC - in the Chair

134. Election of Vice-Chairman.

It was resolved that Cllr. T. J. Pendleton be appointed Vice-Chairman of the Police and Crime Panel for the period up to June 2016.

135. Chairman's Announcement - Absence of the Police and Crime Commissioner.

The Chairman drew members' attention to a letter which had been sent to him from the Police and Crime Commissioner on 24 June. The PCC had requested that the matter remain confidential, though it had been agreed that the letter be shared with members of the Panel thirty minutes prior to the start of the meeting. A copy of the letter is filed with these minutes.

The Chairman read out the letter for the benefit of those in attendance and viewers of the webcast. The letter read as follows:

"Dear Joe,

Please accept my very sincere apologies for being unable to attend today's meeting of the Police and Crime Panel.

As you are aware, I have for some months been suffering from very severe back pain. Despite having seen several different consultants and undergone medical procedures, I remain in constant pain.

Whilst I have sought to fulfil my duties to the best of my ability, the pain I am experiencing has become increasingly compromising to the point that I am unable to drive, or to stand or sit for any period of time.

I have now reached the point that I do not feel able to fulfil my role in the way that you, the Force, or, most importantly, the public would expect, and in order to address my on-going health issues and, I hope, to make a full and speedy recovery, I feel compelled to take a period of extended absence due to incapacitating ill-health.

Having sought legal advice, the provisions of the Police Reform and Social Responsibility Act 2012 cater for this eventuality, and invite you as a Panel to appoint an Acting Police and Crime Commissioner to undertake all the statutory responsibilities of the role during my absence. Furthermore, the Act requires that the individual chosen for this role must be a member of my staff and that the Panel should consider any recommendation I may make about the identity of that individual.

I would wish, for the duration of my absence, that my Chief Executive Officer Paul Stock is appointed by you to undertake the role of Acting Police and Crime Commissioner for Leicester, Leicestershire and Rutland.

I have spoken to Paul, and to my senior management team, and Paul is willing to undertake this role. If approved by the Panel, Paul's team will absorb his monitoring responsibilities. Needless to say, Simon Cole and his Chief Officer team are aware of my decision and will be supportive of the new arrangements to achieve the shared goal of crime reduction and community safety.

I bitterly regret that my ill-health requires me to take this decision, and it is one that I take only after considerable soul-searching. My overriding concern is that a Police and Crime Commissioner should undertake the entirety of his or her responsibilities on behalf of the public they serve, and I must accept that my health currently prevents me from so doing.

I very much hope that a period away from work will allow me access to the necessary medical interventions and to return to my role as swiftly as possible.

With my warmest wishes,

*Sir Clive Loader
Police and Crime Commissioner"*

The Chairman gave the Chief Executive of the OPCC the opportunity to provide any update on the PCC's position. The Chief Executive and the Director of Human Resources of Leicestershire Police stated that the Occupational Health service for the Police Force had confirmed that the Commissioner was currently recuperating and had been certified as being unfit for work. They further stated that medical conditions could change quickly and therefore his condition was being monitored closely. At this point the Chairman asked that the Panel's best wishes be passed on to the Commissioner for a speedy and full recovery.

As the PCC had chosen not to appoint a Deputy PCC, the legislation required the Panel, in circumstances such as these, to appoint an Acting Police and Crime Commissioner from the staff of the OPCC for a period of up to six months to carry out his duties in his absence. It was noted that, should the Commissioner's absence go beyond a period of six months, his post would become vacant given an election was due to be held on 5 May 2016.

The Panel noted that there were around 20 members of staff in the OPCC and that there were the following senior posts:

- Chief Executive
- Chief Finance Officer
- Head of Governance
- Head of Commissioning and Partnerships
- Head of Policy

The Chairman summed up the position facing the Panel by stating that it was being asked either to:

- Appoint the Commissioner's recommended candidate, Paul Stock, Chief Executive of the OPCC as Acting Police and Commissioner with immediate effect; or
- Allow the Chairman to discuss the matter further with officers of the OPCC in order to enable a transparent process to take place whereby expressions of interest could be sought from all appropriate officers in the OPCC which would allow the Panel then to interview candidates at a meeting in July.

At this point, the Panel chose to adjourn the meeting in order to consider its position in private.

The Panel adjourned at 1.20pm. The meeting recommenced at 2.20pm

On returning to the meeting, the Chairman read out the decision of the Panel. Copies of the decision were circulated to those in attendance.

RESOLVED:

- (a) That the Panel:
- (i) notes the letter from the Commissioner to the Chairman in regard to the former's ill health and his absence from office for a significant period of time, and passes on our best wishes to the Commissioner for a full recovery;
 - (ii) notes the legislative position which requires it in circumstances where the Commissioner is incapacitated to appoint an Acting Police and Crime Commissioner from the Commissioner's staff;
 - (iii) records its regret and concern for notification to the Home Secretary that the legislation should have been drafted and approved such that an unelected official can assume the role of the Police and Crime Commissioner, and further draws the attention of the Chairman of the Home Affairs Select

Committee and local MPs to the situation and requests them to press for a change to the legislation;

- (iv) notes the Commissioner's recommendation that the Panel appoint the Chief Executive Officer of the Office of the Police and Crime Commissioner as Acting Police and Crime Commissioner until such time as the Commissioner returns to office, and that such an appointment can only last six months;
 - (v) notes that the election of a Police and Crime Commissioner is scheduled for 5th May 2016 and that a vacancy occurring within six months of that date would mean the office is left unfilled;
 - (vi) remains disappointed that the Commissioner chose not to appoint a Deputy when he took office which the Panel feels would have enabled a more acceptable solution in the current circumstances;
 - (vii) in accordance with the legislation, should not make an appointment of Acting Police and Crime Commissioner at short notice and without an open and transparent process being followed to meet some of the Panel's objectives of fairness and equality.
- (b) That the Chairman, secretariat and two members of the Panel are therefore requested to meet the Chief Executive Officer of the Office of the Police and Crime Commissioner and other senior staff to ascertain interest in the acting role, to consider the impact of an acting appointment on the running of the Office, and to invite interested candidate(s) for interview by the Panel at a meeting in July in order that the candidates' suitability can be assessed.

136. Minutes.

The minutes of the meeting held on 23 March 2015 were taken as read, confirmed and signed, subject to the first sentence of bullet 5 on page 4 being amended to read as follows:

"The PCC could not attend hearing for officers, however as of May new legislation would mean hearings would have to be held in public."

137. Public Question Time.

The following question(s) were put to the Police and Crime Commissioner:

"Given that the contract for support to victims and witnesses has been awarded to an organisation with a background of supporting youth offenders, rather than victims or witnesses and has little or no history of providing services in the force area, could the Police and Crime Commissioner please explain:

- (a) How it was decided during the procurement process that this body would have the ability, expertise or experience to deliver that service;
- (b) Why you did not take the opportunity to interview bidders; and
- (c) How you will now ensure that it is delivered to an appropriately high standard without any reduction in the quality or level of service?"

Reply by the Police and Crime Commissioner:

“(a) A tender assessment score card was issued with the Invitation to Tender (ITT). The member of the public asking this question will have seen this as they were involved in the tender process, supporting a bid. The scorecard included weightings which clearly outlined the areas the Office of the Police and Crime Commissioner (OPCC) believed to be those requiring the greatest strengths. The OPCC’s decision to score and weight these areas was based on officers’ understanding of the requirements for the new Victim First service. As the original intention was to build the service in-house, the OPCC had a clear understanding of the skills, expertise and experience needed.

This was further developed through research and analysis of existing provision, the identification of gaps and opportunities as well as consideration from experiences of the ‘early adopters’, namely Cambridgeshire and Avon and Somerset.

Advice was also taken from the Leicestershire Police Procurement Team to ensure the market opportunity was fair and equal. The tenders received (of which there were two) were scored by a number of individuals, prior to being standardised by moderation panels.”

- (b) The decision not to interview bidders was based on advice from the Procurement Team. As the Victim First specification was detailed and the tender assessment score card explicit, it was felt that interviewing bidders would not add any value to the evaluation process. However, a series of clarification questions were emailed to both bidders, prior to final scoring being undertaken;
- (c) As already stated, we issued a detailed specification for the Victim First service. The contract being put in place has a performance framework that covers a broader range of metrics, with higher quality demands, than the previous Ministry of Justice (MoJ) contract with Victim Support. The OPCC therefore has a greater degree of leverage and control over underperformance than previously existed. Regular contract management meetings will take place and reports on performance and customer satisfaction levels will be discussed at the Victim and Witness Partnership Assurance Group who will maintain oversight of the new Victim First service. There will also be an independent Victim Board set up, where regular performance reports will be presented. This Board will be made up of local experts, including academics, criminal justice leads and victim ambassadors.”

The following supplementary question was asked in relation to the answer to question (a):

“The answer sets out the principles of the tender process and in some ways why the OPCC had confidence in it. For the process to enable an organisation who are young offender focused and with no victim support experience to be successful in the bidding process surely gives cause for concern. To give the experience of Cambridgeshire and Avon and Somerset is also misleading in that both did not utilise an outside agency to deliver the victim services but kept the assessment process in house.

Is the OPCC confident that the successful organisation Catch 22 has the ability, expertise and experience to deliver the Victim First service?”

The Commissioner responded to the effect that he was unable to provide a response at the meeting and would endeavour to provide a written response within five working days.

The following supplementary question was asked in relation to the answer to question (b):

“At the bidders conference the lead procurement officer stated that the time between the final submission date of the tender and the decision to offer the contract was very tight

As a series of clarification questions were required prior to final scoring, does the OPCC now consider that not having a face to face interview to deal with these questions was a mistake given the importance of the contract to victims of crime in Leicester, Leicestershire and Rutland?”

The Commissioner responded to the effect that he was unable to provide a response at the meeting and would endeavour to provide a written response within five working days.

The following supplementary question was asked in relation to the answer to question (c):

“This question is about making sure a quality service is delivered by the new provider. Will the performance data be open to public scrutiny?”

The Commissioner responded to the effect that he was unable to provide a response at the meeting and would endeavour to provide a written response within five working days.

138. Urgent Items.

There were no urgent items for consideration.

139. Declarations of Interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

Col. Robert Martin declared a personal interest in respect of Agenda Item 8 as the Trustee of “Warning Zone” which was in receipt of some funding from the Police and Crime Commissioner (Minute 141 refers).

Cllr. O. O’ Shea declared a personal interest in respect of all substantive items as a civilian at Leicestershire Police.

Cllr. M. Sood declared a personal interest in respect of all substantive items as a member of the Police’s Independent Advisory Panel, as the Chairman of the Leicester Council of Faiths and a member of the Bishop’s Faith Forum.

140. Membership of the Police and Crime Panel.

The Panel considered a report of the Secretariat concerning the revised membership and political balance of the Panel following the May 2015 local elections. A copy of the report, marked "Agenda Item 7", is filed with these minutes.

RESOLVED:

- (a) That the revised composition of the Panel as set in out in paragraph 7 of the report, be approved.
- (b) That a letter be sent to all outgoing members of the Panel thanking them for their service over the last three years.

141. PCC's Annual Report 2014/15.

The Panel had been due to consider the Commissioner's Annual Report 2014/15, however as no Acting Police and Crime Commissioner had been appointed, officers indicated that they would retire from the meeting as they felt that the Act was clear that it was the Commissioner who should present the Annual Report to the Panel and respond to any questions it had. They further clarified that they would not be willing to remain for the other items of business set out in the agenda.

At this point, the Chief Constable confirmed that he would continue to refer to the Chief Executive on day-to-day business until such time as an Acting Commissioner had been appointed.

The Chairman indicated that there was little alternative but to defer the remaining substantive items on the agenda to a meeting yet to be scheduled in July, at which it was hoped that an Acting Police and Crime Commissioner could be appointed and Panel business could therefore resume.

RESOLVED:

That the item be deferred to the next meeting of the Panel.

142. Ethics, Integrity and Complaints Committee.

RESOLVED:

That the item be deferred to the next meeting of the Panel.

143. Medium Term Financial Strategy - Update.

RESOLVED:

That the item be deferred to the next meeting of the Panel.

144. Dates of meetings in 2015.

It was NOTED that the next meeting of the Panel would be held on a day to be established in July and that further meetings of the Panel would be held on:

Wednesday 16 September at 1.00pm
Wednesday 16 December at 1.00pm

1.00 - 2.40 pm
25 June 2015

CHAIRMAN