

Minutes of a meeting of the Leicester, Leicestershire and Rutland Police and Crime Panel held at County Hall, Glenfield on Wednesday, 28 August 2013.

PRESENT

Mr. J. T. Orson JP CC (in the Chair)

Cllr. R. B. Begy
 Cllr. David Bill MBE
 Cllr. A. V. Greenwood MBE
 Col. R. Martin OBE, DL
 Cllr. Byron Rhodes

Cllr. Sarah Russell
 Cllr. Lynn Senior
 Cllr. D. Slater
 Cllr. Manjula Sood, MBE

Apologies

Cllr. J. Boyce, Cllr. P. King, Miss. H. Kynaston and Cllr. Trevor Pendleton

In attendance

Sir Clive Loader, Police and Crime Commissioner for Leicester, Leicestershire and Rutland

17. Minutes.

The minutes of the meeting on 26 June were taken as read, confirmed and signed.

18. Urgent Items.

There were no urgent items for consideration.

19. 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.

All members of Community Safety Partnerships declared personal interests in all matters relating to those partnerships.

Mr. Orson and Cllr. Russell all declared personal interests as members of the Strategic Partnership Board.

Col. R. Martin declared a personal interest as a member of a charity which was in receipt of funding from the Office of the Police and Crime Commissioner.

Cllr. Sood declared personal interests as the Chairman of the Leicester Council of Faiths, the Regional Ambassador of Sport England and as a patron of CLASP – The Carers' Centre.

20. The Future Management Arrangements for Leicestershire Police.

The Chairman welcomed to the meeting Sir Clive Loader, the Police and Crime Commissioner for Leicester, Leicestershire and Rutland (the PCC) to discuss his plans for the future management arrangements for Leicestershire Police.

In introducing the item, the PCC read out a statement in regard to the absence of the Chief Constable, Simon Cole and the arrangements that had been put in place to ensure the effective management of Leicestershire Police in his absence. The statement read as follows:

“Chairman Orson, members of the panel – you have requested that I come today to outline the Future Management Arrangements for Leicestershire Police. This I will do by means of a statement as follows:

Firstly, for those of you who are not ex-members of the Police Authority and perhaps even for those who are, it would be helpful to outline for you the Command and Control structure of the Leicestershire Police Force, so that you can understand what is in place, why it is there, and thereby place my decisions into their proper context.

All Chief Constables have a formal, single Deputy Chief who is legally empowered to take on the role, duties and responsibilities of the Chief when the latter is away for whatever reason – leave, courses, or indeed sickness. Many duties of the Chief Constable are singularly theirs – by which I mean that only the individual who is holding the legal responsibility at the time can discharge them. Good examples would be the authority to intercept communications, or to instigate surveillance operations, in certain instances and at certain scales. Of course, the Chief’s duties are much broader than that: setting the strategic direction for the Force; instilling (and insisting upon) professional standards; indeed, acting as the visible and professional leader of the Force and, in so doing, inspiring and creating confidence (both within the Force and with the public at large); and of course representing the Force at many public engagements.

The Deputy Chief, in addition to taking on the roles of the Chief in the latter’s absence, acts somewhat as a Chief Operating Officer – for example, by monitoring the Force’s performance on a very regular basis (DCC Edens chairs the Performance Delivery Group, which tracks the Force’s achievements against the Police and Crime Plan), leading on risk and audit, and on professional standards, as well as taking on those duties and decisions that aren’t the sole bailiwick of the Chief. Of course the Deputy Chief also acts as a support, advisor and confidant of the Chief. As I know from my own past, the symbiotic, mutually supportive and honest relationship between a Chief and their Deputy is a powerful arbiter as to the success of a Force as a whole. We are very lucky in having an officer with the quality and experience of Simon Edens – more of which later.

In addition to the Chief and his Deputy, there are 2 Assistant Chief Constables, in our case both selected during my time as PCC and having both come into post in June of this year. As many of you will be aware, we had been running light on an ACC in this Force for a considerable period of time (albeit we had two very capable temporary holders in the form of Paul Telford and Chris Thomas), so one of these appointees was to provide the permanent ACC which we needed, whilst the other was to provide a replacement for ACC Steph Morgan (who had announced earlier her intention to retire as of early July of this year). Whilst the exact duties that ACCs hold varies between Forces, here at Leicestershire, we have one (now Roger Bannister) whose title is ‘ACC Crime’ – i.e. his

primary focus is on the prevention, and solving, of crime in the broadest sense. Of note, Roger had already served some 18 months as an ACC in the Lincolnshire Force before coming to us. The other ACC, Phil Kay (who came to us from the West Midlands Force), is 'ACC Operations', being responsible for the wider running of the Force (e.g. training, overseeing the operational BCUs, and being responsible for policing in its widest sense (for example dogs, firearms, and Contact Management – as well as being the lead on neighbourhood policing, and so on). But it would be wrong to characterise their roles as in any way solely restricted to those primary areas of responsibility. They both bring great experience to this Force and that knowledge is put to the fullest use as they play their part in, and contribute greatly to, the Chief Officers' Team here.

The final 2 members of the Force's top team are the Human Resources Director and the Finance Director – Ali Naylor and Paul Dawkins respectively; some of you will know them as well. Paul Dawkins has been with the Force since 1996 and became Director of Finance in 2002. He oversees a broad portfolio of support functions including finance, IT and estates. He is well respected, not only in the Force but also in the region, for his commitment to collaborative working. Ali Naylor joined Leicestershire from Northamptonshire Police where she undertook a similar role and, during her time here, has been instrumental in leading on collaboration across the HR function. Between them Paul and Ali bring much knowledge and self-evident professionalism to the senior management and leadership of this Force.

As regards Chief Constable Simon Cole himself, in early July I was made formally aware that he was away from work on the grounds of ill health. I have also stated unequivocally that I am general looking forward to his return – and that has not changed. However, the exact period that he would need to recover was always uncertain (it was described as several weeks rather than several months) and I therefore needed to ensure that robust command and control arrangements were rapidly put into place to cover Simon Cole's period away from the Force.

Fortunately, that need for cover was confirmed only the day after ACC Steph Morgan's farewell evening dinner (prior to retirement) and, in recognising that we would need her skills for a further period, she very unselfishly volunteered to stay on as long as we might need her (at some personal cost, by the way – not least a holiday to Europe that had been planned 2 weeks afterwards). We are extremely lucky to have had her support for this extended period – with her lengthy experience as an ACC, I had no hesitation whatsoever in asking her to step up to the role of DCC, whilst Simon Edens took on the role of temporary Chief. Here again, I was totally confident in his ability to take on a role that he had already held on several previous occasions, albeit briefly. Notably, Simon Edens is an officer of some 34 years' experience with a vast knowledge of policing. I knew that he would provide a balanced and highly intelligent hand at the tiller for as long as we might need it. They have both already done all that I could have expected – and more.

And that, perhaps in lengthier form than you might have wished, is all that I can – or indeed will – say on this matter. I am unable to tell you precisely when Simon Cole will return – I still expect that it will be a few weeks, but I cannot be more precise at this time. What I can be precise about is my utmost confidence in the team that we have in place in the interim. Were it not so, I would have instigated other processes, about which I would have told you as and when I felt that appropriate.

I hope that this statement assuages any legitimate concerns or interests that this Panel might have."

Following the statement, the PCC stated that, given the sensitivity of the situation, he was unable to answer any personal questions in relation to the nature of Simon Cole's illness. In response, the Chairman indicated that it was the job of the Police and Crime Panel to both support and scrutinise the PCC and that any questions to be put to him would not be of a personal nature.

Arising from these questions, the following points were noted:

- Simon Cole was off work due to ill-health and the PCC was looking forward to his return to work. In, what he expected to be, a few weeks' time. For this reason, he was uncertain how long the present arrangements would be required for;
- The PCC had absolute confidence in the abilities of Simon Edens and had no hesitation in having him fill the role of Acting Chief Constable, given his 34 years of experience;
- Assistant Chief Constable, Steph Morgan, had delayed her retirement in order to take up the post of Acting Deputy Chief Constable, for which the PCC was extremely grateful. Her availability was open-ended, though he recognised that it would be unfair to expect her to extend this arrangement beyond a few months;
- The key performance indicator for any Chief Constable was to deliver safe, efficient and effective policing. The PCC had no concerns that this continued to be the case with the present arrangements and that, had the new arrangements not been effective, he would have informed the Chairman of the Police and Crime Panel. He felt that the present arrangements were robust enough to continue for a reasonable amount of time, but that they would hopefully not be required to do so;
- There were no formalised arrangements for reviewing the new arrangements. This was carried out via daily contact between the PCC and the Chief Officer team;
- Staff at the Force had been kept informed as to the management arrangements and they would be kept regularly up to date in this regard;
- The decision to implement the new arrangements was the decision of the PCC, as was his role to do so. However, this had not been done without seeking advice from the Home Office and HMIC. He had no reservations about the way in which the new team had been assembled and he recognised that any change in Chief Constable would trigger a formal process which would involve the Police and Crime Panel;
- Should the Chief Constable return to work, he would be briefed on what had taken place during his absence. The PCC pointed out that he had been in regular contact with the Chief Constable over the phone during his absence;
- The PCC reported that, in the Chief Constable's absence, some of the ancillary roles he had, such as leading nationally on mental health and community cohesion had had to be deprioritised;
- The new legislation for PCCs had not impacted on the ability to formally delegate the powers of the Chief Constable to the Deputy Chief Constable;

- The PCC was aware that the statement he issued to the media on the ongoing absence of Simon Cole could have been misinterpreted as a “vote of confidence”. He would, shortly, be issuing a new release to clarify the situation;
- The PCC remained hopeful that Simon Cole would return to work within a few weeks’ time, however if this was not to be the case, consideration had been given to further forward planning of the situation;
- The PCP had a role to support the PCC during this difficult time, but it also would be required to continue to act as a “critical friend”, adding value to the PCC’s decision-making where it was appropriate to do so. Though the PCP and the PCC would need to develop a close relationship, it was important that Panel challenged his decisions rather than helping him to take them;
- The Chief Constable had now been absent for 11 weeks. It was noted that, if an illness went beyond 12 weeks, it was regarded in the health sector to be a “chronic” condition. For this reason, it was expected that, should Simon Cole return to work as was expected, he would begin a phased return, taking on duties gradually;
- The PCP indicated that, whilst he hoped that the issue of Simon Cole’s absence and the management arrangements could now be regarded as dealt with, he was happy to bring updates on the situation to the Panel, as and when there was something significant to report.

In closing the item, the Chairman wished to convey the Panel’s best wishes to Simon Cole for speedy recovery and return to work.

RESOLVED:

That the Police and Crime Commissioner be thanked for his attendance.

21. Stage 2 Transfers - Update

The Police and Crime Panel considered a presentation of the OPCC regarding Stage 2 Transfers. A copy of the slides forming the presentation is filed with these notes.

Arising from the presentation, the following points were noted:

- Regular meetings took place between the five regional PCCs and CEOs in order to establish a pragmatic way forward. Issues such as collaborative arrangements had been considered. Fortunately, all forces in the region had opted for the “max transfer” option in order to ensure that the Chief Constables had as much control over operational matters as was possible. The PCC wanted to have ownership of as little as was required through the legislation. The “max transfer” option would ensure that the arrangements were as simple, efficient and effective as possible and would avoid unnecessary duplication;
- The lack of a standardised approach to policing meant that those in employment would require clear guidance on their role and what was expected of them;
- It was stressed that the transfer would not have an effect on staff numbers, only who employed the staff. Meetings would be taking place with UNISON and the GMB and

there would be some wider consultation with staff over the transfer;

- It was expected that the issue of best practice would be looked at one year into the new arrangements;
- Service Level Agreements (SLA) were expected to be in place from 1 April 2014 and would be reviewed on a six monthly basis. SLAs were being worked up between the CEO and heads of service within the Force;
- The Police's HR function sat within the Chief Constable's control and the majority of this function was utilised by his staff. The OPCC required only a limited amount of HR advice and it was noted that the cost of providing this service would be met from within the Chief Constable's budget.

RESOLVED:

That the presentation be noted.

22. Adjournment

With the Chairman's consent, it was agreed to take a fifteen minute adjournment at 11.30am.

The meeting re-started at 11.45am.

23. Police and Crime Plan and Developing Change Options - Update.

The Police and Crime Panel considered a presentation of the OPCC regarding the refresh of the Police and Crime Plan and the Development of Change Options. A copy of the slides forming the presentation is filed with these notes.

Arising from the presentation, the Chairman reported a frustration on behalf of partners that the consultation period on the draft Police and Crime Plan had been very short – 14 days during a summer month when many were on holiday and which included a bank holiday. The need to consult the Panel for “a reasonable amount of time”, as set out in the Act was stressed.

In response, the PCC suggested that the Plan had effectively been consulted on since the refresh process began on 24 April. A broad engagement process had commenced at this time and the comments received had been reflected in the draft Plan which had been circulated to the Panel and other partners on 16 August. The PCC felt that the extensive engagement process with partners had been instigated as a result of what he saw as a justified criticism of a lack of partnership engagement when the previous version of the Plan was drafted.

The Panel however felt that this approach had led to an over-emphasis on a few individuals at each authority to respond and too little member engagement. A greater period of consultation would have helped ensure that partners had the opportunity to fully digest the information. There was a further concern that the Plan had too little in the way of specific actions and where changes in services were being proposed it would be necessary for the Panel to have sight of these and consider making comments.

The following further points were noted:

- It would be important to include the context of the PCC's budget for next year in the Plan. It was also felt that it would be helpful to include with the Plan a picture of how the Police's £20 million budget shortfall was to be addressed;
- It was suggested that the combining of the Police and Crime Plan and the Change Programme may cause confusion. This was questioned given the "operational" nature of the Change Programme and the fact that operational matters were outside the scope of the PCP. The PCC stressed that he was required to hold the Chief Constable to account over all elements of the Plan, including the operational matters that were part of it;
- The PCC ensured that any localised crime issues were fed back through the Police's internal governance arrangements to the Chief Constable. For this reason, it remained vital that, where local members were aware of any issues, they contacted the PCC;
- The PCC recognised the importance of the early intervention work with troubled families which the Council was currently engaged in and how this would hopefully have a positive impact on crime levels;
- Given the reduction in staffing level across the Force, the careful management of public expectation would be necessary. It would be helpful to include in the Plan what, specifically, as part of the savings required it was intended to stop delivering;
- There was a concern that rural crime might not be receiving an adequate level of attention in the Plan. The PCC indicated that it was extremely difficult to include everything in the Plan, but he hoped to ensure each issue received a fair level of representation.

(David Bill asked that it be recorded that it was his view that regular updates from the Chief Constable on criminal activity were necessary in order to gain a full understanding of how the Police was performing so that this information could be fed back to residents as local members. In response, the PCC indicated that the Chief Constable would be present at the PCP's meeting on 2 October where the draft Police and Crime Plan would be presented.)

RESOLVED:

- (a) That the presentation be noted;
- (b) That the covering report to the draft Police and Crime Plan submitted to the PCP's meeting on 2 October include:
 - (i) Reporting of the comments submitted by each authority during the consultation process and the response of the OPCC thereto;
 - (ii) An analysis of the impact that changes had had; and
 - (iii) Comparative data between Leicestershire and neighbouring forces

24. Date of next meeting.

It was NOTED that the next meeting of the Police and Crime Panel would be a Confirmation Hearing for the post of Chief Finance Officer. The meeting was scheduled to be held on Thursday 12 September at 4.00pm at County Hall.

10.00 am - 12.45 pm
28 August 2013

CHAIRMAN