

# **Lothian and Borders Police Board**

**Livingston, 31 January 2011**

## **Present:**

**City of Edinburgh Council** – Councillors Whyte (Convener), Cardownie, Dawe, Dundas, MacLaren, Milligan, Mowat and Tymkewycz.

**East Lothian Council** – Councillors MacKenzie (Vice-Convener) and MacKinnon.

**Midlothian Council** – Councillors Moffat and Russell.

**Scottish Borders Council** – Councillors Jones and Logan.

**West Lothian Council** – Councillors Cochrane, Day and Muir (Vice-Convener).

## **1 Welcome to Chief Executive and Clerk**

The Convener welcomed Sue Bruce, Chief Executive of the City of Edinburgh Council to her first meeting as the Chief Executive and Clerk of Lothian and Borders Police Board.

## **2 ICT Enabled Business Change Programme - Presentation**

Chief Constable Colin McKerracher, Grampian Police, presented details of the ICT Enabled Business Change Programme. The programme aimed to develop control systems, processes, equipment and procurement to support effective policing. Early progress and the future challenges for the service were also detailed. It was noted that Lothian and Borders Police had been the first Force to use the national Command and Control software which would be rolled out across Scotland. Future projects included mobile data capture and information management initiatives relating to police response processes.

Chief Constable McKerracher responded to points raised by members on the following issues:

- Training arrangements
- Oversight by Boards
- Transparency and accountability of the new system

Lothian and Borders Police Board  
31 January 2011

### **Decision**

To note the presentation and thank Chief Constable McKerracher for his attendance.

## **3 Minutes**

### **Decision**

- 1) To approve the minute of the Police Board of 15 November 2010 as a correct record.
- 2) To note the minute of the Sub-Committee Dealing with Complaints Issues of 10 January 2011.
- 3) To note the minute of the Sub-Committee Dealing with Complaints Issues of 17 January 2011.
- 4) To note the minute of the Sub-Committee Dealing with Complaints Issues of 18 January 2011.
- 5) To note the minute of the Audit and Scrutiny Committee of 24 January 2011.

## **4 Revenue and Capital Monitoring Report 2010-11**

The Revenue and Capital Budget position of the Board for the period ending 30 November 2010 was detailed. The Board had incurred Gross Expenditure during this period of £144.519m representing an underspend of £0.844m compared to the phased budget. The full year financial projection anticipated a surplus of £0.786m compared to the budget set by the Board in January 2010.

The Capital Investment Programme approved in January 2010 had been based on planned expenditure of £4.329m in the 2010/11 financial year. Due to slippage on some projects and the data network upgrade in 2009/10, the Capital Expenditure Plan was revised to £5.541m in 2010/11. The borrowing requirement in 2010/11 remained within the overall prudential borrowing limits approved by the Board.

Lothian and Borders Police Board  
31 January 2011

**Decision**

To note the report.

(References – Police Board 25 January 2010 (item 7); report by the Chief Constable 20 January 2011, submitted)

**5 Revenue Budget 2011-12 to 2013-14 and Capital Investment Programme Funding 2011-12**

A revenue budget for 2011/12 and indicative revenue budgets for 2012/13 and 2013/14 were presented. Approval was also sought for funding for the Capital Investment Programme 2011-12. The proposals also reflected consultation with Council Leaders and constituent authority Directors of Finance. Input from Police Board Members had been provided through a number of forums.

The proposed revenue budget for 2011/12 had been prepared on the basis of an average 2.6% cash reduction in local authority requisitions, compared to 2010/11. A 2.6% cash reduction in police specific grant payable directly by the Scottish Government had also been applied. This equated to an overall cash reduction in funding available to the Police board of £4.6m in 2011/12. In accordance with the terms of the provisional Local Government Settlement for 2011/12, the proposed budget assumed that the total number of police officers in Lothian and Borders would be maintained at 2,973 throughout 2011/12.

In terms of the Capital Investment Programme 2011/12, the Local Government Finance Settlement 2011-12 had identified police services as a separate element within Councils' General Capital Grant. For 2011/12, the figures identified represented a reduction of 6.3% on the capital grant payable to the Board by constituent councils.

**Decision**

- 1) To approve the proposed revenue budget for 2011/12 and agree that the Treasurer be authorised to requisition the individual constituent authorities for amounts as follows:

City of Edinburgh Council	£44,923,500
Midlothian Council	£6,582,900
East Lothian Council	£6,845,100
West Lothian Council	£14,160,600
Scottish Borders Council	£9,657,800

Lothian and Borders Police Board  
31 January 2011

- 2) To approve the arrangements for Reserves and budget flexibility as set out in section 5 of the Treasurer's report.
- 3) To note the indicative savings targets for 2012/13 and 2013/14, as detailed in paragraph 4.3 of the Treasurer's report and the indicative requisitions for those years as detailed in appendix 4.
- 4) To note that, subject to satisfactory progress and outcomes in relation to the risks identified at Section 5 of the report, it was considered that the proposed budget and Council requisitions, would allow the Chief Constable to maintain police officer numbers throughout 2011/12 at the level required under the terms of the Local Government Finance Settlement.
- 5) To note that the Chief Constable would continue to develop proposals for cashable savings through the Transforming the Service Programme and that regular updates would be provided to the Board.
- 6) To approve the proposed capital grant funding for 2011/12 and agree that the Treasurer be authorised to requisition the individual constituent authorities for amounts as follows:

City of Edinburgh Council	£1,906,000
Midlothian Council	£292,000
East Lothian Council	£354,000
West Lothian Council	£638,000
Scottish Borders Council	£425,000

- 7) That the Convener write to the Cabinet Secretary requesting an urgent meeting to discuss updating the indicators for Police Grant Aided Expenditure for 2011/12 and issues around additional funding for injury pensions.
- 8) To note that the Treasurer intended to submit the proposed Capital Investment Programme for 2011-14 to the next meeting of the Board on 28 March 2011.

(Reference – report by the Treasurer 24 January 2011, submitted)

## **6 Police Pensions Regulations 1987**

The Board had previously considered proposals by the Chief Constable on the possible implementation of Regulation A19 of the Police Pension Regulations 1987 and had agreed:

- 1) to continue consideration of the matter until after the Scottish Government Budget announcement on 17 November 2010 and to allow the Chief Constable to hold further discussions with the Scottish Police Federation; and
- 2) to ask the Chief Constable to report to the next meeting of the Board on the potential effect implementing Regulation A19 would have on the future delivery of the policing service in Lothian and Borders.

The Chief Constable had undertaken a survey of officers who had either already reached 30 years pensionable service or who would do so within the next four years, to indicate when they would wish to retire. Current data showed that 254 officers would complete 30 years service in the years 2010/11 to 2014/15 with a further 27 currently retained on the 30+ scheme.

### **Decision**

- 1) To note the report.
- 2) To note that the Chief Constable would bring forward proposals to a future meeting detailing the process, including an appeal procedure, following consultation with elected members, staff associations and Board officers in due course.

(References – Police Board 15 November 2010 (item 1); report by the Chief Constable 20 January 2011, submitted)

## **7 Career Break Scheme for Police Officers**

The Board had previously agreed to set aside that part of the Force's Career Break Policy restricting an officer's ability to undertake non-casual employment during a career break. The Board had also asked the Chief Constable to submit a further report to the Board on family-friendly policies and procedures available to officers on a career break.

Lothian and Borders Police Board  
31 January 2011

In accordance with the terms of the provisional Local Government Settlement for 2011/12, the proposed budget assumed that the total number of police officers in Lothian and Borders would be maintained at 2,973 throughout 2011/12 and, as a result, it was not considered appropriate to offer financial incentives in the Career Break scheme. The development and revision of related policies (eg: family-friendly policy) had been progressed by the Association of Chief Police Officers in Scotland. The guidance was being finalised, following which, the Force would publish its own policies and report to the Board.

**Decision**

To note the report.

(References – Police Board 15 November 2010 (item 10); report by the Chief Constable 20 January 2011, submitted)

**8 Police Staff Voluntary Redundancy – Early Redundancy Retirement Scheme**

The Board had previously noted the intention to introduce a Police Staff Voluntary Redundancy/Early Redundancy Retirement scheme. Subsequently, the Board had agreed that the Chief Constable, in consultation with the Convener and Treasurer, be authorised to approve costs arising from the acceptance of voluntary redundancy measures provided the costs could be met from the Board's revenue budget for 2010/11.

Action taken by the Chief Constable to implement the scheme was detailed. To date, a total of 80 applications had been approved. These posts would be permanently deleted from the establishment. The combined cost of the redundancy and pension strain payments was £1.5m. The associated saving to the Force would be £2.1m.

**Decision**

To note the action taken by the Chief Constable, in consultation with the Convener and the Treasurer in terms of Standing Order 38, to approve the Voluntary Redundancy/ Early Redundancy Retirement applications.

(References – Police Board 15 November 2010 (item 6); report by the Chief Constable 20 January 2011, submitted)

Lothian and Borders Police Board  
31 January 2011

## 9 Policing Performance – 1 April 2010 to 31 December 2010

The Chief Constable provided members with an update on the following major operational issues and events currently being progressed by the Force:

- an outline of the recent severe weather pressure on public services
- the success of the Hogmanay Street Party
- police officer recruitment - an additional 36 officers would be recruited during 2011/12
- change of procedure following the Cadder Report regarding solicitor access for detainees
- Community Payback Orders

A summary was also provided of key areas of performance for the period 1 April 2010 to 31 December 2010. Members noted that overall crime had again fallen by 10% compared to the equivalent period last year.

The Audit and Scrutiny Committee had considered the policing performance report in detail and had asked the Chief Constable to provide information on the cost of sickness absence to the Force.

### Decision

- 1) To record the Board's condolences to the family and friends of John Burke, "A" Division, who had died recently.
- 2) To note the update by the Chief Constable.
- 3) To note the policing performance report for the period 1 April 2010 to 31 December 2010.
- 4) To note that costs of sickness absence to the Force for the 9-month period to December 2010 were as follows:

Police Officers	£2.254 million
Police Staff	£0.976 million

(References – Audit and Scrutiny Committee 24 January 2011 (item 4); report by the Chief Constable 20 January 2011, submitted)

## **10 Investigation of Complaints About the Police – Statistical Return 1 April 2010 to 31 December 2010**

The number of complaints about the police recorded during the period 1 April 2010 to 31 December 2010 were detailed. This included equivalent comparable figures for the same period in 2009/10.

### **Decision**

To note the report.

(Reference – report by the Chief Constable 20 January 2010, submitted)

## **11 Governance Arrangements – Board Remit and Member Protocol**

In order to promote good governance, the Board had agreed that a statement be prepared detailing its overall function, duties and responsibilities. A draft remit was submitted.

Following the Best Value self-assessment exercise, the Board had agreed that a protocol to further define member and officer roles and responsibilities be prepared. The draft protocol was presented.

### **Decision**

- 1) To approve the remit as detailed in Appendix 1 of the report by the Chief Executive and Clerk.
- 2) To approve the protocol as detailed in Appendix 2 of the report by the Chief Executive and Clerk.

(References – Police Board 15 November 2010 (item 19); report by the Chief Executive and Clerk, submitted)

## **12 Best Value Improvement Plan - Progress**

Following the Best Value self assessment undertaken in 2010, the Board had previously approved a Best Value Improvement Plan.

An update was given of the current position on each of the 38 actions listed.

Lothian and Borders Police Board  
31 January 2011

**Decision**

To note the position on the Improvement Plan.

(References – Police Board 30 August 2010 (item 15); report by the Chief Executive and Clerk, submitted)

**13 West Lothian Civic Centre Gateway Review**

The Scottish Government had recommended that all its projects with a value in excess of £5million undertake the Office of Government Commerce (OGC) Gateway Review process.

Information was given on the outcome of the review of the West Lothian Civic Centre project together with recommendations made by the Review Team.

**Decision**

To note the conclusion of the Gateway Review 5.

(Reference – report by the Chief Constable 18 January 2011, submitted)

**14 Climate Camp for Action 2010 and State Visit of Pope Benedict XVI**

The Board had asked the Chief Constable to provide details of the costs and impact associated with policing the Climate Camp for Action 2010 and the State Visit of Pope Benedict XVI.

The Chief Constable advised members that the Force's strategy for policing the climate camp was based on early engagement and negotiation. This meant that no major targets were threatened and resulted in relatively few arrests compared to similar events held elsewhere. A more robust approach could have resulted in higher costs resulting from legal actions, public inquiries and injury compensation payments. The success of the operation was built around detailed planning and excellent co-operation between the Force and the City of Edinburgh Council.

Planning for the state visit of Pope Benedict XVI involved a number of partner agencies including Strathclyde Police, Metropolitan Police Service, the City of Edinburgh Council, Scottish Government, Foreign and Commonwealth Office and the Roman Catholic church.

Lothian and Borders Police Board  
31 January 2011

Total expenditure for the operation was £543,226 and negotiations were underway with the Scottish Government for the recovery of expenses and additional costs related to the visit.

**Decision**

To note the updates.

(References – Police Board 15 November 2010 (item 5); reports (2) by the Chief Constable 18 and 20 January 2011, submitted)

**15 Partnership Working – West Lothian Community Planning Partnership**

Details were given of the work being undertaken by West Lothian Community Planning Partnership (WLCPP). The Partnership was established in 1999 and now consisted of 17 partner organisations.

The Partnership had published a new community plan “Towards 2020”. The plan set out the strategic direction for West Lothian and detailed the key targets and priorities for the Partnership’s work.

Chief Superintendent McDermott advised members of various initiatives taking place within West Lothian aimed at reducing levels of anti-social behaviour, vandalism and hate crime in the area. Collaboration between all members of the Partnership continued to produce positive outcomes for local residents and communities.

**Decision**

To note the report.

(References – report by the Chief Constable 18 January 2011, submitted)

**16 Sustainable Procurement Delivery Plan**

The Scottish Government had published the Scottish Sustainable Procurement Action Plan in 2009. The national framework set out targets, outcomes and indicators to assist public sector organisations to build sustainability into their procurement processes and outlined a self-assessment methodology.

The Delivery Plan developed by the Force setting out 10 key steps and associated actions towards achieving effective sustainable procurement was submitted.

Lothian and Borders Police Board  
31 January 2011

**Decision**

To note the Sustainable Procurement Delivery Plan.

(References – Police Board 20 April 2010 (item 10); report by the Chief Constable 18 January 2011, submitted)

**17 Carbon Management Plan**

The Climate Change (Scotland) Act 2009 set targets to reduce greenhouse gas emissions by 42% by 2020 and at least 80% by 2050.

The Association of Chief Police Officers in Scotland (ACPOS) had also produced a Climate Change Action Plan for 2010-2020 setting out targets for reductions in greenhouse gas emissions by 2015 and 2020.

The Board had previously agreed to make a commitment through its own Climate Change Declaration.

A proposed plan to take forward the Board's Carbon Management Programme over the next five years was submitted.

**Decision**

To note the publication of the Carbon Management Plan.

(References – Police Board 30 August 2010 (item 7); report by the Chief Constable 14 January 2011, submitted)

**18 Building Design Services Framework Agreement**

Tenders had been invited for the National Framework Agreement for Building Design Services. To allow for the necessary contract deadlines to be met, the Chief Constable had awarded the National Framework Agreement as a matter of urgency in terms of Standing Orders 38 and 63(2).

**Decision**

To note the action taken by the Chief Constable, in consultation with the Convener, in awarding a Framework Agreement for Building Design Services.

(Reference – report by the Chief Constable 5 January 2011, submitted)

## **19 Alternative Business Models Programme**

An update was given on progress being made towards the Alternative Business Models (ABM) Programme. The ABM Programme Board and external advisers had developed an outline plan for the next phase of the process. The plan would be tailored to reflect the specific characteristics and circumstances of corporate and transactional services, integrated facilities management and environmental services.

### **Decision**

To note the update on the Alternative Business Models Programme.

(References – Police Board 20 April 2010 (item 12); report by the Chief Constable 18 January 2011, submitted)

## **20 Community Sex Offender Disclosure Scheme – “Keeping Children Safe”**

Assistant Chief Constable Livingstone and Detective Inspector Hodges gave a presentation on a proposed Community Sex Offender Disclosure Scheme to be rolled out across Scotland following a successful pilot scheme in Tayside. The Lothian and Borders scheme would commence on 31 March 2011.

The initiative aimed to safeguard children by allowing parents and guardians access to information about adults who were in positions of responsibility for their children. The Scottish Government had allocated £30,000 to Lothian and Borders to cover local marketing costs associated with the scheme.

### **Decision**

- 1) To note the presentation.
- 2) To note the report.

(Reference – report by the Chief Constable 20 January 2011, submitted)

## **21 Public Perception Survey 2010**

Initial findings from the Force’s Public Perception Survey undertaken in August 2010 were presented. The survey would allow the Force to identify areas for improvement locally, assist community policing teams with their priorities and monitor the impact of its Community Commitment.

Lothian and Borders Police Board  
31 January 2011

### **Decision**

- 1) To note the initial findings from the survey.
- 2) To refer the report to the Policy and Best Value Working Group for further detailed consideration.
- 3) To note that Councillor Mowat had sought clarification around the issue of identity theft and that this be included as part of the discussion at the Policy and Best Value Working Group.

(Reference – report by the Chief Constable 20 January 2011, submitted)

## **22 Police Complaints Commissioner for Scotland – Response to Consultation on Draft Statutory Guidance on Police Complaints Handling**

The Police Complaints Commissioner for Scotland had invited the Board to comment on the draft Statutory Guidance on Police Complaints Handling for police forces, police bodies operating in Scotland and police authorities and boards. A draft response had been submitted to meet the deadline of 11 January 2011.

The Sub-Committee Dealing with Complaints Issues had agreed the content of the draft response and that it be submitted to the Board for approval.

### **Decision**

To approve the consultation response for submission to the Police Complaints Commissioner for Scotland.

(Reference – report by the Chief Executive and Clerk, submitted)

## **23 Police Public Bravery Awards 2011**

The Association of Chief Police Officers (ACPO) had invited Councillor Whyte to form part of the selection panel for the 2011 Police Public Bravery Awards in his capacity as Convener of the Scottish Police Authorities Conveners Forum. The selection panel were scheduled to meet in London on 9 February 2011.

To allow for the necessary arrangements to be made, the Chief Executive and Clerk had dealt with the invitation as a matter of urgency in terms of Standing Order 38.

Lothian and Borders Police Board  
31 January 2011

### **Decision**

To note the action taken by the Chief Executive and Clerk, in consultation with the Convener, in authorising the attendance of Councillor Whyte at the selection panel meeting on 9 February 2011.

(Reference – report by the Chief Executive and Clerk 13 December 2010, submitted)

## **24 Custody Visiting Scheme – Reappointment of Custody Visitors and Appointment of New Custody Visitor**

Approval was sought to re-appoint two custody visitors for a further three year term until 14 March 2014 and to appoint a new custody visitor from the reserve list.

### **Decision**

- 1) To re-appoint Judi Cavaroli and Hazel Paxton as Custody Visitors for a further three year term until 14 March 2014, subject to receipt of a satisfactory enhanced disclosure check.
- 2) To appoint Janet Clark as a Custody Visitor for a three year period to 31 January 2014 subject to receipt of acceptable references and a full background check.
- 3) To delegate authority to the Chief Executive and Clerk, in consultation with the Convener, to confirm Janet Clark's appointment following successful completion of the probation period and the receipt of satisfactory references and a successful background check.

(References – Police Board 20 April 2010 (item 21); report by the Chief Executive and Clerk, submitted)

## **25 Future Meeting Arrangements - June 2011 to June 2012**

A proposed schedule of meeting dates for the Board and its Sub-Committees for the period June 2011 to June 2012 was submitted.

Lothian and Borders Police Board  
31 January 2011

**Decision**

To approve the schedule of meetings as follows:

**Police Board**

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Friday 24 June 2011 (Unaudited Accounts)	TBA	Edinburgh
Monday 29 August 2011	10.30am	Dalkeith
Monday 14 November 2011	10.30am	Haddington
Monday 30 January 2012 (Revenue Budget)	10.30am	Livingston
Monday 26 March 2012	10.30am	Newtown St Boswells
Monday 11 June 2012	TBA	Edinburgh
Friday 29 June 2012 (Unaudited Accounts)	TBA	Edinburgh

**Audit and Scrutiny Committee**

<b>Date</b>	<b>Time</b>	<b>Venue</b>
Monday 22 August 2011	1.00 pm	Edinburgh
Monday 7 November 2011	1.00 pm	Edinburgh
Monday 23 January 2012	1.00 pm	Edinburgh
Monday 18 June 2012	1.00 pm	Edinburgh

**Sub-Committee Dealing with Complaints Issues  
Policy and Best Value Working Group**

<b>Date</b>	<b>Sub-Committee Dealing with Complaints Issues</b>	<b>Policy and Best Value Working Group</b>
Monday 8 August 2011 (Dip Sampling)	10.00 am	-
Monday 15 August 2011	10.00 am	11.00 am
Monday 26 September 2011 (Dip Sampling)	10.00 am	-

Lothian and Borders Police Board  
31 January 2011

<b>Date</b>	<b>Sub-Committee Dealing with Complaints Issues</b>	<b>Policy and Best Value Working Group</b>
Monday 24 October 2011	10.00 am	11.00 am
Monday 9 January 2012 (Dip Sampling)	10.00 am	-
Monday 16 January 2012	10.00 am	11.00 am
Monday 5 March 2012 (Dip Sampling)	10.00 am	-
Monday 12 March 2012	10.00 am	11.00 am

(Reference – report by the Chief Executive and Clerk, submitted)