

Minutes of a Meeting of the Lincolnshire Police and Crime Panel held in the the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Thursday, 30th November, 2023 at 3.00 pm.

PRESENT

Chris Cook (Independent Co-optee) (Chairman)

Councillors Emma Bailey (West Lindsey District Council), Allan Beal (South Holland District Council), Chris Burke (City of Lincoln Council), Philip Dilks (Lincolnshire County Council), Jonathan Pessol (North Kesteven District Council), Paul Skinner (Lincolnshire County Council) and Stephen Woodliffe (Boston Borough Council).

OFFICERS IN ATTENDANCE:

John Medler	- Assistant Director Governance & Monitoring Officer
Alison Sparks	- Legal Manager and Deputy Monitoring Officer
Ann Good	- Democratic Services Manager
Elaine Speed	- Senior Democratic Services Officer and Civic Officer
Laura Allen	- Democratic Services Officer

48. WELCOME AND INTRODUCTIONS:

The Chairman welcomed everyone to the meeting including members of the public and press. It was explained that the purpose of the meeting was to finalise the scrutiny process into the appointment of the Chief Constable which was aborted by the Police and Crime Commissioner.

49. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillor Patricia Bradwell (Lincolnshire County Council), Councillor Graham Marsh (East Lindsey District Council), Councillor Sarah Trotter (South Kesteven District Council) and David Williams (Independent Member).

50. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the meeting, Members were invited to disclose any relevant interests, no such interests were disclosed.

51. LINCOLNSHIRE CHIEF CONSTABLE ABORTED RECRUITMENT EXERCISE AND THE IOPC'S OPERATION MOTALA EXECUTIVE SUMMARY REPORT:

In opening, the Chairman read out the final paragraphs from the Independent Office for Police Conduct (IOPC) report on Operation Motala:

"In conclusion, based on the evidence obtained during this investigation, the decision maker agreed that Mr Jones may not have been completely open or sufficiently clear in some of his dealings with the appointment panel members, Chief Constable Cole, the three candidates, third parties he approached for advice, and the PCP.

However, having carefully considered these matters, the decision maker felt that they were more appropriate to be considered by the PCP, as part of their review and scrutiny role, rather than by a criminal court."

It was considered that the IOPC was asking the Lincolnshire Police and Crime Panel (LPCP) as the most appropriate body to consider the issues. The Chairman advised Members that the IOPC's remit was to examine the criminal investigation and any criminal matter, and the Panel was tasked to examine any other issues that were identified and not concluded on. This included both the appointment process and the PCC's behaviour towards the LPCP during that period.

Attention was drawn to the following statements from page 7 of the IOPC report:

"On 22 January 2021, Mr Jones wrote to the PCP expressing his *'dismay and disappointment'* that they were continuing their enquiries into the failed process. He stated that this had caused him to lose any residual confidence and trust he had in the PCP's direction and leadership.

"On 5 February 2021, Mr Jones wrote to the Chair of the PCP urging him to stop *'this wasteful use of public resources'*. He also objected to the *'cloak and dagger'* way in which the PCP had approached panel members without informing him.

In March 2021, Mr Jones tweeted that PCPs were a *'pointless distraction'* and *'negative drain on resources'*, and that PCCs were subject to *'substandard scrutiny'*, some of which was *'very politically motivated and very corrosive'*

The Chairman advised Members that the LPCP had been subject to a very high level of scrutiny as evidenced by the need for this meeting. Gratitude was expressed to the IOPC for conducting a full and professional investigation which had uncovered the truth of the matter, and the findings had demonstrated that it was a correct and necessary investigation which the Panel was right to have brought to its attention.

The Panel had a responsibility to take the contents of the report and the comments received from relevant parties seriously. It was important to reflect on the contents of the report and look to the future so that the Panel could ensure mistakes were not repeated in forthcoming recruitment processes.

Members were referred to Paragraph 1.23 (page 5 of the Agenda refers):

"1.23 Other parties that were notified by the Panel raised the following matters in their responses which are summarised below:

- Merit, fairness and openness issues in the decision-making process and compliance with College of Policing guidance.*
- Ethics and standards concerns with reference to the Nolan Principles.*
- Public confidence in the process.*
- Gratitude for the Panel's scrutiny into the process and the IOPC's investigation."*

Attention was further drawn to the considerations for the LPCP (Paragraph 1.24 to 1.26, page 5 and 6 of the Agenda refer):

1.24 Under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, the IOPC can only investigate criminal allegations against PCCs. The IOPC does not have the power to investigate allegations of misconduct by PCCs.

1.25 Whilst the IOPC report concludes that the threshold to refer a criminal matter to the CPS had not been met the report highlighted:

- that the PCC did not always adhere to the guiding principles of fairness, openness and merit at all times during the process, and moreover, at times, his decisions were directly in conflict with these principles.*
- the unorthodox decision to introduce an additional element had a negative impact on many of the parties involved in the process, and potentially contravened the principles of merit, fairness and openness.*
- in conclusion, based on the evidence obtained during this investigation, the decision maker agreed that the PCC may not have been completely open or sufficiently clear in some of his dealings with the appointment panel members, Chief Constable Cole, the three candidates, third parties he approached for advice, and the PCP.*

1.26 The IOPC felt that the above matters were more appropriate to be considered by the PCP, as part of their review and scrutiny role, rather than by a criminal court.

Members were invited to put their comments and questions forward.

A summary of the points raised by Members were as follows:

- The criticism of the Police and Crime Commissioner was not only of the Panel, but also of the IOPC as noted in the PCC's own press release which stated, "they were not suitable to handle matters, often political, relating to publicly elected and accountable Police and Crime Commissioners".
- Tribute was paid to the exemplary way the Chairman, all staff and Panel Members had handled the issues and performed their duty to refer to the correct and relevant body.
- Although there was no criminal finding from the IOPC investigation, that did not mean the PCC had been cleared of wrongdoing.
- The PCC's response to the matters from start to finish was disappointing and below the standard the residents of Lincolnshire expected from someone who was elected to such a high position.
- The IOPC report was a thorough and professional report.
- The PCC would do well to reflect on the events and his conduct, and that, a public apology would be a good start, especially when a new recruitment process for the next Chief Constable was soon to commence.
- The LPCP has rightly stood up for the Nolan Principles of integrity, fairness and openness in public life and the PCC has signed a declaration to this code of conduct which was visible on the PCC's own website.
- The LPCP and all scrutiny committees were expected to challenge and to ensure there was complete openness in the process. This was what the public expected and demanded.
- It was disappointing that the impact on parties involved was not recognised or acknowledged, especially due to the serious impact the process had on people's lives and future lives.
- The PCC's denial of wrongdoing was concerning, especially where blame was placed on the Chairman and the Panel.
- The length of the investigation process being three and a half years was not acceptable.
- The learning recommendations presented to the Panel was supported as being both fair and valid.
- The Panel was required to build a good relationship with the PCC, it was a two-way relationship. The PCC needed to recover the Panel's confidence by rebuilding that relationship.

- The scrutiny work of this Panel was of good quality and challenging. All parties could work to achieve better.
- The appointment of the new Chief Constable was fully supported by the Panel.
- The PCC had attacked the integrity of the Panel. Members have only carried out their duties honourably and with good intension because they wanted to be part of this very important activity.
- In Reference to the PCC's tweet from on the evening of 20 March 2021:

'PCPs in current form are worse than a waste of money they are a negative drain on resources. That doesn't mean they could [sic] be better.'

'We are subject to substandard scrutiny though which is much more dangerous. Some of that 'scrutiny' is very politically motivated and very corrosive. PCPs are, in my experience a costly waste of time and a massive distraction from delivering quality service for the public.'

'The cost isn't the issue it's the structure. We are accountable to the public at the ballet [sic] box, the police authority didn't have a PCP. We need a standardised structure for mediation with Chiefs nut [sic] the rest is political. The Panel is a pointless distraction.'

With this statement, the PCC had attempted to undermine the whole process of scrutiny when the role of the PCP like any scrutiny committee was to ensure the public get value for money.

- The Home Affairs Select Committee should examine the report to determine whether legislation governing Police and Crime Commissioners and the powers of Crime Panels could be strengthened.
- A void existed between stating that PCC's would abide by the Nolan Principles and that PCPs were responsible for the handing of non-criminal complaints, yet were prohibited from investigating non-criminal complaints. It was important this void was emphasised to external parties.
- Suggestions should be made to the Home Affairs Select Committee and Parliament that modifications were made to the standards to which the PCC was held to and the powers of the PCP to deal with matters that fell below that of the IOPC's remit.
- It was concerning that the PCC had openly criticized two bodies who scrutinise the actions of such a public role.

- Confidence had been lost with the PCC based on the information contained within the report.

The Chairman requested clarification on making recommendations around the standards regime for PCC's. In response, the Assistant Director, Governance and Monitoring Officer advised that Learning Recommendation D from the report would address the issues raised.

A copy of the report including the recommendations and the PCC's response to the IOPC report was provided in the Supplementary Agenda, pages 1 to 50 refer.

Further to a discussion of the report and the recommendations, the Panel was invited to seek assurance from the PCC that the forthcoming Chief Constable recruitment process would follow the principles of merit, fairness and openness and would be undertaken in accordance with the College of Policing's guidance for appointing Chief Officers. Also, that the Panel recommended to the College of Policing that it reviewed its guidance for appointing Chief Constables and considered if it was adequate in underpinning the legislative position.

Following which, an Amendment to Recommendation II was Proposed and Seconded as follows:

*"The Panel particularly notes in relation to the recruitment process that the PCC did not always adhere to the guiding principles of fairness, openness and merit at all times during that process, **and moreover, at times, his decisions were directly in conflict with these principles.**"*

Following which, it was

RESOLVED

That the Panel noted the IOPC report, and its contents and the findings be noted and resolved as follows:

I. The Panel was grateful for the lengthy, thorough and independent investigation and welcomed confirmation that its referral to the IOPC was a valid approach in these circumstances, despite at the time, receiving criticism from the PCC for scrutinising events surrounding the Chief Constable recruitment process.

II. The Panel particularly noted in relation to the recruitment process that the PCC did not always adhere to the guiding principles of fairness, openness and merit at all times during that process, and moreover, at times, his decisions were directly in conflict with these principles.

III. The Panel also noted that at times the PCC's recollection of events to the Investigator contradicted the recollections of others involved in the process as detailed in the report.

IV. The Panel noted the considerable impact the process has had on the parties involved.

Learning recommendations:

A. The Panel seeks assurance from the PCC, that the forthcoming Chief Constable recruitment process will follow the principles of merit, fairness and openness and will be undertaken in accordance with the College of Policing guidance for appointing Chief Officers.

B. The Panel recommends to the College of Policing that it reviews its guidance for appointing Chief Officers and considers if it is adequate in underpinning the legislative position.

C. The Panel recommends to the Home Office and Home Affairs Select Committee that they consider the involvement of Inspectors from HMICFRS in the selection and appointment of Chief Constables to strengthen the process.

D. The Panel recommends to the Home Office, Home Affairs Select Committee and the Committee on Standards in Public Life that they consider a revised standards regime including investigatory powers to tackle issues where a PCC demonstrable falls below the expected standards of behaviour, to address the lacuna in the legislation, bringing scrutiny and accountability in line with that of other elected officials.

E. The Panel delegates to the Democratic Services Manager, in consultation with the Chairman of the PCP to report any agreed recommendations and actions to relevant parties.

A Member queried if the Panel could only act upon contents related to the report. In response, the Council's Legal Advisor confirmed that any recommendations the Panel made could only be based on the information contained within the report.

In his closing remarks, the Chairman advised Members that the Panel needed to move forward in the best interests of the community of Lincolnshire and thanked Members for their comments. Following which, a vote of thanks was Proposed and Seconded to the Chairman of the LPCP, former Panel Members Anne Welburn, George Krawiec and the previous Monitoring Officer to the Council Michelle Sacks for their assistance.

The Chairman called the meeting to a close and wished everyone a Merry Christmas.

52. DATE OF NEXT MEETING:

The programmed date for the next Meeting of the Panel is 11am on Wednesday 7th February 2024.

The Meeting closed at 4.15 pm.