

Cleveland Police and Crime Panel

A meeting of Cleveland Police and Crime Panel was held on Tuesday, 6th February, 2018.

Present: Cllr Norma Stephenson O.B.E(Chair), Cllr Charles Rooney(Vice-Chairman), Cllr David Coupe, Cllr David Harrington, Tracey Harvey, Cllr Dave Hunter, Cllr Ian Jeffrey, Cllr Chris Jones, Cllr Jim Lindridge, Mr Paul McGrath, Cllr Matthew Vickers and Cllr David Wilburn.

Officers: Julie Butcher, Judy Trainer, Peter Bell (Stockton-on-Tees Borough Council).

Also in attendance: Barry Coppinger (Commissioner), Simon Dennis, Joanne Hodgkinson, Elise Pout (Commissioner's Office), Assistant Chief Constable Adrian Roberts (Cleveland Police).

Apologies: Cllr Alec Brown, Cllr Tom Mawston and Cllr Katie Trueman.

1 Welcome and Evacuation Procedure

The Chair welcomed everyone to the meeting and the evacuation procedure was noted.

2 Declarations of Interest

There were no interests declared.

3 Andrew Dyne - Independent Member of the Panel

Members were informed that Andrew Dyne had resigned from the Panel.

The Chair thanked Andrew for all of the hard work that he had done while being a Panel Member.

3 Minutes of the meetings held on 15 November 2017 and 23 January 2018

Consideration was given to the draft minutes of the meetings held on 15 November 2017 and 23 January 2018.

RESOLVED that the minutes of the meetings held on 15 November 2017 and 23 January 2018 be approved.

4 Appointment of Chief Constable

Consideration was given to a report that updated members of the outcome of the Chief Constable appointment process.

The Police and Crime Commissioner was required to notify the Police and Crime Panel of a proposed Chief Constable appointment (as set out in the Police Reform and Social Responsibility Act 2011).

It was the duty of the Police and Crime Panel to hold a public confirmation hearing and review the proposed appointment and make recommendations to the Police and Crime Commissioner.

The Police and Crime Commissioner must respond to the report and recommendations of the Panel.

The Police and Crime Panel held a confirmation hearing on Tuesday 23rd January 2018. The Police and Crime Commissioner proposed Mike Veale as the preferred candidate for appointment as Chief Constable.

The nine Police and Crime Panel members present at the hearing confirmed the appointment. Appended to the report was a copy of the Commissioner's public decision record, the panel's statutory report to the Commissioner and his statutory response.

The Office of the Police and Crime Commissioner were concluding the process of appointment and following discussions with Mr Veale and the Office of the Police & Crime Commissioner for Wiltshire and a start date of 5 March 2018 had been agreed.

There had been mixed media coverage in relation to the appointment of Mr Veale. The Commissioner aligned himself with the sentiments expressed by the Chief Constable of Durham (Northern Echo, 27 January 2018) attached to the report, in which Mr Veale's appointment was warmly welcomed as "a fantastic appointment, not just for the people of Cleveland, but also for County Durham and Darlington".

The report drew members' attention to the tributes paid to Mr Veale in Wiltshire in the light of his departure, including from the Wiltshire PCC in the following terms "Mike Veale has been an excellent Chief Constable and has guided Wiltshire Police through immense change to a position where it is amongst the top performing forces in the country."

The Commissioner regretted the fact that there had been some less well-informed commentary, particularly relating to an anonymous complaint made against Mr Veale before he applied for the role of Chief Constable of Cleveland. Members were reassured that Mr Veale had made him aware of the complaint before his appointment, as was perfectly proper. As was also perfectly proper, the Office of the Police & Crime Commissioner for Wiltshire provided an update on the handling of the complaint soon after the key decisions had been communicated to them by the Independent Office for Police Conduct (IOPC). It followed that the Chief Executive was able to update the Commissioner on the nature and procedural status of the complaint before the process of appointment was complete.

The Chief Executive was responsible for ensuring that the Commissioner's decisions were lawful and was specifically responsible under the College of Policing guidance on Chief Officer appointments, for ensuring the principles of merit, fairness and openness were adhered to throughout the design and delivery of the appointment process, advising and assisting the PCC throughout the appointment process, ensuring that the appointment process was properly conducted and in line with responsibilities and requirements outlined in legislation and ensuring appropriate monitoring of the appointment process.

Following contact from the Office of the Police & Crime Commissioner for Wiltshire on 22 January 2018, the Chief Executive advised the Commissioner that the complaint against Mr Veale was from an anonymous complainant and consisted of two parts. Firstly, an allegation of disclosure of confidential information; secondly an allegation that a mobile phone belonging to Wiltshire Police was deliberately damaged by Chief Constable Veale.

The complaints had been referred by the Wiltshire OPCC, to the IOPC in November 2017. On or around 22 January 2018, the IOPC determined that the first complaint was insufficient to indicate either a criminal offence or a breach of professional standards may have been committed. That matter was referred back to the Wiltshire OPCC and was understood to have been concluded on the basis of no further action. In the case of the second allegation, the IOPC had indicated that they intended to independently investigate the alleged damage to the mobile phone.

At the time of being notified by the Wiltshire OPCC, the Chief Executive was satisfied that the IOPC decision had only just been made, that Mr Veale had not been served with notice of the investigation and that the IOPC did not at that time intend to make any public announcement of the investigation.

It was important to note that the allegation related solely to damage occasioned to a mobile phone. Mr Veale had not, at the time of his confirmation hearing before Members, been served with Notice nor had he had the opportunity to respond to the allegation by offering an account to the investigation. In response to a Member's question, the Chief Executive confirmed that he had taken the view that Mr Veale could not therefore fairly have been asked about it in public and that all questions to him at the confirmation hearing had to be dealt with in public session. The Member asked whether that view was likely to be the one taken by other Chief Executives in such circumstances. The Chief Executive indicated that whilst he could not speak for others, he would be surprised if other Chief Executives took a different view of the legal position. The Commissioner understood that Mr Veale had not yet (at the time that the Commissioner preparing the current report to the Panel) been served with notice of the investigation by the IOPC. Mr Veale would provide his account to the IOPC when that happened.

The Commissioner was sure that Members would agree that ordinary principles of fairness dictated that due process be followed. The Chair confirmed that the Panel had been made aware of the complaint in any event.

In view of the adverse public commentary, the Commissioner had, prior to today's meeting, discussed this matter with the Chair of the Panel who expressed support for the course taken and the advice provided by the Chief Executive.

It was not unusual for Chief Officers to be on the receiving end of complaints. Unless and until a complaint was fairly and thoroughly investigated, it was not fair to officers or to the public to make any comment about the substance of the matter.

The Commissioner did not agree with the suggestions he had heard that Mr Veale's appointment should be affected by the existence of the complaint.

The Commissioner's view was that Mr Veale was an outstanding Chief Constable for Cleveland and looked forward to him taking up the role in March 2018.

The Commissioner distributed a letter that he had sent to the Tees Valley Mayor in response to the Tees Valley Mayor's recent comments that he had made with regard to the appointment of Mr Veale.

The Chair felt that it was a strongly worded letter but the Commissioner had no option but to respond to the recent comments by the Tees Valley Mayor. The Chair had also put out a press release because she felt that the comments from the Tees Valley Mayor were aimed at the Panel as well as the Commissioner as the Panel had ratified the decision to appoint Mr Veale and had said strongly that Mr Veale was the best person for the job and the Panel had every confidence in Mr Veale.

Members discussed the contents of the letter from the Commissioner, the anonymous complaint made about Mr Veale and a comment that had been attributed by the media to Mr Veale.

With regard to the anonymous complaint, Members requested that a detailed response about the IOPC and its deliberation be circulated to the Panel as soon as it is received.

With regard to the a comment that had been attributed by the media to Mr Veale the Commissioner reported that when Mr Veale takes up his post at Cleveland he would be willing to make a statement.

A motion was moved by Councillor Harrington and seconded by Councillor Rooney that the Panel supported the contents of the letter that had been sent to the Tees Valley Mayor from the Commissioner.

A vote took place and the motion was agreed.

RESOLVED that the report be noted.

5 Commissioner's Police and Crime Plan - Update

Consideration was given to a report that updated Members with the Police and Crime Commissioner's intention to refresh the Cleveland Police and Crime Plan.

The Police and Crime Commissioner (PCC) for Cleveland's Police and Crime Plan was a statutory document. Requirements for the plan were set out in the Police Reform and Social Responsibility Act 2011 and the Policing Protocol Order 2011. This plan must have regard to the Strategic Policing Requirement (SPR) issued by the Home Secretary.

The PCC had a duty to keep his plan under review and in particular to review the plan in the light of any changes in the SPR and any report or recommendations made to the PCC by the Police and Crime Panel.

Barry Coppinger was re-elected Police and Crime Commissioner for Cleveland on Friday 6th May 2016. The Commissioners manifesto included a 5 point community safety plan that had been used as a basis upon which to develop the current 2016 – 2020 Police and Crime Plan.

The Police and Crime Commissioner had recently appointed a new Chief Constable for Cleveland Police. The Commissioner was keen to ensure that Cleveland Police constantly evolved and improved the services to the communities. The Commissioner would like to use the appointment as an opportunity to look again at the Plan and work in partnership with the Chief Constable on a Plan refresh.

The Commissioner would maintain his commitment to the five objectives set out in the existing plan:

- Investing in our police
- A better deal for victims and witnesses
- Tackling re-offending
- Working together to make Cleveland safer
- Securing the future of our communities

The Commissioner would like the opportunity to consult extensively on the revised draft plan with Cleveland Police and partners.

The Commissioner had attended over 500 local meetings across the Cleveland Police area and had used and would continue to use this engagement mechanism to further develop police and crime objectives.

The Commissioner proposed that the draft refresh of the Police is considered by the Panel in July 2018.

RESOLVED that the report be noted.

6 Task and Finish Group – Overall Budget Strategy

Consideration was given to a report from the Task and Finish Group – Overall Budget Strategy.

The Task and Finish Group was established to understand the key issues and financial pressures as part of the budget setting process in order to inform the work of the Panel and PCC.

This included both the longer term financial planning process and the impact of the Government grant settlement. This settlement was announced during the timescale of the Group's work.

The Task and Finish Group met on 18 December 2017 to receive information about the Police and Crime Commissioner's overall budget strategy for 2017/18.

Discussion took place about funding and planning assumptions, total funding projections and funding pressures.

The Group met again on 19 January 2018 following the settlement from the Government and discussed the proposed precept increase with the Police and Crime Commissioner.

The report provided detail of the evidence considered and questions that were raised for discussion with the PCC prior to consideration by the Police and Crime Panel.

RESOLVED that the Task and Finish Group support the proposal of the PCC to set the Band D Police Element of the Council Tax within Cleveland for 2018/19 at £226.54; an increase of £12, or 5.59% over the 2017/18 level.

7 Precept proposals for 2018/19

Consideration was given to a report on the precept proposals for 2018/19.

Legislation required that the Commissioner agrees his budget and associated precept and basic council tax for the forthcoming year before 1st March each year. However before doing so the Commissioner must notify the Panel of the precept which he proposed to issue for the following year.

The balance of the cost of the police service not paid for by central government is met by local taxpayers through a precept on their council tax. In Cleveland this will equate to just over 25% of the overall income that I will receive in 2018/19. It is the responsibility of the four local billing authorities to collect this.

In making his proposal on the Police precept the Commissioner had taken into account the following:

- The views of the public of Cleveland
- The financial impact on the people of Cleveland.
- The financial needs of the organisation as currently projected both for 2018/19 and in the future.
- The limits imposed by the Government on a precept increase before a referendum would be triggered in Cleveland.
- The Commissioner had discussed his proposals with both the Chief Constable and engaged and consulted with the public on the options available to him.

With regard to the Provisional 2018-19 Police Finance Settlement the main points were as follows:

- Precept flexibility to increase the level of Band D precept by up to £12 for all PCCs (or equivalents) in 2018-19
- Flat cash grant funding (i.e. the same allocations as in 2017-18 for Home Office Core Police Settlement)
- Updated assumptions around tax base growth – now assuming tax bases with grow by 1.34% in England.

- Including these assumptions on council tax and based on the 1.5% GDP deflator (the Government measure of inflation), the resulting settlement, including council tax, represents a “real terms” increase for all between 2017-18 and 2018-19
- £450m additional funding for the service – includes £130m additional reallocation and approximately £147m as a result of additional council tax flexibilities.
- £50m additional counter Terrorism funding and the remaining £123m can be considered as “new money”.
- The minister’s letter to PCCs refers to this additional funding in addition to identified efficiency savings of up to £100m (procurement) to enable “appropriate provision for likely cost increases next year”.

In line with good planning the assumptions remained under review and were updated with the best information available and it was expected that the LTFFP for 2018/19 and beyond would assume the following:

- Pay Awards: 2% increase p.a.
- Precept: Increases of:
 - 2018/19 - £12 or 5.59%
 - 2019/20 - £12 or 5.29%
 - 2020/21 - £4.75 or 1.99%
 - 2021/22 - £4.84 or 1.99%
- Tax Base increases 1.0% per annum, Collection Surplus £250k p.a.
- Government Grants: Frozen until 2019/20 and the increases of 2% thereafter
- Impact of Funding Formula review – Nil

Based on the revised assumptions, and the information received and forecast around other areas of funding, then the entire funding expected to be available to the Commissioner for the next 4 years, in comparison to 2016/17 and 2017/18, was detailed within the report.

The precept calculations based on the proposed £12 increase and the proposed council tax rate for each property band was detailed within the report.

Since the announcement of the Provisional Finance Settlement, and the limits and options around precept proposals for 2018/19, the Commissioner had been consulting with the public on their opinions in relation to an increase of £12 per annum for the ‘Police’ element of their Council Tax Bill. The details of the consultation exercise and the consultation results were detailed within the report.

The Commissioner had considered various options and various factors in deliberating on his proposal for precept in 2018/19. He had taken into account the needs for the continued delivery of Policing and Crime services within Cleveland. He had spoken with the Chief Constable and had consulted with the public. Based on these views and the financial needs of the organisation over

the medium term the Commissioner formally propose a precept increase of £12 on a Band D property for 2018/19.

To aid the Panel in considering his proposal on Precept the following was attached to the report:

- Draft Budget based on a £12 Precept Increase
- Draft Capital Budget
- A copy of the presentation that the Commissioner was giving to the local councils and that was also discussed with the Finance Scrutiny panel set up by the Police and Crime Panel.

A vote took place and the recommendation was agreed.

RESOLVED that the Panel supports the Commissioner's proposed precept of Band D Police Element of the Council Tax within Cleveland for 2018/19 at £226.54. This is an increase of £12, or 5.59% over the 2017/18 level.

8 Members' Questions to the Police and Crime Commissioner

Members were given the opportunity to participate in a question and answer session with the PCC. This session could be summarised as follows:

The Chair asked about the recent incident at Hartlepool with regard the vicious dog that had been destroyed by use of a police fire arm.

The Assistant Chief Constable Adrian Roberts responded that there had been a level of concern from the public with regard to the incident and that all of the facts had not yet been established but the basic details were that the Police had been engaged in an incident where a Caucasian Shepherd dog had been tethered to a post on industrial land close to a residential area. The dog was acting viciously and was unapproachable. The Police tried to resolve the incident for over 6 hours with officers from the local authority, police dog section staff, the RSPCA and a local vet. The collective view from all parties was no party had any capability to safely manage the dog and with the passage of time the concern was that the dog could break free from the tether which would have clearly represented a danger to public safety. So ultimately with regret the decision was made to destroy the dog by use of police firearm. This decision was taken as a last resort and was not taken lightly. Towards the end of February 2018 there would be a de-brief of the incident. The Police would also look at whether if a future incident took place in similar circumstances it could have a less lethal option available to it to tranquilise the animal. With regard to this incident no agency could deliver a tranquiliser type shot to the animal over the distance that was required.

RESOLVED that the session be noted.

9 Commissioner's Update

Consideration was given to a report that provided Members with an update in relation to key matters including;

- COPACC Transparency Award

- Community Safety Awards
- Foodbank Collections
- Local Criminal Justice Partnership Plan Launch
- Human Trafficking Network and Modern Day Slavery
- Sexual Assault Referral Centre and Restorative Justice contracts
- Domestic Violence Whole System Approach progress update
- Building a Stronger Britain Together
- Public Health and partners approach to violence reduction
- North East Region Serious and Organised Crime Unit

A member raised the issue of Domestic Violence Scrap the Letter Legal Aid Campaign and asked if the Commissioner would support the campaign. The Commission responded that he had supported the campaign in the past would support it in the future.

RESOLVED that the report be noted.

10 PCC's Scrutiny Programme and Performance Report

Consideration was given to a report that provided Members with an update on the PCC's scrutiny programme and to present the performance report of the Police and Crime Commissioner and the Police and Crime Plan.

The Commissioner's objectives were as follows:

- Investing in our Police;
- A Better Deal for Victims and Witnesses;
- Tackling Re-offending;
- Working Together to Make Cleveland Safer; and
- Securing the Future of our Communities.

The report updated Members on performance associated with the delivery of the Commissioner's objectives, the wider aspects of the Police and Crime Plan and his statutory responsibilities.

Holding the Chief Constable to account is the key duty of the Police & Crime Commissioner and must encompass all of the functions of the Chief Constable and functions of those who were under the Chief Constable's direction and control.

The scrutiny of the Force was one of the main responsibilities of the Commissioner as set out in the Police and Social Responsibility Act 2011. Delivered through the Commissioner's standards and scrutiny programme effective checks and balances were undertaken through a schedule of regular meetings.

The details and minutes of the meetings that the Commissioner had held since the last meeting of the Panel were detailed and attached to the report. In addition to these meetings, the Commissioner continued to attend meetings to complement his scrutiny programme. Details of these meetings was contained within the report.

Attached to the report was the overview of the performance information from the Police and Crime Plan.

A Member asked if the sickness absence figures and the recorded crime figures that had been provided previously would be provided to Members in the future. The Commissioner responded that he would bring a report to a future meeting of the Panel on sickness absence. With regard to the recorded crime figures the Legal Officer to the Panel responded that discussions had taken place with officers from the PCC office and it was felt that the presentation that was given to Members prior to the meeting was a starting point for outlining the way forward for Members as it was felt that it wasn't within the remit of the Panel to scrutinise the crime figures. Any crime figures that the Police did have were subject to the Freedom of Information Act and the exemptions that apply to that.

RESOLVED that the report be noted.

11 Programme of Engagement for the Police and Crime Commissioner

Consideration was given to a report that provided Members with a brief update in relation to meetings attended by the PCC from November 2017 to January 2018. Future meetings of the Commissioner were summarised.

The Commissioner's consultation and engagement activities focused on increasing understanding of the communities of Cleveland, ensuring clear and consistent communication with the public and ensuring effective consultation and community engagement.

The Commissioner attended a number of meetings on a regular basis with key partners, stakeholders and residents from across the Cleveland area.

In addition to this the Commissioner had attended many regional and national meetings representing Cleveland.

Meetings of note over the coming weeks included:

- Mini Police Closing ceremony – 8th February
- Eston Hills Operational Group - 21st February
- Hartlepool Face the Public event - 26th February

RESOLVED that the report be noted.

12 Decision of the Police and Crime Commissioner

Consideration was given to a report that provided the Panel with an update on decisions made Commissioner and the Forward Plan.

The Commissioner made all decisions unless specifically delegated within the Scheme of Consent / Delegation. All decisions demonstrated that they were soundly based on relevant information and that the decision making process was open and transparent.

In addition, a forward plan was attached to the report and published on the PCC website which included items requiring a decision in the future.

Each decision made by the Commissioner was recorded on a decision record form with supporting background information appended. Once approved it was published on the PCC website.

Decisions relating to private / confidential matters would be recorded; although, it may be appropriate that full details were not published.

Decisions made since the last meeting of the Police and Crime Panel were attached to the report.

RESOLVED that the report be noted.

13 Task and Finish Group – Tackling Off-Road Bike Nuisance – Verbal Update

Members were provided with a verbal update on Task and Finish Group – Tackling Off-Road Bike Nuisance.

The work of the Group would continue and would report back to a future meeting of the Panel.

RESOLVED that the update be noted.

14 Forward Plan

Members were presented with the Forward Plan for the Cleveland Police and Crime Panel.

RESOLVED that the Forward Plan for the Cleveland Police and Crime Panel be noted.

15 Public Questions

Members were informed that there were no public questions.