

## DEVON AND CORNWALL POLICE AUTHORITY

**MINUTES** of a meeting of the **Devon and Cornwall Police Authority** held at Police Headquarters, Middlemoor, Exeter on **Friday 18<sup>th</sup> September 2009, commencing at 10:00hrs.**

### **Present:**

Chairman..... Mr M Bull

Vice-Chairman..... Mr B Preston

Mr M Clayton, Sir S Day, Mr J Hart, Mr M Hicks, Mr M Hodge, Mrs A Malcolm, Mr D Money, Ms J Norton, Mrs J Owen, Mrs V Pengelly, Mrs L Price, Lady J Stanhope, Mrs L Williams, Mrs J Zito.

Mr M Harvey and Mrs A Mayes attended as observers.

### **Officers in Attendance**

#### **Police Authority:**

Mr R Martin (Acting Chief Executive), Mr J Glasby (Treasurer) Mrs E Tanner (Meeting Administrator).

#### **Police Force:**

Mr S Otter (Chief Constable), Mrs S Goscomb (Interim Director of Finance and Resources), Mr C Haselden (Director of Human Resources), Mr M Stamp (Director of Legal Services) and Mrs S Taylor (Assistant Chief Constable)

### **P/2359A Apologies for Absence**

Apologies for absence were received from Mr B Greenslade and Mr P Lamshead.

### **P/2360 Declarations of Interest**

The following declarations of interest were received.

Name	Agenda Item	Type of Interest	Nature of Interest	Action
Jayne Zito	12 Carer's Allowance	Personal and prejudicial	Beneficiary	Left the room
Jo Norton	12 Carer's Allowance	Personal and prejudicial	Beneficiary	Left the room
Alison Malcolm	12 Carer's Allowance	Personal and Prejudicial	Beneficiary	Left the room

### **P/2361 Items Requiring Urgent Attention**

The Chairman informed Members that any items requiring urgent attention would be taken under part 2 of the agenda.

### **P/2362 Questions raised under Standing Order No. 6**

No questions were raised under Standing Order No.6

### **P/2363 Minutes**

Issues discussed during consideration of this item included:

Omission of minute reference P/2359 Chief Executive from the minutes. The minute, which was classified as exempt information under Schedule 12A, paragraph 4 of the Local Government Act 1972 as amended by the Local Government (access to information Act 1985), was circulated for Members' information.

**RESOLVED**

- i. that the minutes of the meeting held on 26 June 2009 were confirmed as a correct record subject to the addition of minute P/2359 Chief Executive and;
- ii. that the meeting be shown as closing at 12:50pm.

### **P/2364 Chief Constable's Report**

The Chief Constable's update report to the Police Authority was tabled.

Issues discussed during consideration of this item included:

- 2012 Procurement – this was an example of a quality procurement process that had been overseen by the Chairs' Committee.
- Target operating model – work was ongoing towards the determining the future operating model for the Force post 2012. This initiative aimed to highlight savings that could be made in light of expected grant reductions.
- Operation Quest – Quest is a process re-engineering programme looking specifically at operational policing processes. Part two of the programme which will look at intelligence model processes and will commence on 28 September. Members were invited to the programme briefing. It was confirmed that integral to Quest was the reduction of bureaucracy. The value based decision making model that had received good reviews following its implementation by Staffordshire Police had been adopted by the Constabulary and would be fully implemented over the next 12 months.
- Mobile data – A single business case for the region was being developed in relation to mobile data provision.
- Regional collaboration – work was underway to identify regional collaboration opportunities across all corporate services.
- Restructuring of Human Resources – the restructuring of HR was nearing completion. This was an example of excellent work, and credit was due to all staff involved.
- Muse concert – this event had proved to be very well organised with limited police intervention required.
- Replacement of Tavistock Police Station & Teignmouth Neighbourhood Police Base
- Bodmin police station would be opened on 14 October.
- Senior Police National Assessment Centre – two senior police officers from Devon & Cornwall had been successful at SPNAC and will now attend the Strategic Command Course. Members congratulated the officers concerned.
- Major incidents and policing diary – the issue was raised of how well known to the police were the offenders mentioned in the report that were subject to a psychiatric report. Those cases subject to criminal proceedings could not be commented on, however the more strategic question of how the police deal with criminal behaviour by mentally ill people was an issue pertinent to the Performance Management Committee. The Chair of Performance Management agreed to take this forward.

**RESOLVED to note the reports.**

### **P/2365 Performance Reports**

The Chairman of the Performance Management Committee gave an update on the key issues arising at the recent meeting of the committee.

A report summarising the performance activity of the Constabulary to meet its targets set by the Authority in its Annual Plan was considered. iQuanta data was used to benchmark with most similar police forces.

Issues discussed during consideration of this item included:

- Racist Incidents Satisfaction Action Plan - Of the 42 actions some were complete and others still progressing
- New Performance Landscape- The Police Authority's role was to assess the priorities and be satisfied that the Force is tackling areas such as efficiency, effectiveness, workloads.
- Public Service Agreement 23 sets out the priorities for action on serious violent crime and serious assaults. The Home Office has changed the category to 'assault with injury'. The Force will still report internally on the subset of serious violent crime to assess local targets.
- Monitoring performance against the Policing Pledge – this will be considered at the next meeting of the committee. The Association of Police Authorities' advice document will be copied to the members concerned in advance.
- The British Crime Survey target "The police and local council are dealing with the antisocial behaviour and crime issues that matter in this area" was not helpful in that it did not define the meaning of 'council' and because it involved 2 different agencies. It was not clear what role the Authority had in making councils take this matter seriously. Work was ongoing to communicate with council chief executives to address these problems because there was concern that public satisfaction in this area was not improving. Other issues discussed relating to this item included:
  - The role of members on CDRPs (Crime & Disorder Reduction Partnerships) and feedback on how councils' are addressing the public confidence target.
  - The role of PACT (Partners and Communities Together) meetings in getting partners involved in improving public confidence.
  - Attendance of police officers at Parish Council meetings and / or police report being available at meetings. The Government had imposed changes to the way the police engaged with partners. PACT meetings were a Government initiative and were now the primary way of consulting. Parish Council representatives were invited to attend PACT meetings.
  - The value of having salaried staff at community meetings; often the public want to deal direct with the people doing the job.
  - Existing corporate communication initiatives undertaken by the Constabulary's public relations team to address confidence issues.
  - Whether the right questions were being asked in relation to public confidence surveys.
  - Partnership working, and the need for a partnership strategy for the Police Authority to clarify the role and focus of Authority Members. This work was ongoing.
- The public confidence data resulting from the Constabulary's own public survey showed a higher level of confidence than the British Crime Survey results. However there was concern that confidence was falling.
- The Constabulary was ranked 3<sup>rd</sup> nationally in relation to public confidence: percentage who think their local police do a good or excellent job. This was an improving trend was very pleasing.
- It was recognised that improvement was needed in providing feedback to people, especially in broadcasting what actions had been taken in response to crime reporting. It was anticipated that this would result in a higher level of public confidence in the police to deal with the things that matter to people. It was suggested that the community messaging service could be used to better effect in support of this.
- Restorative justice – performance against the offences brought to justice target was pleasing.
- Serious violent crime - serious violent crime was increasing and was causing concern. Alcohol was thought to be a contributing factor. It was understood that the National Health was lobbying Government to increase the cost of alcohol.
- Performance against targets in relation to relative impact and implications on police officer deployment.

**RESOLVED to note the report**

**P/2366 Police Authority Disability Equality Scheme**

The Police Authority published a Disability Equality Scheme in May 2006. Members considered this report which included an updated Equality Scheme and a review of the earlier action plans. The Authority has three equality schemes – disability, race and gender. The intention was to merge all three into one overarching Single Equality Scheme by April 2010.

Issues discussed during consideration of this item included:

- The need to embed disability equality into everything business.
- Due to changes in the membership of the Diversity & Equality working group that the scheme be considered again by this group and their comments sought.
- It was suggested that the document could include some additional information and some repetition could be removed.
- Members asked that the Single Equality Scheme be succinct and that it be prepared as soon as possible.

**RESOLVED**

- i. that the principles contained in the Diversity Equality Scheme be approved and adopted whilst recognising that it is a dynamic document and will need to be continuously reviewed and updated.
- ii. that a succinct single equality scheme be prepared as soon as possible.

**P/2367 Annual Governance Report by the Audit Commission**

Members considered the 2008-09 Annual Governance Report. The report summarised the Audit Commission's findings from the 2008-09 audit. The Authority had been issued with an unqualified audit opinion because the Authority had adequate arrangements in each of the criteria to secure economy, efficiency and effectiveness in the use of resources.

The Corporate Governance Committee had considered the report in full at its recent meeting and recommended the Authority to approve it.

Issues discussed during consideration of this item included:

Police Use of Resources (PURE) – the Audit Commission had given the Authority a mark of 3 out of 4 for their performance in this area. No other police force had scored higher. The Audit Commission's auditors had attended and spoken at the Corporate Governance Committee meeting and had given very positive feedback.

**RESOLVED**

- i. That the Annual Governance Report be welcomed;
- ii. The adjusted and unadjusted items in the report (including the deletion of the third item in appendix 3) be noted;
- iii. The letter of representation be agreed to enable the auditors to issue their opinion, conclusion and certificate;
- iv. The statement of Accounts as adjusted be authorised for issue;
- v. Thanks to the staff involved be recorded.

**P/2368 Agreement for the establishment of a Joint Committee for collaboration in policing for the South West of England**

The Chairman introduced the paper comprising a proposal for the establishment of a Joint Committee for Policing in the South West of England to which it was proposed that all five Police Authorities in the region

would be signatories. The Committee would be constituted through the terms subject to a Joint Committee Agreement.

The Agreement, if it were ratified, would empower the delegation of some decision-making for certain aspects of regional collaboration between the five Authorities to two Members on behalf of the Devon and Cornwall Police Authority. The purpose of the Joint Committee was to enable the five regional Police Authorities to work together in collaboration and to reduce bureaucracy and delay in securing improved and more cost efficient services by sharing some services and in their procurement.

The Chairs' Committee had taken a detailed look at the proposed draft Agreement and had resolved that further work would be required before the decision to sign was taken. The decision had been taken not to submit the actual draft and highly detailed draft Agreement to this meeting.

The Authority was asked to agree in principle to the establishment of the proposed Joint Committee through the formal Agreement but subject to some issues still to be clarified, and that the actual signing be delegated to the Chief Executive in consultation with the Chairman.

Issues discussed during discussion of this item included:

- Work had already commenced to iron out the concerns that had been raised at the Chairs' Committee however some issues were yet to be defined.
- The timescale for securing a decision in which an impending regional meeting the following week was a factor.
- Concern about the default position contained in the draft Agreement on cost sharing, which could result in the larger authorities (such as Devon & Cornwall) paying a larger share of some costs if some other specific agreed form of cost sharing was not achieved in the case of individual specific services and the smaller authorities thereby tending to reap proportionately greater benefits. This was of particular concern because one of the five Authorities had already declined to participate in some aspects of the Agreement because of existing commitments with external contractors. The Treasurer recommended that the cost sharing clause be omitted as had been done by another Authority in a similar set of circumstances in another part of the UK.
- It was clarified that every agreement to collaborate should have a cost sharing / benefit case associated with it. However if an agreement could not be achieved, the default was that costs would be allocated on a grant share basis.
- There was a concern that all Members of the Authority should be given an opportunity to see the draft Agreement at some stage.
- There was concern regarding the implications the agreement would have for the Authority's governance arrangements. Of particular concern was the delegation to two Members to make a decision on specific collaborative agreements. There were suggestions that in all cases where there was sufficient time to refer the decision to the whole Authority, this should be done. Where it was not possible to consult the Authority, clarity was requested about appropriate mechanisms being put in place to overcome those concerns. There was a general consensus that further internal discussion around the internal governance arrangements was desirable.
- The Joint Committee once established would be working to a yearly work plan therefore the Authority would have early access to information in most cases and would act as a safeguard. Members were provided with an overview of other arrangements that were in place such as scoping documents, outline and detailed business cases and consultation for most instances of collaboration.
- Acceptance that collaboration is desirable and that it will enhance the opportunities for reducing costs and that some form of an Agreement was required as soon as possible.

- There was disappointment within the membership that the issue had not been referred to the Corporate Governance Committee for consideration. The reason for this was explained and related to issues of timing in progressing the main objectives.
- The need for the Agreement to be advantageous to Devon & Cornwall Police Authority.
- Some of the Authority membership were against the proposal to agree in principle to the Joint Committee Agreement because of the various concerns that had been raised. It was suggested that given more time, it would be possible to design some principles that gave guidance and assurance for decision making. There could be potential changes to the Authority's processes that would facilitate the decision making.
- The main concern was around the decisions to agree substantial collaborations, not the day to day ones.
- The following was proposed as a way forward:  
The Authority accepts the objective and principle of a Joint Committee for decision making, capable of agreeing collaborative arrangements; the default cost sharing clause as proposed in the draft agreement being removed; each collaborative project should include a specific business plan that includes cost / benefit identification; the Corporate Governance Committee considers the governance arrangements in relation to regional collaborative projects; the Corporate Governance Committee further considers the draft regional agreement and makes recommendations to the Police Authority meeting in December.

The outcome of this wide-ranging debate was that there were no formal decisions taken. It was intended that the nature of the issue and concerns raised should be taken into account by the Chairman, Acting Chief Executive and Chief Constable in the ongoing regional discussions and that the main issues arising would then be considered and the matter re-presented to the Authority for decision in the next cycle of meetings.

### **P/2369 Independent Custody Visiting Report**

Members considered the Independent Custody Visiting report for the 6 month period 1 January - 30 June 2009.

Issues discussed during consideration of this item included:

- Provision of appropriate adults for vulnerable adults in police custody.
- Medical care and performance of the current contractor in relation to waiting times which was due to a lack of female medical professionals.
- Self-introduction for custody visitors had been put on hold whilst certain concerns raised by the police were being addressed.
- It was requested that in future reports, the non-designated stations that had not been visited during the period were reported.
- The Authority had been compensated for the costs of accommodating Home Office prisoners under Operation Safeguard and this had not impacted on operational policing.
- The safe detention of people with poor mental health. Relevant statistics would necessarily be the subject of a different report and could not be provided by Independent Custody Visitors. The information would be provided to the Authority through separate reporting.
- It was requested that the graphs in the report be consistent in colour coding.

**RESOLVED to note the report.**

### **P/2370 Carer's allowance for Members**

Note: Jayne Zito, Alison Malcolm and Jo Norton declared a prejudicial interest in this matter and left the meeting

The Chairs' Committee had considered this report at its meeting and had noted that it currently limited the Carers Allowance to £25 per day. The Committee recommended to the Authority that the Carers

allowance for Members be increased to make the Authority more inclusive and to avoid individuals being penalised because of their caring responsibilities. During their considerations, it was proposed that the allowances scheme be updated to enable actual evidenced cost to be reimbursed, up to a limit of £100 per day and that authority be delegated to the Chief Executive in consultation with the Chairman of the Authority to vary these arrangements in exceptional circumstances.

Issues discussed during consideration of this item included:

- All members could at some time have a prejudicial interest in relation to this item.
- The importance of having a fit for purpose scheme of reimbursement in place
- That the £100 is too low for members whose dependants might require overnight care if they are away on Police Authority business.
- Devon County Council's scheme allowed for actual evidenced cost to be reimbursed.

**RESOLVED**

- i) to acknowledge that the current Carers Allowance is unrealistically low in relation to care costs and that it should be increased to make the Authority more inclusive and to avoid individuals being penalised because of their caring responsibilities.
- ii) That the allowance be changed to meet actual evidenced costs which are unavoidably incurred due to the formal business of the Authority.
- iii) A cap of £100 per carer be set on the daily rate allowable.
- iv) That the arrangements be back dated to 28 July 2009.
- v) That authority be delegated to the Chief Executive in consultation with the Chairman to vary these arrangements in exceptional circumstances.

**P/2371 Chairman's announcements**

The Chairman reported on the appointment of Committee Chairs that had been decided to date.

The Chairman thanked Alison Malcolm for her contribution to the Authority during her 4 year term of office, which was due to conclude in October.

**P/2372 Consideration to Exclude the Press and Public**

**RESOLVED** that the items detailed in the table below be considered as closed.

Agenda item No	Minute No	Report Title	Relevant Act	Relevant section
14	P/2373	<b>Update in respect of the Devon &amp; Cornwall Core Delivery Programme</b>	Local Government Act 1972 as amended by the Local Government (access to information Act 1985)	Schedule 12A, Paragraph 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
15	P/2374	<b>Police Authority Treasurer</b>	Local Government Act 1972 as amended by the Local Government (access to information Act 1985)	Schedule 12A, Paragraph 1. Information relating to any individual.

16	P/2375	<b>Police Authority Chief Executive Officer</b>	Local Government Act 1972 as amended by the Local Government (access to information Act 1985)	Schedule 12A, Paragraph 1. Information relating to any individual.
N/A	P/2376	<b>Minutes of the meeting held on 26 June 2009</b>	Local Government Act 1972 as amended by the Local Government (access to information Act 1985)	Schedule 12A, Paragraph 1. Information relating to any individual.

**P/2373 Update in respect of the Devon & Cornwall Core Delivery Programme**

Members were updated on the progress of the Core Delivery Programme which comprised the procurement process covering command and control intelligence systems and separate solutions and integration services procurement.

Issues discussed during consideration of this item included:

- A Gateway Review had been completed and there had been uniformity of support from the Authority's Task and Finish Group, the Chair's Committee, the Gateway Review team, the David Wilkin report and the Treasurer.
- The preferred supplier was best on price
- The solution was the predominant Command and Control system used both regionally and employed nationally
- If the decision to contract proceeded with the preferred supplier, 4 of the 5 Forces in the South West Region would be using the same product.
- The cost over 5 years was approximately £900,000.

**RESOLVED**

- i) To note this update in respect of activities within the Core Delivery Programme
- ii) That the Police Authority note that the Treasurer confirms that the recommendations from the Gateway 3a Review fulfil acceptable criteria to proceed with the award of contract
- iii) That the Police Authority award the contract for the Command and Control solution to the preferred supplier, subject to finalisation of agreed contract terms and conditions.
- iv) That delegated authority is granted to the Acting Chief Executive to sign the contract on behalf of the Police Authority.

**P/2374 Police Authority Treasurer**

A panel comprising three members had interviewed four candidates for the Authority's Treasurer position that would become vacant in November. The panel had been supported by the Acting Chief Executive and the current Treasurer. Subject to vetting and references, a candidate had been selected and a start date was anticipated that would enable a hand over period of around a month.

**RESOLVED to note the report.**

**P/2375 Police Authority Chief Executive Officer**

Issues discussed during consideration of this item included

- The welfare support being provided for the outgoing Chief Executive

- The advert for a replacement Chief Executive had been published with a closing date of 28 September for applications.
- The number and demographics of application requests received to date by Devon County Council who had been tasked with managing the administration for the appointment.
- Familiarisation and interviews were scheduled for 21-22 October and the interviewing panel comprised 3 members and an external HR advisor.

**RESOLVED to note the report.**

**P/2376 Minutes of the meeting held on 26 June 2009**

The Chairman reported that a draft minute in relation to matters concerning the Authority's Chief Executive had been inadvertently omitted from the draft Minutes relating to the previous Authority meeting that had been circulated. P/2359, which was the Minute in question, was consequently circulated for members' information.

**RESOLVED that the minute be accepted and signed as a correct record.**

The meeting closed at 13.05hrs.