



**Response to Complaint referred to the IPCC**

**Brief:** Information to be provided to the Police and Crime Panel detailing the circumstances and facts surrounding the complaint in order to assist the Police and Crime Panel in determining if they believe that the complaint is a serious complaint and therefore a matter for the IPCC to investigate.

**1. Background**

On 21<sup>st</sup> January 2014 the Commissioner and the Chief Executive Officer both received notification from the Police and Crime Panel advising that a referral had been made to the IPCC, in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, following the advice of their monitoring officer.

The IPCC's case manager has now said that he is unable to take a view on this referral at the moment *"...as there is insufficient details"* he goes on *"...The PCP must refer a complaint if it is determined to be a serious complaint. Therefore we need you to specify what criminality you believe has been indicated in these offence/offences."*

*We would like to know what has been done to try and find out in this instance whether the rumour is founded in fact. i.e. did the force lend her a car and what are the arrangements for so doing? The IPCC believes that the panel could ask the force in question whether any arrangement is in place for the use of police vehicles and whether the PCC used one at the time in question"*

On 5 February 2014, the Police and Crime Panel have requested that information is sent to them to determine if the complaint is a serious complaint and therefore a matter for the IPCC to investigate.

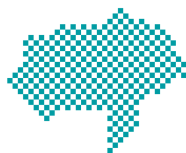
**2. Complaint details**

**The anonymous complaint alleges:**

**"a couple of months ago police commissioner Julia Mulligan's car broke down. Instead of getting it fixed or arranging for a hire car, she took a police car for a week instead. This caused problems as I was told the car had been booked by people to use. As a result they had to change there arrangements which cost the police money. Why should she get to use a police car as her own personal car? It made me angry when I heard.**

**I also wonder whether she is insured to drive a police car. Isn't she independent of the police? I think I may have as much right as her to drive a police car!"**

The complaint was made to Leader of City of York Council, Cllr James Alexander who passed it on by email to the Panel.



### 3. Factors Considered

In providing a response to this a number of pieces of information have been requested. A number of these include documentation and recollection, some of which was recorded as fairly contemporary as the matter has already been internally reviewed by the Chief Executive Officer.

This activity was undertaken in response to an internal anonymous messenger provided to the Chief Executive Officer via North Yorkshire Police Professional Standards Department. The Chief Executive Officer determined that this was an administrative issue and that it was appropriate for Monitoring Officer oversight.

Information in response to this issue is provided in the following sections:

- Factual articulation of the particular circumstances
- Factual articulation of the position with regard to use of vehicles
- Articulation and current position regarding driving Commissioner owned vehicles
- Cost assessment
- Conclusion

#### 3.1 Factual articulation of the particular circumstances

This is based upon both information requests and personal recollections.

The circumstances leading up to the Commissioner using a hire car, are as follows:

While at Harrogate, Granby Road Offices, on Wednesday 23 October 2013, the Commissioner had arrived at the office and had a flat tyre. The Executive Board was due to commence and did commence at 9am, which the Police and Crime Commissioner Chairs. (The Executive Board is the primary decision making board of the Commissioner. Its members include the Chief Constable, Deputy Chief Constable, Chief Executive Officer, Commissioner's Chief Finance Officer, Chief Constable's Chief Finance Officer and also professional senior advisors). There was a pre-arranged multi-agency meeting following that at 11am, however the Executive Board ran over and subsequently, so did the multi-agency meeting.

During the course of the meeting from 12 o'clock onwards the Commissioner was attempting to arrange a repair for her tyre. This was in between meetings between the Chief Executive Officer and for example the Chief Constable. Due to the pressing agenda items needing to be addressed with the Commissioner, Chief Constable, Deputy Chief Constable, Chief Finance Officer, Head of Legal Services etcetera via both the Executive Board and other items to be discussed, there was little time for the Commissioner to give instructions for others to deal with the issue or to deal with it herself. To do so would have disrupted the agenda for the day and delayed consideration of a number of urgent items. Productivity for senior individuals plummets when planned events for each day do not go as planned as

there is no time flexibility able to be arranged for the senior officers and staff involved for example in the Executive Board.

Police and Crime  
Commissioner  
North Yorkshire



The Commissioner had a pre-arranged meeting and was due to be at Scarborough Police Station at 5 o'clock and was due to attend with the Chief Constable. Due to the need to travel and keep both that

day and subsequent ones on track there was an open discussion of travel options. Recollections are that a number Executive Board members were involved.

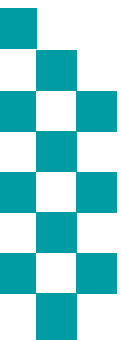
A decision was taken to attempt to arrange an alternative vehicle to enable the Commissioner to attend the pre-arranged meeting with officers and the following public meeting in Scarborough that evening. Plans were put in place to request a hire vehicle. These involved a number of conversations between senior staff and support staff to arrange this. There was a conversation regarding availability and an instruction given that a vehicle should be sought and provided. The arrangements and instructions were made by senior staff while the Commissioner continued to undertake day business with for example the Chief Constable and Chief Executive Officer. A vehicle was subsequently delivered to the Granby Road Office.

The assessment of need / appropriateness:

The Police and Crime Commissioner needed to travel to Scarborough from Harrogate for a meeting at 5 o'clock. This meeting was due to run until 6 o'clock and following that the Commissioner was due to attend a public meeting from approximately 6 o'clock to 8 o'clock in Scarborough. The public meeting was called 'Time to Talk' and it had been extensively publicised prior to the event. It was important that the Commissioner attended as significant concerns had been raised by the public regarding police responsiveness in the Scarborough area. It would have been inappropriate and unacceptable for the Commissioner not to have attended. The event was very well attended, reflecting the level of concern held by the community. The Commissioner subsequently needed to travel home.

The Commissioner was required to attend a multi-agency Police and Crime event at Police Headquarters on Thursday 24 October. This was a full day event followed by a further meeting at Newby Wiske, Police Headquarters. The Commissioner needed to return home and on Friday was working again from the Granby Road, Harrogate Office for a meeting with a senior member of police staff on a time critical piece of work at 9 o'clock.

The Police and Crime Commissioner did not request a hire vehicle or pool vehicle. It was the view of officers supporting the Police and Crime Commissioner that given the meetings that she was required to attend and was attending during the day that it was necessary and would be appropriate to provide suitable transport to enable her to undertake her role. It was due to work commitments that alternative arrangements were not able to be put in place and the vehicle was required. The time to be able to arrange for repair to the Commissioner's own vehicle was during Thursday 24 October and Friday 25



October morning. Senior officers and staff were able to put in place a workable solution to enable the Commissioner to undertake her role over the following days.

Police and Crime  
Commissioner  
North Yorkshire



Assessment of the circumstances:

The fact that the vehicle would not have been able to be delivered back by 7am the next day appears to have been an oversight. Clearly this would never have been possible, only having finished a meeting in Scarborough after 8 o'clock the previous evening. It is unfortunate that this was not known in advance but is believed to be a genuine oversight, or lack of information, which lead to a pool car being used, rather than a car hired for two days.

It is not felt that in the circumstances it was inappropriate for a vehicle to be provided. The transport decision tree (internal policy assessment Use of Vehicles) shows that:

- 1: Appropriate use of vehicles shows that the journey was required, it was.
- 2: The journey could not be carried out by public transport.
- 3: It was then assessed whether or not there would be a pool car available.

It seems that there was a pool car available for that day and this was used. It was due to the fact that it was needed for an extended day that would have lead to a different decision to provide a hire car instead. However, the initial decision to provide a pool car as per the decision tree would be the most cost effective initially.

The vehicle was available for collection and reuse from the morning of Friday 25 October.

Given the role undertaken by the Commissioner and requirement to keep to commitments, as with the roles of senior staff the Chief Executive Officer has indicated that a practical and pragmatic approach has to be adopted which balances direct cost, productivity and perception. The Chief Executive Officer or Chief Finance Officer will make an ultimate decision in such circumstances as required. This was the case in these circumstances and with the full and transparent involvement of a number of senior members of staff and officers.

### 3.2 Factual articulation of the position with regard to use of vehicles

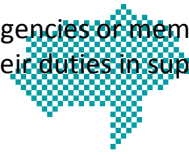
All vehicles are owned by the Commissioner. This is the same position as all assets including the estate and technology assets. They are made available for use to support the delivery of the Police and Crime Plan.

The Commissioner is responsible for making the decisions on the level of investment in assets, informed by operational assessments, either professional policing requirements from the Chief Constable and/or technical and professional experts.



They can be made available to the Police and Crime Commissioner, other agencies or members of the Commissioners' staff or the Commissioner herself to effectively perform their duties in support of achieving the Police and Crime Plan.

Police and Crime  
Commissioner  
North Yorkshire



Technically these are not police cars in ownership terms. However in all practical terms, vehicles as other assets are made available to enable officers and staff to do their jobs as effectively as possible. This does take into account cost effectiveness and close scrutiny is paid to ensuring the best use of assets. This includes optimum level of the fleet and its utilisation. Investments planned in technology will include systems to assess usage i.e. to ensure that vehicles are in the right place and do not sit 'parked up'.

The Transport department working with operational colleagues are continually seeking to maximise the use of vehicles and ensure that a smaller fleet does not for example lead to an increase in hire cars etc. This is assessed against productivity and the ability to undertake roles with the minimum of bureaucracy is a key part of the ways of working challenge.

The decision taken in this circumstance is also an important part of the cultural assessment aiming to move away from risk averse to risk aware. This example is a good one of a decision being made which was expedient and not risk averse. Further work will be required to ensure that such decisions can be taken without generating additional workloads by either the process itself or subsequent scrutiny.

### 3.3 Articulation and current position regarding driving Commissioner owned vehicles

The existing NYP Use of Vehicle Policy includes the requirement for all staff to undertake basic driver training. The policy reads that this is required prior to using Force Vehicles, hired or owned.

The view of the DCC and CEO was that this requirement required challenge. There are limited resources to undertake driver training and operational training should take priority. A review of policy is now concluded and the planned training for OPCC staff was as a consequence deferred.

HR and Training policies have not been fully reviewed and updated following the introduction of Police and Crime Commissioners. This position is addressed via the Stage 2 transfer preparation activity. This is both challenging policy itself and identifying where there will be differences in applying NYP policy to Commissioner specific activity. The Chief Executive Officer has requested previously that it is made absolutely clear for staff operating any process or system which applies to the Commissioner and NYP staff to enable individuals to understand and apply the correct processes. There is a consistent view of senior managers that polices can be streamlined.

The new policy is '**Casual Driver** (*Individuals using force owned or operated unmarked vehicles for transport only purposes*) – certification is dependant upon an assessment process carried out by the line manager consisting of a check of the valid driving licence'.



Factual articulation of the position of the Police and Crime Commissioner of vehicles

All vehicles are insured via one Fleet Policy. This covers all officers, staff, volunteers, special constables and partner staff.

For example the Safety Service which is a joint service being piloted in Scarborough jointly by the Fire Service and North Yorkshire Police utilises a vehicle which is part of the fleet owned by the Commissioner and made available to North Yorkshire Police. The Commissioner and Fire Authority jointly supporting the Safety Service have provided this vehicle which is now jointly marked. This vehicle is insured on the NYP policy and both Fire and 'Police' personnel can drive this. In line with streamlining the Use of Vehicle Policy it has been determined that Fire officers and staff can drive this vehicle without the need to undertake a further driving assessment by the Police. Again this is an example of the existing policy being challenged for appropriateness and to ensure that policy meets the outcomes being sought and is not a process in itself.

### 3.4 Cost assessment

The differential in cost to the solution put in place to vehicle mileage is as follows:

130 miles return Harrogate to Scarborough mileage cost £58.50 @ 45p per mile.

52 miles return Harrogate to Newby Wiske HQ mileage cost £23.40 @ 45p per mile.

Hire car 24 October £30.95

Hire car 25 October £29.39

**Total hire car cost £60.34**

### 3.5 Conclusion

In conclusion our assessment is that the Commissioner did in fact utilise a pool car. This was from the afternoon of 23 October to the morning of 25 October. The pool car had been booked by officers and subsequently a hire car was needed to be booked for their use. This did incur an expense. If a hire car had been used by the Commissioner, that would have incurred an expense. If alternatively the Police and Crime Commissioner had claimed mileage for the journey, that would have incurred an expense. In the event the actual cost was lower.

This bears out the decision tree approach to use hire cars which is the policy within NYP. However this is not normally adopted for the Commissioner due to the frequency of journeys and cost of administration.

NOT PROTECTIVELY MARKED

The Commissioner follows the standard Police Reform and Social Responsibility Act 2011 which provides for the payment of "allowances" to a Police and Crime Commissioner. Authorised allowances are payable for expenditure incurred by the Commissioner in the exercise of her function as the Commissioner, which are of the kinds and amounts determined by the Secretary of State. The Commissioner reclaims mileage undertaken in her private vehicle at the public transport rate in line with the above.

All expenses and mileage are published on the Commissioner's website. Should any cost be incurred of the nature of the above these will also be shown in future in order that the overall cost of travel for example can be seen irrespective of the method.

The following action is in hand which has some relevance to the above:

The Head of Risk and Assurance has been requested by DCC Madgwick and CEO Carter to revisit the Use of Vehicle Procedure. The for all staff to undertake driving assessment has been deemed unnecessary and risk averse in the present climate.

A check to compare the local approach adopted to other arrangements nationally has been undertaken by the Chief Executive Officer on vehicle / transport provision for PCC's. This has highlighted only minor amendments to the existing policy which are currently being considered with a view to incorporate.

Home to work journeys of the Police and Crime Commissioner are routinely deducted from mileage claims.

We believe that this was a valid, sensible solution. It did create work for administration staff to make the arrangements but this is part of their role.

NOT PROTECTIVELY MARKED

Joanna Carter | Chief Executive Officer

Police Headquarters | Newby Wiske Hall | Northallerton | North Yorkshire | DL7 9HA

Tel: 01609 789990 | Email: [deborah.allinson@northyorkshire.pnn.police.uk](mailto:deborah.allinson@northyorkshire.pnn.police.uk)

BE SAFE  
FEEL SAFE