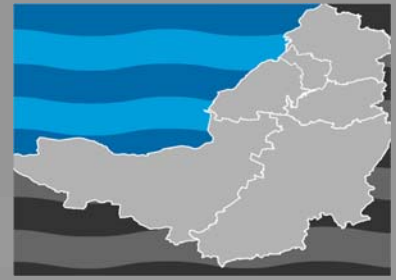


Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Community Governance



Date: Tuesday 24th October 2017

Time: 10.30am (pre-meeting for members 10.00am)

**Venue: Town Hall, Walliscote Grove Road, Weston-super-Mare,
BS23 1UJ**

Membership:-

Bath & North East Somerset

Bath & North East Somerset

Bristol City Council

Bristol City Council

Bristol City Council

Mendip District Council

North Somerset Council

North Somerset Council

Sedgemoor District Council

Somerset County Council

South Gloucestershire Council

South Gloucestershire Council

South Somerset District Council

Taunton Deane Borough Council

West Somerset District Council

Cherry Beath

Mark Shelford

Asher Craig

Afzal Shah

Mark Weston

John Parham

Nigel Ashton (Chairman)

Roz Willis

Ann Bown

Neil Bloomfield

Mike Drew

Heather Goddard

Martin Wale (Vice-Chair)

Jane Warmington

Stuart Dowding

Independent Members:

Bryony Ball, Joseph Mullis, Andrew Sharman

Patricia Jones

Senior Governance Officer

Community Governance Team

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Agenda published: 16th October 2017

Somerset County Council

Community Governance Team

County Hall, Taunton

TA1 4DY

Agenda



Public Information Sheet

The attention of the public is drawn to the sheet at the back of the agenda giving information on attending meetings and inspecting reports and background papers.

1. Apologies for absence

2. Public Question Time

Statements or questions should be e-mailed to PLJones@somerset.gov.uk, or sent to the Community Governance Team, County Hall Taunton TA1 4DY (marked for the attention of Patricia Jones). Statements must be received no later than 12.00 noon on the working day prior to the meeting. For the purposes of this meeting, your statement should be submitted by **noon on Monday 23rd October 2017**. Questions must be received no later than 5 clear working days before the meeting - **5pm on Monday 16th October 2017**.

3. Declarations of Interest

4. Minutes of the meeting held on 27th June 2017

- to confirm as a correct record.

5. Chairman's Business

- Consultation on National Representation for Police and Crime Panels.
- Response to Panel's letter to the Home Secretary (highlighting funding concerns /increased demands on the force)

6. Commissioner's Update

7. Tipping Point

- Briefing on the Police Funding Challenge.

8. Unauthorised Encampments

- powers to deal with unauthorised encampments and some practical/operational issues associated with implementation.

9. Panel Funding – Indemnity Mechanism

- to secure agreement on an indemnity mechanism from the Constituent Authorities.

10. Scrutiny of performance/delivery against the Police and Crime Plan

- **Link Member Reports**

11. Work Programme

12. Standing Complaints Report

13. Exclusion of the Press and Public

Recommended - that under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the consideration of the following item, on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act (as amended).

14. Complaint Update

15. Date of next meeting

- 17th November 2017 10am-1.30pm (Budget training Police Headquarters)
- 13th December 2017 10.30am (formal Panel meeting)

Public Information Sheet

Inspection of Papers/Register of Member Interests

You can find papers for all our meetings on our website at www.somerset.gov.uk

Please contact Patricia Jones, Senior Community Governance Officer on telephone: 01275 885788 if you wish to inspect the papers or the Statutory Register of Member's Interests.

Public Question Time

Members of the public may make a written statement to most meetings, provided that:

- the statement is received by the Community Governance Team no later than **12.00 noon on the working day before the meeting**; and
- the statement is about a matter the Panel has responsibility for.

Statements should be e-mailed to PLJones@somerset.gov.uk or sent to Somerset County Council, Community Governance Team, County Hall, Taunton, TA1 4DY.

Any statement submitted should be no longer than one side of A4 paper. For copyright reasons, we are unable to reproduce or publish newspaper or magazine articles that may be attached to statements.

By participating in Public Question Time business, we will assume that you have consented to your name and the details of your submission being recorded in the papers circulated to the committee. This information will also be made available at the meeting to which it relates and placed in the official minute book as a public record.

We will try to remove personal information such as contact details. However, because of time constraints we cannot guarantee this, and you may therefore wish to consider if your statement contains information that you would prefer not to be in the public domain. Statements will not be posted on the council's website.

Process during the meeting:

- Public Question Time is normally one of the first items on the agenda. If a statement concerns a specific item on the agenda, it may be taken just before the item concerned.
- The Chair will call each submission in turn. When you are invited to speak, please make sure that your presentation focuses on the key issues that you would like Members to consider. This will have the greatest impact.
- You may direct any questions or comments through the Chairman. You may not take direct part in the debate.
- Your time allocation may have to be strictly limited if there are a lot of submissions before the meeting.

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- You do not have to speak or even attend the meeting at which your submission is being taken. However, if you do not present it, then it will not be read out. It will nevertheless be noted by Members.

Emergency Evacuation Procedure

In the event of a fire alarm sounding, you are requested to leave the building via the nearest available signposted emergency exit and make your way to one of the assembly points around the building. Officers and councillors will be on hand to assist.

Excluding the Press and Public

Occasionally, there will be items on the agenda that cannot be debated in public for legal reasons and these will be highlighted on the agenda as appropriate. In these circumstances, the public and press will be asked to leave the room and the Panel will go into Private Session.

Recording of Meetings

Somerset County Council supports the principles of openness and transparency. It allows filming, recording and taking photographs at its meetings that are open to the public providing it is done in a non-disruptive manner. Members of the public may use Facebook and Twitter or other forms of social media to report on proceedings and a designated area will be provided for anyone who wishing to film part or all of the proceedings. No filming or recording will take place when the press and public are excluded for that part of the meeting. As a matter of courtesy to the public, anyone wishing to film or record proceedings is asked to provide reasonable notice to the clerk so that the Chairman can inform those present at the start of the meeting.

We would ask that, as far as possible, members of the public are not filmed unless they are playing an active role such as speaking within a meeting and there may be occasions when speaking members of the public request not to be filmed.

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Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Community Governance



AGENDA ITEM :4

Minutes of the Police and Crime Panel

27th June 2017 at 10.30am

Weston Town Hall, Walliscote Road, Weston-Super-Mare

Present:

Local Authority Representatives:

Councillors Asher Craig and Afzal Shah (Bristol City Council), Mark Shelford (Bath & North East Somerset Council), Nigel Ashton and Roz Willis (North Somerset Council), Neil Bloomfield (Somerset County Council), John Parham (Mendip District Council), Ann Bown (Sedgemoor District Council), Jane Warmington (Taunton Deane Borough Council), Martin Wale (South Somerset District Council), Stuart Dowding (West Somerset District Council), Mike Drew and Heather Goddard (South Gloucestershire Council)

Independent Members:

Andy Sharman and Joseph Mullis

Apologies for Absence:

Councillors Cherry Beath and her substitute Dine Ramero (Bath and North East Somerset Council), Councillor Mark Weston (Bristol City Council) and Bryony Ball (Independent Member)

Police and Crime Commissioner and Supporting Staff:

Sue Mountstevens (Avon and Somerset Police and Crime Commissioner), Andy Marsh (Avon and Somerset Chief Constable), John Smith (Chief Executive, Office of the Police and Crime Commissioner) and Julian Gale (Head of Community Governance, Somerset County Council) Joanna Coulon (Criminal Justice and Commissioning Officer)

1. Election of Chairman

Councillor Nigel Ashton was elected Chairman for the ensuing year.

2. Election of Vice-Chairman

Councillor Martin Wale was elected Vice-Chairman for the ensuing year.

3. Administrative Support

Julian Gale introduced himself and confirmed that administrative support for the PCP would be moving to Somerset County Council with effect from 1 October 2017 and before the next meeting, although he had agreed to help out with the present meeting. A full-time post with responsibility for servicing the PCP and other related duties would be advertised shortly.

4. Panel Membership

The Panel membership including the appointment of the following new members: Councillor Neil Bloomfield (Somerset County Council) in place of Councillor Richard Brown and Councillor



Cherry Beath (Bath and North East Somerset Council) in place of Councillor Lisa Brett was noted. Julian Gale pointed out that while substitute members could attend and participate in PCP meetings, they could not vote.

It was agreed that the future membership of the Complaints Sub-Committee should be as follows: Councillors Martin Wale (Chairman), Mark Shelford and Neil Bloomfield and Joseph Mullis (Independent member)

5. Public Forum

No statements or petitions were received.

6. Declarations of Interest

Councillor Roz Willis declared an interest in that section of the Commissioner's Annual Report relating to Performance (against PCC Priorities) by virtue of being involved in one of the charities that had been awarded funding from the Commissioner's Community Action Fund as listed on Pages 43 - 45 of the agenda.

7. Ratification of Independent Member Appointments

It was noted that all Independent Members had expressed the wish to continue in their role for their full four year terms.

8. Future Meeting Dates

The meeting dates and venues for PCP meetings were noted. All future meetings, except for the November meeting involving budget preparation training at the Avon and Somerset Police HQ in Portishead, would be held at the Town Hall, Weston-super-Mare. This was supported by the PCP members. The next PCP meeting would be held on Tuesday 24 October 2017.

9. Minutes of the Meeting held on 15 March 2017

These were noted.

10. Chairman's Business

There was none.

11. Commissioner's Update Report

The Police and Crime Commissioner presented her update report which covered the following:

- *Police and Crime Plan - Update on Local Plan Development/Sign Off*
- *Incidents in Manchester and London*
- *Commissioning and Partnership Working - Avon and Somerset Criminal Justice Transformation Project, Avon and Somerset Reducing Reoffending Board, Restorative Justice Service, Joint Commissioning Work, Mental Health, Child Sexual Exploitation, Commissioner's Community Action Fund*
- *Governance, Scrutiny and Inspections - HMIC Inspections, Communications Department/101 Service Delivery Assurance, Scrutiny of Police Powers Panel, Out of Court Disposals Scrutiny Panel, PCC Shadowing Scheme Launch, Independent Residents' Panel, National Volunteers Week (1 - 7 June 2017) Independent Custody Visiting Scheme Update*
- *National Updates*

The Commissioner reported on the following, and responded to/noted points raised by Panel members during discussion, with action being agreed as set out:

- the commitment by all local authorities to developing a local Police and Crime Plan for their area that would combine with a relevant local strategy and progress thereon in different areas
- her response in conjunction with the Chief Constable to recent terror attacks including:
 - reassuring the communities of Avon and Somerset through extensive media interviews and established communication channels following the change in threat level and explaining the Constabulary's response including the carrying of firearms and key messages;
 - her successful walkabout in Bristol with the Mayor on 25 May 2017 when she had met community and faith leaders and a roundtable on 2 June 2017 with the Black South West Network;
 - a joint letter sent to Avon and Somerset MPs on 15 June 2017 drawing attention to the need for additional investment in armed response vehicles to bridge the gap in armed resources between London and other areas and increase the Constabulary's ability to respond in a timely way to threats to iconic and crowded venues in the Force area, and also for long term investment in robust neighbourhood policing.

- The Commissioner noted that the recent visits to, and interaction with, the Muslim community in Bristol by the Commissioner and the Mayor of Bristol had been commended by the local PSP members as having helped to build relationships between the Police and community and to combat extremism.
- The Commissioner encouraged Panel members to lobby their MPs to support the thrust of the letter to Avon and Somerset MPs. A similar letter of representation had since been sent to the Prime Minister and Home Secretary. It was agreed that a letter should be sent to the Government by the Chairman and copied to other relevant parties emphasising the need and the PCP's wholehearted support for the additional funding being sought.
- while the current level of funding for neighbourhood policing would be maintained for now (the budgets for PCSOs and neighbourhood policing were currently ring-fenced), this could not be guaranteed in the longer term given the severe budgetary constraints
- hate crime had nearly returned to normal reported levels after having risen following the terror incidents in Manchester and London Bridge but the situation was being carefully monitored. The Commissioner offered to hold local 'surgeries' at which hate crime and other local concerns could be discussed
- it was agreed that the PCP should receive a presentation on the Prevent strategy at its next meeting
- the recent review of the local criminal justice service, key findings and practical solutions and next steps including the development of the new Integrated Offender Management Strategy and the work of the new Avon and Somerset Reducing Reoffending Board and a collaborative, co-funded approach with criminal justice partners

-
- NHS England's consultation on a proposal for SARC (Sexual Assault Referral Centre) services across the South West and the views of PCP members and stakeholders being welcomed and encouraged
 - the important work of the new Scrutiny of Police Powers Panel and the welcome support received from Panel members in the recruitment process. Although meetings of the Panel would not be held in public, the Panel would publish reports on matters it had considered and findings/recommendations - it was agreed that these should be circulated to PCP members. The Commissioner emphasised the importance of increasing transparency, confidence and public understanding about the safeguards and complexity relating to the use of Police powers and the widespread support for establishing the Panel. Police body cameras had an important role to play in increasing transparency
 - the recent appointment of Sarah Crew as Deputy Chief Constable and Mark Milton to the OPCC as Head of HR/Organisation
 - recent incidents of trespass and alleged criminal/anti-social behaviour involving the travelling community in the Shepton Mallet area and action taken by the Police. It was reported that there had been concerns locally about the initial response from the Police but that there had been an excellent response from the Police to the eviction order. While acknowledging the concerns with the initial response, the Commissioner emphasised the need for shared responsibility and a partnership approach between the Police and local authorities when dealing with this and other similar occurrences and for them to be handled in a professional and proper manner with a fair balance between the rights of the travellers and local community. She pointed out that the response and powers used in such situations depended on the circumstances. The Commissioner referred to the recent seminar involving the Police and local authorities on tackling these problems. Reference was made to similar issues occurring in other areas of Avon and Somerset. In response she undertook to ensure that a further seminar was arranged for next year to involve the local authorities and the Police to focus on the joint partnership approach as the way forward. It was agreed that examples of best practice should also be identified and local authorities should be advised about the powers that were available to them in relation to travellers i.e what they could and could not do. This would come forward to the next meeting of the PCP as a paper - the Chairman agreed to ensure that this was provided.
 - it was noted that the Glastonbury Festival at Worthy Farm, Pilton from 21 - 26 June 2017 had passed off without any undue problems and Police traffic control had been very successful. The Commissioner undertook to look into an incident at the end of the Festival affecting a local property owner
 - progress on co-locating the headquarters of the Avon and Somerset Constabulary and the Avon Fire and Rescue Service at Portishead
 - material used in the prevention of child sexual exploitation containing inaccurate/inconsistent information on the age of consent - the Commissioner asked an individual member for further details of his concerns

-
- the Commissioner had asked to be briefed on the alleged improper custodial treatment of a transgender woman which could be discussed at the next Scrutiny of Police Powers Panel meeting if appropriate
 - the College of Policing was looking at ways in which the number of senior Police posts nationally might be reduced
 - the Commissioner undertook to find out if Special Branch officers were used to raise awareness of frontline Police of the terrorism/extremism threat
 - it was acknowledged that while the focus of the PCP was on the performance of the Commissioner, inevitably discussion sometimes strayed into operational matters which were the responsibility of the Chief Constable.

12. Commissioner's Annual Report 2016/17

The Commissioner presented her Annual Report providing information on the exercise of her functions and progress on meeting objectives in her Police and Crime Plan during the last financial year.

The Report included sections on an overview of the year, statutory duties, assurance and performance (against PCC priorities) accompanied by a foreword and introduction by the Commissioner.

The Commissioner highlighted the following:

- significant progress had been made in delivering the ambitions of the new Police and Crime Plan for 2016 - 21 despite there having been only five month's activity since its launch in November 2016. The Plan, which had been fully embraced by the Constabulary, focused on protecting the most vulnerable, strengthening and improving local Police services, making the Constabulary more representative of the communities it served and working better together with partner organisations
- there had been a significant improvement in the effectiveness of the Constabulary - as demonstrated by the findings of an inspection by HMIC - despite the financial difficulties and an ever-increasing and changing demand for policing services
- the need to save just under £9m in 2017/18 and a total of £20.6m over the next five years, and to identify additional savings to invest in a change programme that would enable continued improvements in effectiveness and efficiency
- implementation of a restructuring of the Constabulary to address the financial challenges, meet demand and deliver the Police and Crime Plan
- improvements brought about through partnership working to provide better support to people experiencing a mental health crisis and stop inappropriately detaining people in custody under the Mental Health Act
- her commitment to continually considering what communities wanted from their local Police service and ensuring that the public's views and voices were reflected in her decision-making
- the Police were well prepared for the type of events such as the violent attacks in Manchester and London and there was considerable Police activity being undertaken to prevent these sorts of incidents.

The Commissioner then responded to/noted points raised by Panel members during discussion on the following, with action being agreed as set out:

- the successful Christmas drink and drug driving campaign from 1 December 2016 to 1 January 2017, a requirement for drivers to have breathalysers (as in France), and lower alcohol limits
- progress on roll-out to the workforce of mobile devices, phones, laptops etc that enabled remote working; training and embracing different ways of working; network coverage issues; wi-fi 'bubbles' for Police vehicles; wider use of/funding bids for business intelligence tools (analytics)
- improving the effectiveness of the Force at tackling serious and organised crime - the Commissioner undertook to provide an update on this to the next PCP meeting
- 'packaging and presentation' of the case study on Reducing Reoffending - a project funded from the Commissioner's Community Action Fund (Page 43) - the Commissioner undertook to provide an individual member with further information on this
- improving the wording of support for the campaign opposing Female Genital Mutilation (FGM) (Page 24)
- action being taken tackle and prevent high value burglary in South Gloucestershire and other parts of the Force area
- reducing the time taken to determine formal complaints (while acknowledging the involvement of the IPCC in some complaints)
- work on cyber crime, the Digital Investigation and Prevention Strategy and the involvement of Get Safe Online - the Commissioner undertook to provide an individual member with further information on this.

13. Work Programme Report

The draft work programme for 2017/18 was agreed (subject to updating to reflect any further matters that needed to be included following discussions at the current meeting).

14. Exclusion of the Press and Public

It was agreed that under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act (as amended).

15. Standing Complaints Report/Complaint Update

The Panel received and noted a report by the Chief Executive of the Office of the Police and Crime Commissioner on the position regarding complaints made against the Police and Crime Commissioner, for scrutiny of his initial handling of the complaints.

The Chief Executive:

- commented on complaint 17315 which in his view had been dealt with and was now closed
- updated the Panel on the position regarding complaint 18324 relating to the Police and Crime Commissioner and others, correspondence relating to which had been circulated to PCP members before the meeting

-
- updated the PCP on the one live complaint relating solely to the Police and Crime Commissioner
 - indicated that he had referred the OPCC to the Information Commissioner's Office about a potential data protection breach.

It was agreed that complaint 18324 should be referred to the Complaints Sub-Committee for consideration.

(The meeting started at 10.30am and ended at 12.15pm)

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COMMISSIONER'S UPDATE REPORT

24 OCTOBER 2017

The following briefing provides an update for Panel Members on key activities since the last Panel meeting on 27 June 2017.

Police and Crime Plan Update

OPCC and the Constabulary have agreed that there should be a minor update of the existing 2016-21 Plan to be published in January 2018. This will be followed by a more thorough refresh in time for publishing at the start of the 2019/20 financial year.

The light refresh will include referencing key findings of the Constabulary's Strategic Threat Assessment (2017) and implications for resourcing, as well as update the position on Collaborations.

All Local Authorities are committed to jointly developing a local Police and Crime Plan for their area that will combine with a relevant local strategy. Each Plan is at different stage of development.

Staff within the OPCC have worked closely with South Gloucestershire and Bristol partners. Local Plans for South Gloucestershire and Bristol have been developed and adopted. Local Plans for North Somerset and for Somerset are nearing completion. Initial discussions with BANES have taken place.

Commissioning and Partnership Working

A&S Criminal Justice Transformation Project

As Panel Members will recall, the Commissioner was awarded Home Office Police Transformation Funding to deliver a whole system review of the local criminal justice service, with the aim to improve the experience of victims and drive locally-tailored service transformation. The proposed review is intended to accelerate and enhance local delivery of national criminal justice efficiency and reform programmes, and take forward new national developments giving PCCs a strengthened role in the governance and commissioning of criminal justice services.

Funding has now been secured from criminal justice partners, match-funded by the Commissioner for the appointment of a Senior Responsible Officer for a two-year period to lead and deliver a programme of work to take forward recommendations of the review and associated work to transform the local criminal justice service. In the experience of the OPCC, a co-funded, collaborative approach is most successful in delivering service transformation.

Avon and Somerset Reducing Reoffending Board

Members will recall that Behavioural Insights were commissioned to undertake an offender recall piece of work to build a picture of recalls to custody in Avon and Somerset and to identify recommendations to ensure that when an offender is recalled to custody, this is managed in a way that supports rehabilitation and desistance from crime and minimises harm. Behavioural Insights presented their final report to the Reducing Reoffending Board on 9 October. It was agreed that a small group – a Reducing Reoffending Integrated Commissioning group – that has been meeting over recent months to steer this work, will come together again to consider and begin to implement the recommendations.

The OPCC has also recently been approached by Crest Advisory (a consultancy working with a small number of PCCs across the country) to develop options for local flexibility to strengthen delivery of criminal justice services. The work will focus on current arrangements in relation to low-level probation, including oversight of the CRC contract and broader offender management services and co-commissioning of offender management services. Crest will be working closely with a range of criminal justice agencies and aim to have their report complete by the end of November.

Work continues between the Constabulary, National Probation Service and Community Rehabilitation Company to review, refresh and reinvigorate the approach to Integrated Offender Management. Similarly significant work has been undertaken to finalise a Reducing Reoffending Strategy and performance framework. Crest will be assisting with the performance framework element of the work.

Victim Services Recommissioning

The initial suite of victim services commissioned by the OPCC when responsibility was devolved from the Ministry of Justice in 2013 are now in their final year of three year contracts. The OPCC has invoked the clause to extend the services for an additional year (2018/19) and work has now commenced to recommission these services. The first key piece of work in this process is to commission and deliver a needs assessment and work is in progress to prepare for this. A Victims Recommissioning Board is also being established. The OPCC would welcome the panel link member for vulnerability sitting on this Board.

Joint Commissioning Work

SARC Services

The engagement period for the Sexual Assault Referral Centre (SARC) recommissioning across the South West has now ended. The views of those who responded have provided valuable input into the service scope and design, and as a result, the service specifications were reviewed and feedback was incorporated. Specifications were signed off by each of the respective OPCC and Police Force representatives on the Procurement Steering Group.

Many of those that responded to the survey wanted to improve the consistency of services across the South West, wanted there to be greater focus on the needs of survivors and victims, wanted to improve access to services and to increase opening times.

Several key points and themes were raised with the following elements incorporated into the specifications:

<u>Themes</u>	<u>Changes made</u>
Increase opening times of the SARC (for both adults and paediatrics)	Increased opening hours particularly on weekends for both adult and paediatric SARCs
Increased offer for paediatric provision locally	New Centre of Excellence (both paediatric and adult provision) based in the North of the South West region (to be located near the M4/M5 network) in order to improve access, not just for Avon & Somerset, but also Gloucestershire and Swindon and Wiltshire. As a result, there will now be two SARCs dedicated for paediatric provision, as opposed to only one in Exeter. 24/7 paediatricians on call services. Increasing pool of paediatricians directly employed by the SARC provider.
Increasing access to SARCs across the region	Increased flexibility and access to SARCs across the South West region, e.g. Avon & Somerset victims/survivors to be able to access services in the South of the region (Exeter). Cross border access to SARCs outside of the South West region when necessary and required.
Creating greater parity in funding across the Region	NHS England, through this re-commissioning, will be allocating its budget more proportionally across the region.
Clarification of commissioning responsibilities	SARC services will be commissioned by NHS England, ISVA services by the OPCC; counselling and therapeutic services via local commissioning/CCGs
Concerns and uncertainty regarding Plymouth SARC being 'an acute response' SARC and joint use with other services (only opened and made ready for use as and when required).	A SARC now to be located in Plymouth for sole use and opened / staffed in line with other SARCs across the region.

The procurement process has now started and the tender has been advertised. Bids will be returned in November. Following an evaluation process, the outcome and award of contract(s) across the South West will be determined by January / February 2018, with the aim for new services to commence in October 2018.

The PCC is assured that following initial concerns regarding the inequity of funding that the process has gone some way towards addressing that. This has included funding from NHS England for two additional Independent Sexual Violence Advisors which is hugely benefit the area.

Custody and Courts Referral Service Consultation

The formal procurement process for the Custody and Courts Referral has now begun. This sees the OPCC working with NHS England to jointly commission a single integrated referral service covering police custody, courts and voluntary attendances across Avon and Somerset. The new service is expected to be operational by 1st April 2018.

Mental Health

Members will recall that Partners across the Avon and Wiltshire area have recently been engaged in a system wide review of S136. The review was facilitated by the Alexander Group and involved partners and service users from across the system. The involvement of Alexander Group has now come to an end with health partners taking on programme management and strategic governance. Task and finish groups continue to work on proposals with implementation of new systems wide approaches expected over the coming months.

Child Sexual Exploitation

Members will recall that the OPCC have been leading on the commissioning of a specialist support service for victims of child sexual exploitation in partnership with the five top tier Local Authorities across Avon and Somerset. The procurement process concluded in early summer with Barnardo's being awarded the contract going forward. The new service is due to go live on 1st October 2017.

Commissioner's Community Action Fund (CCAF)

The Police Community Trust met at the end of July to allocate grants for Quarter 2 of 2017/18. A total of **£25,143** was awarded to 13 of the 25 applicants to the Commissioner's Community Action Fund (CCAF). The Trust will meet to make their decisions for Q3 applications on Wednesday 25 October. The timetable for the remaining deadlines and decisions dates for this financial year is set out below:

Application Deadline	Decision Date
1 September '17	End of October '17
1 December '17	End of January '18

Governance, Scrutiny and Inspections

HMIC Inspections

The 2017 PEEL inspections commenced with the Efficiency, Legitimacy and Leadership inspections. The 'hot debrief' took place at the end of May. The inspection on effectiveness with the hot debrief scheduled for 21 November 2017.

The completion of all recommendations made within inspection reports is monitored within the Police and Crime App, and scrutinised at the Joint Audit Committee, and the

Constabulary have a well-established working group, overseen by the Deputy Chief Constable to ensure actions are progressed.

Service Delivery Assurance – Vulnerability

The OPCC team have been designing a service delivery assurance process to provide assurance on behalf of local people that necessary lessons have been learnt from the troubling and tragic case of Bijan Ebrahimi, and that processes that the Constabulary and partners have in place in relation to understanding, preventing and protecting our most vulnerable local residents have been put in place.

I have proposed to hold a multi-agency enquiry day in March 2018. The purpose of this will be to hear from key agencies including Avon & Somerset Constabulary, Bristol City Council and Stand Against Racism and Inequality (SARI) about the individual lessons which have been learnt from Bijan Ebrahimi's case, but also crucially to understand how the agencies now work together to share information, carry out early intervention and to protect vulnerable residents within Bristol. Other activity to inform the design of the enquiry day will be carried out – looking at force-wide process and practices, and all will inform a report to be published subsequently.

Scrutiny of Police Powers Panel

The second Scrutiny of Police Powers Panel meeting took place on 20 September 2017. The last meeting's Panel report including Constabulary responses, was agreed for publication on the PCC's website at:

<http://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Scrutiny-of-the-use-of-Police-Powers.aspx>

A Chair and Vice Chairs were elected during the meeting, there was also a Constabulary update on Student Officer and Police Officer training and awareness of engaging with people with mental ill-health and learning difficulties, particularly regarding use of Police Powers, Stop and Search encounters and Taser use. Panel members reviewed Body Worn Video camera footage of incidents of Stop and Search within the 3 categories of under 16s, BME and removal of more than a Jacket, outer garment or gloves, noting whether or not the Ground for the Stop and Search were appropriate as well as the Officer handling of the situation. Taser use incidents were similarly reviewed for appropriateness. Panel members were given statistics for 3 months from June to August 2017, being 161 Taser uses and 1416 stop and searches, of which 933 were non-BME regarding ethnicity.

Independent Residents' Panel

The Independent Residents' Panel (IRP) of 11 members have been scrutinising completed cases of complaints from members of the public against the Police for 4 years now, on a quarterly basis. The last meeting was on 7 September 2017 and as an annual review for comparison purposes, the most recently completed complaints were scrutinised. Also, as standard practice, a selection of complaints are reviewed that have been resolved by the 'informal/early resolution' method, which aims to resolve a complaint to the complainant's satisfaction within a timely 72 hours, to immediately apologise if the police have got something wrong and to cascade organisational learning and/or encourage individual learning (not blame and complainant focussed) in order to improve the quality of policing service going forward. This aims to encourage openness, trust and confidence in the Police

for members of the public and to maintain a high level of police service satisfaction. The number of successfully completed informally resolved complaints has increased, which is welcomed. Panel members were also pleased with the improvement in the tone and content of correspondence sent to complainants, with less jargon and more plain English and the completeness of complaint files, for audit, was good. The ability to view Body Worn Video camera footage is also welcomed for the next meeting in December 2017. The reports are published on the PCC's website at:

<http://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny/Independent-Residents-Panel.aspx> .

Out of Court Disposals Scrutiny Panel

The Out of Court Disposals Scrutiny Panel met on 11 October to scrutinise cases involving vehicle crime. The Panel reviewed further information obtained relating to a case considered at the last meeting, concluding that the outcome was appropriate. The Panel reviewed a total of 23 cases, including 3 Community Resolutions in relation to a Serious Sexual Offence or Serious Violence Against the Person (in accordance with the Panel Terms of Reference). Twelve cases were found to be appropriate, six appropriate with observations, and three cases inappropriate. The Panel deferred a decision pending further information in one case. The Panel report, together with the Constabulary response to recommendations, will be published at the following link: <http://www.avonandsomerset-pcc.gov.uk/Take-Part/Out-of-Court-Disposal-Scrutiny-Panel.aspx> The next meeting will take place on 6 December.

Regional Update

The Regional PCCs and Chief Constables have agreed to develop proposals for increased regional collaboration for Specialist Capability policing such as Major Crime, Serious Organised Crime and Specialist Operations. A proposal for a more integrated regional employment and business model is also being developed.

National Update

Fire Governance

The OPCC was notified in mid-September of the success of its bid to provide early legal, financial, HR and other technical advice to support Police and Crime Commissioners (PCCs) and Fire and Rescue Authorities (FRAs) to consider options for joint working between Police and Fire under the powers of the Police and Crime Act 2017 and inform possible future business case development. The specification is currently out to tender using a Crown Commercial Service consultancy framework, with the final report due to be published at the end of January 2018.

Through this work the OPCC is liaising with a number of other OPCCs and the Home Office. The Home Secretary has now approved the Essex PCC's business case to become the country's first Police, Fire and Crime Commissioner. A number of other PCCs are progressing business cases to take on governance of their local Fire and Rescue Services.

The Avon & Somerset PCC has been invited to join the Devon & Somerset Fire Authority. The PCC has indicated that she intends to take up this offer when she is given voting rights.

This currently requires further enabling legislation which is being consulted on by the Home Office.

Avon Fire Authority has completed their move to the Joint Police and Fire Headquarters at Portishead. The move went well. The Joint Emergency Services Open Day on 1st October was also a great success. The PCC has been asked to join the Avon Fire Improvement Board which was set up following the release of the Home Office Inspector's review into Avon Fire and has accepted this offer.

Contact Officer

John Smith, Chief Executive

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24 OCTOBER 2017

REPORT OF THE POLICE AND CRIME COMMISSIONER

THE TIPPING POINT: REPORT ON A CASE FOR SAFE AND SUSTAINABLE FUNDING FOR AVON AND SOMERSET CONSTABULARY

PURPOSE

To brief Panel Members on publication of *The Tipping Point*, and invite discussion on the role of Panel Members in supporting the case for safe and sustainable funding for policing in Avon and Somerset.

BACKGROUND

As previously reported to the Panel, the Commissioner and the Chief Constable wrote to MPs in June 2017 to highlight the changes in threat and associated funding challenges. The Commissioner is grateful to the Panel in writing a letter of support following the last meeting.

The Constabulary has prepared a report, launched in September 2017, detailing the continued and increasing challenge faced in delivering safe and sustainable policing for the communities of Avon and Somerset, and making the case for a fair funding settlement. The report is attached for consideration by Members and to prompt discussion on the role of Panel Members in supporting the case for safe and sustainable funding.

RECOMMENDATION

Panel Members are invited to consider the report and discuss the role of the Panel in supporting the case for safe and sustainable funding for policing in Avon and Somerset.

Contact Officer:

John Smith

Chief Executive, Office of the Police and Crime Commissioner

Attachments

Annex A – *The Tipping Point*: The Case for a Safe, Sustainable and Fair Funding Settlement for Avon and Somerset Constabulary



AVON &
SOMERSET
POLICE & CRIME
COMMISSIONER



THE TIPPING POINT:

The case for a safe, sustainable
and fair funding settlement for
Avon and Somerset Constabulary

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1

THE CHALLENGE

About the report

This report is a summary of the threats, risks and consequences facing our organisation at a time of diminishing financial resources and increasingly complex criminality and operational demand. We have shared the facts of the circumstances we face with key local stakeholders and decision makers. We now ask that you read this report to understand the repercussions of the choices you make about our funding settlement and the implications for the service we will be able to deliver as a result.

An outstanding force in driving efficiency and managing demand

Our force has repeatedly been recognised by HMIC for its outstanding ability to drive efficiency and manage an ever growing, changing and more complex mix of demand. We have achieved this by successfully transforming and innovating to manage the substantial funding reductions faced by policing and other public sector services. Despite a strict curb on pay increases, police officers and staff have shown tremendous resilience, professionalism and commitment, carrying out some of the toughest jobs in increasingly difficult circumstances.

how exceptionally well we utilise what we have. The reality now though is that it's no longer enough.

We believe we have reached the point where the decisions made on funding have direct implications for the quality and range of services offered by the Constabulary as well as, and most importantly, for public safety.

The tipping point

But now we face a tipping point. We cannot sustain further funding cuts without extremely serious consequences. Our ability to prevent harm, keep the public safe, protect the vulnerable and respond to escalating threat levels depends on having enough resources to do so. We have consistently demonstrated

New challenges, increasing complexity

We face increasingly complex challenges to keep communities, vulnerable victims and individuals safe, and tackle criminality, the impact of globalisation and extremism. All this, together with greater public, inspectorate and political scrutiny, is placing greater pressure on policing than ever before.

In our own force 655 fewer police officers, and savings of £65 million since 2010 - and a further £17million to find by 2021/22 - means policing is being hit hard. These are perilous times for policing in Avon and Somerset.

Policing is fundamental to the fabric of our society

A reliable and reassuring presence to help our communities live harmoniously and free from fear, policing creates the conditions in which our society can exist and thrive. The police are enablers of peaceful democracy and protectors against civil unrest. The role policing plays in sustaining communities and supporting cohesion is unquantifiable. It is of equal value to the visible response when a crime has taken place and it's already too late.

We need a safe and sustainable funding settlement to reflect the assessment of strategic threats and operational challenges; and to support the Strategic Policing Requirement, and continued delivery of the Police and Crime Plan to 2020/21.

The loss of life through the evil acts of terrorism in our own cities and across the world has sadly become a recurring theme of our daily lives, throwing the very challenging context in which the police operate into sharp focus.

On the limit

The Constabulary is already operating to the limits of its capability to deliver the policing service local people have a right to expect and the threat of a terrorist attack locally would severely test the capacity and resilience of our officers and staff to respond as they would wish. These are the individuals who run towards danger when all others run away.

Neighbourhood policing teams are at the heart of our communities and we've fought determinedly to protect frontline policing. As the eyes and ears of our community, developing trust, building relationships and gathering intelligence, our neighbourhood policing teams embody the meaning of prevention. Their worth has never been more apparent

or necessary in gathering intelligence and promoting community cohesion. But, as HMIC has recognised, we have reached a point where we may no longer be able to sustain the visibility and reassuring presence of neighbourhood policing in the way communities have become accustomed.

Choices and consequences

HMIC has judged Avon and Somerset Constabulary to be 'outstanding' at understanding demand and delivering efficiencies. We are continuing to drive a challenging programme of transformation, collaboration and continuous improvement to realise further savings, raise productivity and improve performance. But achieving additional substantive gains has become progressively harder.

The current 'flat cash' funding settlement means that further savings will be required beyond what can be achieved from increased efficiency alone.

At the same time our demand is growing and becoming ever more complex, our population is growing at pace and new threats are intensifying and emerging every day.

This report asks policy makers to understand and contemplate the reality of the service that the Constabulary will be able to deliver in these circumstances. We believe policing is fundamental to the fabric of our society. In the absence of new funding, the breadth and volume of policing as we know it today is unsustainable

There are choices to make and, given the implications for the communities in which we all live, we feel that they cannot be made by policing alone. The risk should be understood by all stakeholders and choices should be made in full knowledge of the consequences.

2

NEW AND COMPLEX DEMANDS ON POLICING

Our demand is changing, increasing and becoming more complex

The threats we face are new, growing more complex and they are often less visible to the public – if we fail to tackle them effectively their impact upon individuals and communities is substantial.

The threat of extremism

The threat of a terrorist attack remains severe. We are witnessing a national and international surge in terrorist incidents and there is no intelligence to suggest we are coming to an end of this.

We see our capability, and the availability of specially trained officers to respond to such an incident, and neighbourhood officers to prevent such an incident, significantly reducing year on year if the current 'flat cash' funding position is sustained.

In the aftermath of Manchester, Westminster, London Bridge and most recently Barcelona, the public have a heightened expectation of policing response that would be very difficult for us to deliver in significant provincial cities such as Bristol and Bath. Individuals from the South west region, some of whom are socially isolated and vulnerable, have travelled or expressed a desire to support Islamic State in Iraq and Syria while others represent a threat as potential 'lone actors'.

We understand very well, from national intelligence and our own experience of the Andrew Ibrahim case ('The Boarding School Bomber') eight years ago, the crucial importance of building trusted relationships with leaders and individuals in close communities. A reduction in current funding is likely to mean reduction in prevention activity delivered by our neighbourhood policing teams.

At the same time, Domestic Extremism is still an ongoing and complex threat. Extremist Right Wing behaviour is currently characterised by lone actors attempting to incite anti-Islamic hatred whilst Extreme Left Wing activists retain the capability and intent to conduct further attacks within the Force area. Effective community engagement by neighbourhood officers is critical in gathering the intelligence that uncovers such plots.

Tackling exploitation and abuse

Child Sexual Exploitation (CSE) still represents the highest graded risk in Avon and Somerset. Our use of sophisticated, predictive analysis warns us to expect a continuing increase in the number of victims and offenders.

Child abuse is still largely hidden due to familial and online offending and therefore true levels of demand are not known but we are seeing an increasing number of children who are at risk of abuse and neglect being identified and subject to child protection plans.

Female Genital Mutilation (FGM), one of the most complex forms of child abuse, remains a threat due to the considerable physical and mental health consequences. Recorded FGM based crimes and incidents have seen large increase since 2013 rising from just 20 in 2013/14 to 83 in 2016/17. Thanks to an increase in third party reporting and active partnership in this area we have also seen an increase in initial FGM Protection Orders being issued.

The risk of Modern Slavery for labour and sexual exploitation continues to increase with links to international organised crime.



Hidden crimes such as these where victims are very vulnerable present a significant threat requiring substantial pro-active intelligence and investigations to uncover the crime and bring the victims to safety and the offenders to justice.

Organised crime and drugs

Organised crime groups (OCGs) involved in drug markets still have strong connections with violence, use of firearms, acquisitive crime and exploitation of vulnerable drug users. Drug markets across the Constabulary are very active; Bristol, a core city, is a central hub. We are concerned that high levels of cocaine and higher purity drugs could result in reduced prices and the attraction of a new younger demographic of users. Gang related violence continues and we see evidence of this in Bristol and Weston-Super-Mare. Gang rivalries and the consequent tension present us with an ever-present threat of escalation.

Violence relating to county line drug activity requires dynamic and proactive management to reflect the changing intelligence picture. Intelligence has identified 43 active 'Dangerous Drug Networks' across Bridgwater, Taunton, Yeovil, Yate, Bath and Weston-Super-

Mare. We have identified links with London, Wolverhampton, Manchester and Birmingham requiring close interconnectivity and interdependencies with other police forces who are themselves also attempting to manage the consequences of their respective financial settlements. The level of threat posed by OCGs sourcing and using firearms is high; we have investigated several incidents in the last year.

Growing challenge of technological advances

Advances in technology and digital globalisation are used by criminals and OCGs as a means of facilitating fraud, child sexual exploitation and abuse. Increased use of technology by criminals as an enabler presents challenges to a finite investigative resource.

Our complex demand is increasing exponentially

Our strategic threat assessment has identified high risk demand for the organisation in the areas outlined here. These are areas that carry the greatest risk and it is crucial that we protect our preventative and investigative capability to ensure an effective as well as agile approach.

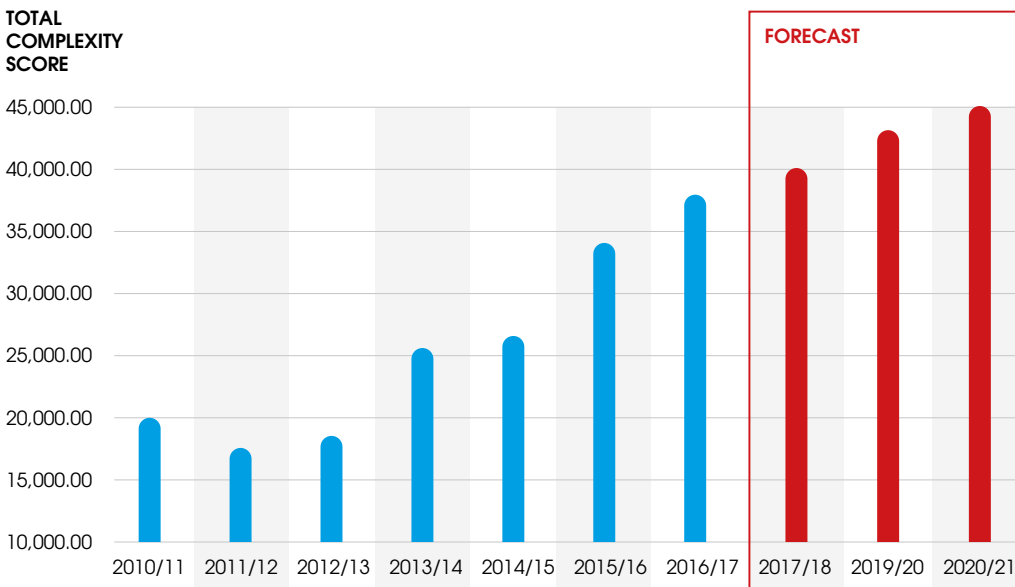
To make best use of our finite investigative resources we have made changes to maximise our allocation of crimes based on threat, harm and risk. But even though our processes are increasingly lean and efficient, our investigations teams are

being placed under growing pressure and strain as a result of the volume and complexity of demand.

It is important not to over-simplify. Funding assumptions predicated solely on crime counts fail to consider the fundamental issue of rising complex demand.

Complex crimes are increasing. To better understand this and deploy our resources to best effect, we have developed crime complexity analysis as part of our predictive analytics capability.

Change in crime complexity for Violence Against Person (VAP), sexual offences, hate crime and domestic abuse



Each Home Office crime has a complexity score that is used internally to monitor team workloads and the complexity of crimes being carried. This value has been used in this chart to show the increase in crime complexity since 2010/11.

This rising complexity has an associated cost. Based on conservative estimates on time taken to resolve individual incidents, we estimate **an operational delivery gap of a further £15million by 2020/21** in addition to that described by our financial risk assessment. **This equates to 300 additional police officers.**

Not just crime

Not all policing demand is easily measured through statutory data returns and the Crime Survey of England and Wales.

Management of risk is a fundamental role for police forces. We have invested in order to better identify and manage community risk in real time. The challenges of managing such risk are hidden from public view but we believe they must be considered alongside summary reporting of national crime levels to give a true picture of demand on policing, and in the subsequent provisioning of police budgets.

The demand placed upon policing by increasing numbers of Registered Sex Offenders living within our communities is often unacknowledged.

MANAGING REGISTERED SEX OFFENDERS (RSOS)

By May 2017, we had **1,926 registered sexual offenders** (RSOs) in our area. The numbers have been **increasing 10% per annum since 2007**.

A change in law in 2012 increased the number of notifications required for each RSO. The aggregated uplift in demand as a result is considerable, as are the risks of non-compliance.

In Avon and Somerset we have gone a step further in understanding the risk posed by offenders to our communities, by extending our focus beyond those offenders in formal offender management schemes. Our innovative approach to understanding and scoring the risk posed by each individual offender, based on reoffending likelihood, gives us a total 'harm' score and total picture of risk.

MANAGING OFFENDERS

We currently manage in excess of **11,000 offenders**

There are nearly **2,000 further high risk individuals** in our communities that are not subject to any formal management programme. These individuals include domestic abusers, violent offenders, sexual offenders, robbers and burglars.

Over the last 12 months, they alone have been linked to over **4,300 victims of crime**. These numbers exclude offenders in prison who will be released at some stage.

Our neighbourhood teams currently play the leading role in 'managing' those 2,000 high risk individuals who are not currently subject to any formal management programme.

Mental health and missing people

Mental health related issues often generate repeat demand. On average, an incident involving someone in mental health crisis will take 4 hours of one officer's time.

 **50,000hrs**

Last year, we spent over 50,000 hours on such incidents.

Missing Person demand has a more substantial call on officer time, requiring

on average between 8 and 13 hours for each missing person.

National Crime Agency costings show that an average medium missing person enquiry cost is **£2,500**. We receive on average 28 missing people reports each day.

If we extrapolate the figures based on medium risk cases (although many will be high risk) we can see that **the cost of managing just a single day of missing people demand is equal to the annual cost of one Police Constable.**

Crime and non-crime: Increasing and more complex

Our experience and our evidence, which mirrors that of other forces, demonstrate growing demand, increasing complexity and rising crime.

A TYPICAL DAY NOW SEES THE CONSTABULARY...

Answering **1,966 calls to 101** and **772 calls to 999**

Which will generate, **1,333 calls for service**, where

- **290** will require an immediate response, and
- **460** will require a priority response

2 or 3 firearms operations

28 reports of missing persons will require immediate attention (which can often take up to 8 hours to resolve)

55 mental health related calls for service will be resolved by local officers

425 crimes will be recorded of which the majority will be investigated to some degree

102 domestic crimes and incidents will bring safeguarding and investigative challenges

12 serious sexual offences will be reported and require complex investigation and victim care

Demand change by the day

Demand type	July 2013	July 2017	Actual change
Recorded crimes	293	425	+132
Domestic crimes and incidents	78	102	+24
Serious sexual offences	6	12	+6
Missing person reports	7	28	+21
Mental health related calls	40	55	+15

We are called upon to attend, manage and resolve a wide array of incidents. Just a quarter represent a crime. By far the greatest draw for police attendance and ultimately police time relates to public safety and welfare.

Population growth will keep the pressure on police resources

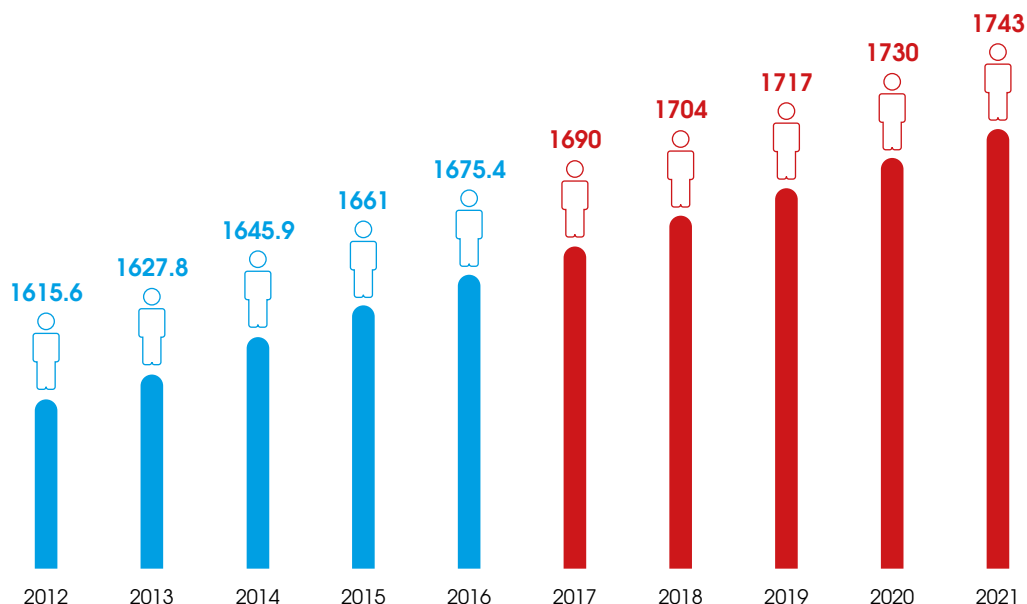
We believe it is also important to take account of predicted population change over the next few years.

We predict that the rise in population will sustain this trend in increased demand, both non crime and crime.

68,000 ↑

Based on ONS 2014 population projections for Local Authorities, we can see a further projected increase of 68,000 residents across the Avon & Somerset area by 2020/21.

Avon and Somerset Population Change (1000s)



The role of policing

In his annual HMIC State of Policing report, Sir Tom Winsor draws attention to material pressures on police forces in England and Wales, which put the service under strain. He said:

"The police are considered to be the service of last resort. In some areas, particularly where people with mental health problems need urgent help, the police are increasingly being used as the service of first resort. This is wrong."

"The provision of mental healthcare has reached such a state of severity that police are often being used to fill the gaps

that other agencies cannot. This is an unacceptable drain on police resources, and it is a profoundly improper way to treat vulnerable people who need care and help."

"The obligation of the police is to prevent crime. This is not only because this makes society safer – both in reality and in perception – but also because it is far cheaper to prevent a crime than it is to investigate and arrest the offender after the event."

We believe policing is fundamental to the fabric of our society. In the absence of new funding, the breadth and volume of policing as we know it today is unsustainable.

3

GROWING CRISIS IN FUNDING



A GROWING FINANCIAL CRISIS

Our financial management is astute, but our risk assessment reveals a growing funding crisis and the significant scale and urgency of the response required to meet these challenges.



THE CHALLENGES ARE FOUR FOLD:

1 'FLAT CASH' 2 CAPITAL FUNDING 3 RAPID DEPLETION OF RESERVES 4 FAIR PAY SETTLEMENT

Acting together these forces are placing unsustainable pressure on policing in Avon and Somerset.

For three consecutive years Avon and Somerset Constabulary has been rated by HMIC as 'outstanding' at understanding our demand and using our resources productively to meet it. We have a proven track record in providing an efficient policing service and we already have robust plans in train to continue to do so in the coming five years.

However, the additional savings we will need to make to accommodate these four challenges cannot be made without adverse consequences for the policing service in Avon and Somerset. 80% of our budget relates to employment costs and we predict that future savings must necessitate further reductions in police officers and police staff.

It is hard to see how such reductions can be made without an impact on public safety and on policing effectiveness.

FLAT CASH: The revenue funding challenge

It is our assessment that the current 'flat cash'² funding settlement is no longer safe or sustainable. It leaves us with an ongoing challenge to meet further annual budget gaps after eight years of efficiency savings, just to keep pace with pay and inflation rises and afford new capital investments.

If the current 'flat cash' settlement continues, we forecast a significant deficit due to annual rises in pay costs and inflation. Savings will have to be found each year just to retain current resource levels.

In our forecast, the cost pressures arise from:

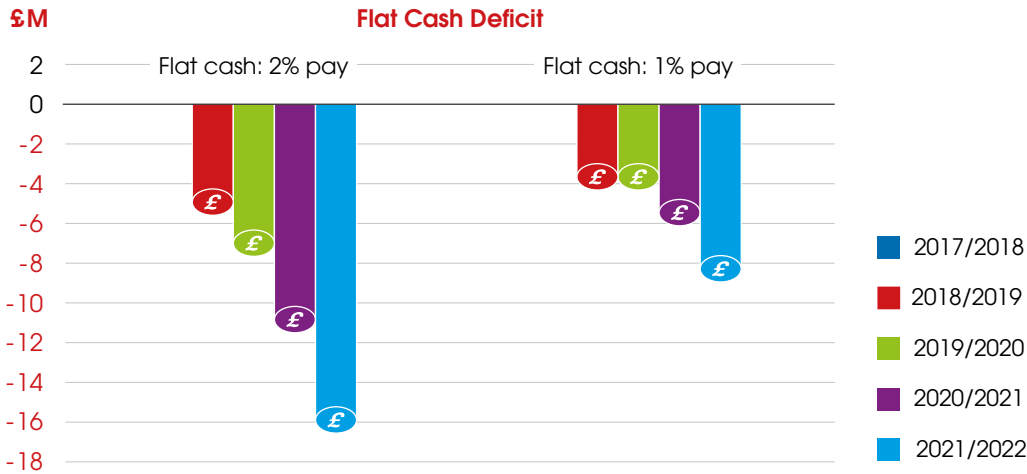
- A 1% pay rise, together with pay increments, creates an annual cost pressure of £2.7million. This increases to £5million if pay rises by 2%.
- Inflation pressure on non-pay budgets of £1million to £1.3million each year.
- Rising revenue costs to fund capital expenditure of £3million over the next four years.
- Costs from changes to legislation, civil claims, insurance and pension costs.

Using these considerations we have modelled two scenarios (on the following page) for the current 'flat cash' arrangement - with 1% and 2% pay settlements respectively.

² No cut in police grant but no increase in funding to match inflation or pay rises.

Deficit (£Ms)

Scenario	2017/18	2018/19	2019/20	2020/21	2021/22
Flat cash: 2%	balanced	5.5	7.6	11.5	16.4
Flat cash: 1%	balanced	4.2	4.2	6.0	8.9



In 2017/18 the budget is balanced in both these scenarios but, without additional funding, the implications for future years are very serious indeed. **In both scenarios, substantial further savings would be required.**

Under flat cash with 1% pay rises, new savings of £8.9M would be required by March 2022 to balance the revenue budget which is equivalent to **losing nearly 180 more police officers.**

i320

With a 2% pay increase, the savings requirement rises to £16.4M by March 2022, the equivalent of **losing more than 320 police officers.**

Realistic opportunities for revenue savings from other sources have been exhausted

Savings of £8.2m are being delivered in 2017/18 and a further £6.6m savings plans have been agreed by the PCC and Chief over the next four years. These are fully built into these projections and are based on a redesign of enabling services such as HR, Finance and ICT provision and further collaboration in these areas. These savings are in addition to the £65.2m which have already been delivered since 2010 from collaboration, procurement, a reduction of 655 police officers including significant delayering of management and supervisory ranks, new ways of operating,

rationalisation of our police buildings, and the removal of budget contingencies. Cumulatively therefore the total savings delivered, or planned to be delivered since 2010, amounts to £80m/27%.

But once these savings have been made, we have exhausted all realistic opportunities to deliver enough continued savings to meet the projected budget gap.

Nevertheless, further savings will have to be found to balance the budget over the next four years. This can only mean cuts in police officers, including but not exclusively those working in neighbourhood policing. The risk and adverse consequences for public safety and the effectiveness of the policing service provided to the public cannot be overlooked.

CAPITAL FUNDING: A growing gap

Our capital grant funding (which must be ring-fenced for investment in buildings and other 'capital' assets) has reduced by 60% since 2010 to a current level of around £1million per year.

This does not cover even half the annual replacement costs of our fleet of vehicles, let alone make a contribution to funding our investments in ICT.

The latter is crucial to manage the transition to the Emergency Services Network (a national programme to replace Airwave), mobilise the workforce with digital technology to improve efficiency and visibility, manage and store digital evidence, and replace end of life ICT infrastructure.

Up to now we have funded capital programmes from capital reserves and capital receipts (from the sale of buildings for example) but in two years' time these will be exhausted.

At the same time, our ability to generate a new capital reserve from revenue budget underspends has been hugely challenged with the impact of cuts and tighter budgets. We still have some excess buildings which

will provide limited capital income to add to reserves but the number of these and the potential capital funds from their sale reduces to zero over the medium term.

In our Medium Term Financial Plan we recognise this position and have made provision for new borrowing of £25million in total, of which £5million has already been taken. This will increase our total debt balances to £60million by 2020, and increase our revenue funding costs (interest and repayment on the capital) of capital by a recurring revenue cost of £3million by 2021/22.

Even after the new borrowing, we forecast an unfunded deficit on our capital programme of **£13.7million** by 2021/22

As a result we will need to reduce our capital investment plans, or identify further additional sources of funding. And, of course, new capital funding will have further adverse impacts on the revenue budget.

Capital funding gap (as capital receipts and reserves are consumed)

		2017/18 £Ms	2018/19 £Ms	2019/20 £Ms	2020/21 £Ms	2021/22 £Ms	TOTAL £Ms
CAPITAL REQUIREMENTS	ICT	14.2	9.9	6.3	3.3	2.2	35.9
	Estates	8.5	9.3	3.7	0.5	0.5	22.5
	Fleet / PME	6.0	3.1	3.1	3.2	3.3	18.7
	Sub Total	28.7	22.3	13.1	7.0	6.0	77.1
CAPITAL FUNDING	HO Grant	1.0	1.0	1.0	1.0	1.0	5.0
	Revenue	0	1.5	1.8	2.0	2.5	7.8
	Borrowing	10	11.7	0	0	0	21.4
	Reserves	18	4	7	0	0	29.2
	Sub Total	28.7	17.7	9.9	3.3	3.8	63.4
CAPITAL FUNDING GAP	Total	0	-4.6	-3.2	-3.7	-2.2	-13.7

RESERVES: Depleted reserves are reducing our safety net

Our total reserves, (or 'money in the bank'), is reported in our annual accounts in the following way:

- Usable reserves (diminishing from £36million to £10million) and
- Restricted ring-fenced reserves; we can only use these for specific purposes such as funding our PFI (Private Finance Initiative) building repayments over the 25 years, managing regional grants held by Avon and Somerset, and managing our self-insurance funds.

£17m 

Between April 2015 and March 2017 the useable reserves available to us reduced by £17million. This figure is forecast to continue reducing rapidly over the medium term.

Total reserves forecast

	ACTUALS		FORECAST			
	2016 £Ms	2017 £Ms	2018 £Ms	2019 £Ms	2020 £Ms	2021 £Ms
Useable reserves that are NOT ring-fenced						
Discretionary reserves	12.4	8.8	4.4	2.1	2.0	1.9
General Fund	10.4	10.4	10.4	10.4	10.4	10.4
Capital receipts & reserves	13.6	9.1	0.3	0	0	0
TOTAL Useable reserves (not ring-fenced)	36.4	28.3	15.1	12.5	12.4	12.3
% of PCC net spend	13%	10%	5%	4%	4%	4%
Ring-fenced reserves						
PFI fund	6.3	6.5	6.7	6.8	6.9	7.0
Ring-fenced for restricted use	8.6	9.5	6.1	5.3	4.9	4.9
TOTAL Ring-fenced reserves	14.9	16	12.7	12	12	12

The General Fund is a fund we hold to manage the risks inherent in policing Avon and Somerset, such as unplanned major operations, claims against the organisation, funding to meet any local government pension scheme fund deficit, and savings that are not delivered as planned. By 2021 only this fund will remain.

This forecast shows that, by 2021, we will have exhausted all useable, non-ring fenced reserves to support capital programmes and revenue transformations costs.

Our future financial security is sound – but only just

By 2020, our remaining usable reserves are equivalent to just **4%** of our net annual spend.

This is a very low level of useable reserves and could be considered to be high risk for a police force; it leaves absolutely no provision for future change programmes and/or future capital funding.

FAIR PAY: Fair pay for police officers and staff

We support fair pay for police officers, PCSOs and police staff. Increased risk of staff attrition is a real and imminent threat as workloads increase and pay growth remains subdued and is outstripped by the cost of living.

The dangers posed by our inability to attract and retain staff are mitigated to a degree if pay rises are increased from 1% to 2%. But the detrimental impact on our revenue funding gap (an increase of around £7.5 million by 2021/22) will most likely result in cuts to headcount unless commensurate funding is provided to us in the police settlement.

If we are going to recompense police officers and staff with the level of pay they deserve for an increasingly challenging and difficult job, we must do so in a way that does not compel us to reduce the workforce further. To do so would simply increase the pressures upon our people whilst reducing the quality of the service they are able to deliver.

The police service needs investment as well as a fair pay settlement to continue to provide the service we all expect.



4

NEIGHBOURHOOD
POLICING IS IN DANGER
OF BEING ERODED

Erosion of neighbourhood policing

The community risk we have articulated here is not unique to Avon and Somerset but is widespread across the country. For us and for others, the financial challenges set out in this report indicate a watershed in terms of our future service and the future shape of policing.

The NPCC pre-budget assessment recognises that refocussing priorities often exposes weaknesses in other areas of policing. Neighbourhood Policing lies at the heart of the British Model of Policing and is central to the objectives of the Police and Crime Commissioner's Police and Crime Plan.

But Neighbourhood Policing can no longer be protected. It is now left increasingly exposed and continued financial challenge will mean further erosion.

Neighbourhood Policing Teams (NPTs) are required increasingly to manage considerable risk and responsibility. Without further resources it will be impossible for them to provide the standard of service, visibility and community intelligence expected by the public and the service at large.

NPTs are working increasingly to threat, risk and harm principles to reflect the changing nature of demand but this means that crimes and incidents with

a high occurrence but low impact, such as theft of or from motor vehicles and non-domestic burglary, are not being investigated as we or the public would like.

The capacity of NPTs to engage with communities is already reduced with little time left for regular engagement or visible patrol activity. Demand pressures require a focus on the "here and now" with reduced time afforded to proactive and long term problem solving and prevention work.

Our delivery of consistent neighbourhood policing is already being unduly shaped by financial influences and demand pressures. Whilst we have a clear line of sight of the model the public expects and we want to provide, we can see the beginning of a drift away from that.

This has not gone unnoticed by the public as the word cloud summary below from a recent PCC public confidence survey demonstrates.

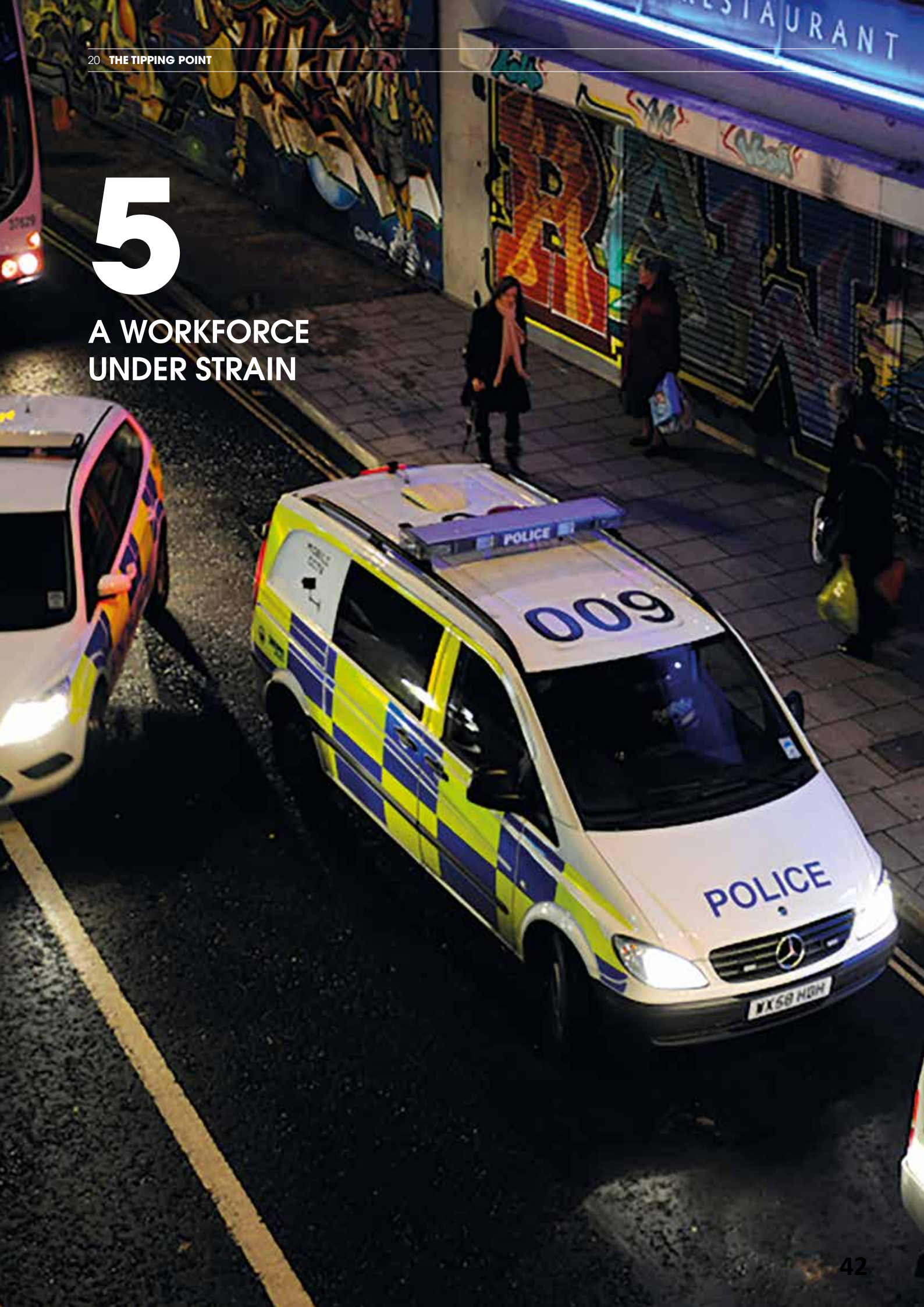
“ Comments on public confidence

I never see the police in the area. Cars are always bombing around and kids hanging about. **Generally, you hear many burglaries are ignored and that does put a negative view in my mind.** The police never pick up the phone and the police station is shut. **Every time I call about a local issue, nothing gets done.** I had a brick thrown through my truck window which I reported to the police. They told me to keep the brick and wait for them to respond but they never did. **They are undermanned and it's inappropriate.** I reported a violent crime happening there and then and I was put on hold, even though I dialled 999.

”

5

A WORKFORCE UNDER STRAIN



Vocation is no longer enough

We cannot forget the needs of the workforce in the case for police budgets; **around 80% of our budget is staff costs**, and they are our most important consideration.

The needs of those who provide policing are not separate from the needs of the community. An effective, skilled and motivated workforce with the right behaviours will make a positive difference to the public.

We recognise our workforce as a “critical asset” and the importance of wellbeing in sustaining a happy and healthy workforce. However, despite our best efforts, the workforce is showing signs of strain.

Nationally and locally absence rates are increasingly difficult to manage and the prevalence of absence linked to mental health (including stress) is increasing. Staff retention is increasingly difficult as police resignations increase, and pay and benefits fail to keep pace with other

sectors. For the first time, we have seen a reduction in take up by officers and staff of relevant pension schemes.

All of these indicators are symptomatic of the current operating environment. Annual pay awards have been capped for many years. The cumulative impact of restrained pay has reduced our competitiveness as an employer of choice and forces are starting to see the number of police officer applicants reducing. Police Staff remain more mobile between employment sectors making market pay comparisons more relevant and recruitment of good people more difficult.

In short, in times of rising costs and minimal pay increases, vocation is no longer always enough.

The human impact

More than 30,000 police officers took part in the **2016 Police Federation Pay and Morale Survey** – equivalent to a quarter of all ranks from constable to chief inspector.

39% of officers said they had sought help with mental health issues. In the same survey, more than a quarter of officers who had taken sick leave attributed it to stress, depression or anxiety, and 65% said they still went to work even though they felt they shouldn't have because of their mental wellbeing.

The survey also revealed that 69.4% of officers who were actively looking to leave the force wanted to do so because of the “impact of the job on health and wellbeing”.

The 2016 **Police Superintendents Personal Resilience Survey** found similar concerns amongst more senior ranks. 90% of respondents reported working 50-70 hours a week; only 25% of respondents said working less than 48 hours per week is the

norm, and 100% reported that their role involves excessive breadth and depth of responsibility leading to excessive working hours. Only 21% said they ensured they are rarely contacted on a rest day.

In our own **2016/17 Avon and Somerset Wellbeing Survey**, we found that:

- 65% of the workforce are happy in work; only 57% for police officers.
- 54.5% are able to switch off from work away from the workplace; only 41% for police officers
- 55% feel in control of their workload; only 45% for police officers.

Police officers and staff have been hit on all fronts. Despite a strict curb on pay increases they have continued to work tirelessly with tremendous resilience and commitment. At the same time they have compensated increasingly for a lack of resources by taking on tougher and increasingly more complex work in the most difficult of circumstances. This is taking a toll on their morale and wellbeing.

Mitigating the risk and embracing diversity

We believe our workforce is under strain, to the detriment of individual officers and staff, and the public. We have made substantial efforts to expand our understanding of the patterns of absence and provide counselling, psychiatric and medical welfare services. These solutions are beginning to have an effect but are without a sustainable financial footing.

The connection between financial settlements and the workforce is also crucial in achieving a better reflection of the communities we serve. The Chief Constable and the PCC have a genuine enthusiasm and commitment to address the need for a representative workforce. But this becomes impossible to achieve without an investment of resources and funding.

In line with the objective of increasing the professionalism of the service and changing skills requirements, the College of Policing has undertaken an extensive programme of activity including Leadership Reviews and the Professionalism Programme. The tangible outputs from this work include the Police Educational Qualification Framework (PEQF), Continued Professional Development, improved leadership development and career paths. But again, the delivery of this requires funding and the one-off but nevertheless substantial cost to a Force the size of Avon and Somerset would be around £2.5million. Should the College of Policing be unsuccessful in its bid to the Police Transformation Fund, the full cost will need to be met by individual forces.

6

THE PUBLIC VOICE

National figures from the Crime Survey for England and Wales show that in Avon and Somerset, 76% of people have confidence in the police, and 56.8% of people feel that the police deal with local priorities.

Top ten priorities for policing:

Louise Casey in her Review, 'Engaging Communities in Fighting Crime', identified the public's 'Top Ten' priorities for policing which underpin the design and importance of neighbourhood policing:

- | | |
|---|---|
| 1 A service that takes action and is responsive and approachable | 6 Continuity in the local policing team |
| 2 A visible uniformed police presence | 7 A better service for victims of crime, especially repeat victims |
| 3 PCSOs that are clearly distinguishable as part of the police service | 8 Sensitivity over reporting crime and giving evidence |
| 4 Named contacts and clear information on roles and responsibilities | 9 Good engagement with the community to identify local priorities |
| 5 Face-to-face access at a police station, surgery or street meeting | 10 Clear leadership from the police on crime |

Given the severe financial challenges we face, we believe **eight out of these ten public priorities are under threat.**

The service is already over-stretched which challenges our ability to respond effectively. With further cuts to enabling functions, those patrolling the streets must give up valuable visibility time in the community to perform administrative tasks.

What the people say

The threats we face are all symptomatic of shrinking budgets, less funding and reduced resources. The correspondence received by the Office of the Police and Commissioner from local people is reflective of this. These views predominantly focus on, but are not limited to, police visibility in the community and tackling local policing priorities.

VISIBILITY



Police should return to the beat and be a visible presence to reassure people and be available in time of need. People need to know who their local police are.



The increasing reduction in visibility of uniformed officers over recent years, along with the reduction in police stations or offices tends to give the impression that the police are hiding from the community.



How can we have confidence in something we never see?

ACCESSIBILITY



I feel the closure of Police Stations is a grave mistake.

RESPONSIVENESS



Rural stations are closing and there are fewer officers on the streets or roads. In an emergency it will take too long to get there.



Strongly oppose further cuts to front-line services so that the workforce is not so stretched that only 'crisis' management happens.

PUBLIC CONFIDENCE

An appropriate and visible neighbourhood policing presence with engaged contact with local communities is vital in maintaining public confidence in policing and society. So, in addition to these main themes, local people are also calling for the police to be more proactive and engaging:



I would like our local beat officers to be more pro-active within the Community. It is an old tune, but more police on the beat is what reassures people and what deters those who may be up to no good. The police should not be just reactive. Easily said, I know. Policing is increasingly becoming reactive instead of proactive, probably because of the reduction in resources. This is a short sighted policy which will have little impact on crime levels and more importantly people's fear of crime. Priority must be given to crime prevention, which seems to have been entirely abandoned.



More confidence is needed before we feel safe especially now with all the terrorist activities going on across the EU, because before long they will strike somewhere in the UK.

A service overstretched

The PCC has listened to local people and is committed to making their voices heard. Our communities have a right to live harmoniously and free from fear. It is the PCC's job to ensure this can happen.

But together, the PCC and the Constabulary believe we have reached the point where public safety is at risk, a view clearly shared by many people across Avon and Somerset. In the absence of new funding, our ability to mitigate risk and sustain public confidence is no longer within our gift.

7

CHOICES AND CONSEQUENCES

HMIC has judged Avon and Somerset Constabulary to be 'outstanding' at understanding demand and delivering efficiencies. We are continuing to drive a challenging programme of transformation, collaboration and continuous improvement to realise further savings, raise productivity and improve performance. But achieving additional substantive gains through these channels has become progressively harder.

Our demand is growing and becoming ever more complex, our population is growing at pace and new threats are intensifying and emerging every day. As a result the workforce is under immense strain whilst neighbourhood policing is seeing its capacity and capability reduced.

The current 'flat cash' funding settlement means that further savings will be required beyond what can be achieved from increased efficiency alone, making further and significant reductions in police numbers highly likely.

This report asks policy makers to understand and contemplate the reality of the service that the Constabulary will be able to deliver in these circumstances.

Policing is fundamental to the fabric of our society. In the absence of investment, **the breadth and volume of policing as we know it today is unsustainable.**

There are choices to make and, given the implications for the communities in which we live, they should not be made by policing alone. The risk should be understood by all stakeholders at all levels, local and national, and choices should be made in full knowledge of the consequences.

APPENDIX A

Financial planning – modelling scenarios for revenue funding

Despite the Force being rated outstanding for efficiency, the additional savings required to manage these challenges in the future will require further efficiencies which are likely to have an adverse impact on public safety and on policing effectiveness.

Planning assumptions

The current context for making forecasts about our financial future is informed by a number of factors including:

- Government decisions about the future police grant funding and transformation funding.
- The PCCs decision about future precept levels (subject to capping rules).
- Future pay awards.
- Future pension and insurance funding requirements.
- Future inflationary pressures.

The potential variance across these factors can be significant – for example a 1% increase in pay award costs about £2.1M per annum which when applied over multiple years can alter our forecasts significantly.

A significant forecast deficit arises under the current ‘flat cash’ settlement as we face annual rises in costs from pay and inflation. Under a flat cash settlement, savings would have to be found each year, just to retain current resource levels.

The cost pressures arise from:

- Pay rises at 1% together with pay increments create £2.6M million cost pressure each year. This increases to £5M at 2% pay rises.
- Inflation pressure on non-pay budgets of £0.5M to £1.0M each year.
- Rising revenue costs of funding capital expenditure of £3.8M over the next four years.
- Costs from changes to legislation, civil claims, insurance and pension costs.

The following table and graph show the forecast surplus or deficit between now and 2021/22 arising from different scenarios for police funding, all modelled with 1% and then 2% pay rises. In all cases it is assumed that the PCC raises the council tax precept by 1.99% each year (subject to Police & Crime Panel approval).

The scenarios are:

- Flat cash (i.e. precept rises offset main grant reductions) – this is the current funding position.
- Main Police Grant rises annually by GDP.
- Main Police Grant rises annually by GDP plus 2%.

The budget is balanced in all scenarios in 2017/18. However, under all scenarios other than GDP plus 2% we face deficits, even after current and planned saving programmes are delivered.

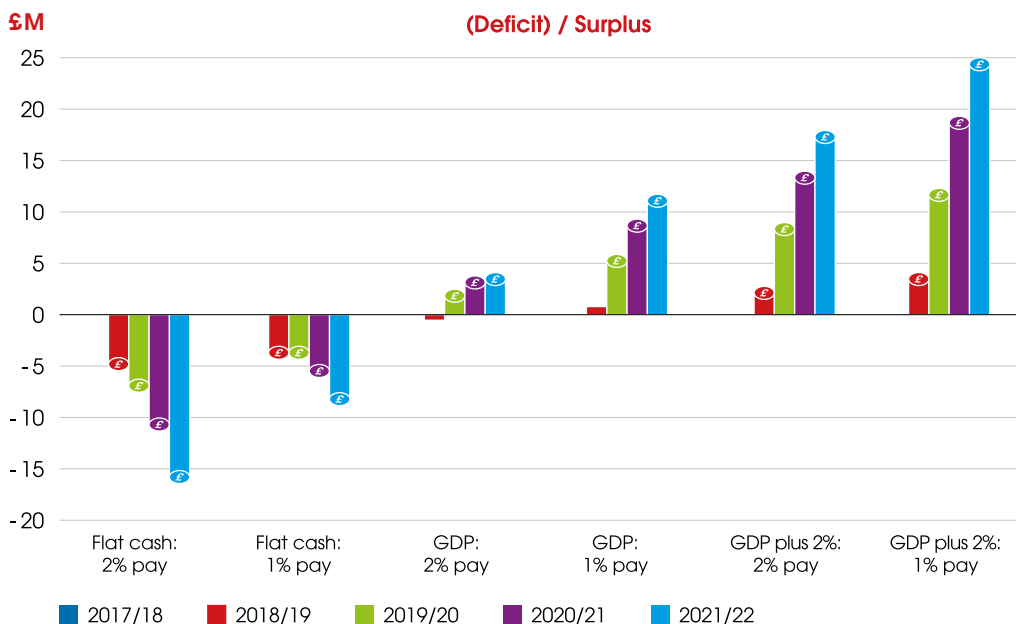
In these scenarios, substantial further savings would be required. Under flat cash with 1% pay rises, new savings of £8.9M would be required by March 2022 to balance the revenue budget which is equivalent to losing nearly **180 more police officer posts**.

With a 2% pay increase, the savings requirement rises to £16.4M by March 2022, the equivalent of losing more than **320 additional police officers**.

Funding scenarios (showing deficits or surplus with different main grant settlements)

Main police grant	Annual pay rise	2017/18 £ Ms	2018/19 £ Ms	2019/20 £ Ms	2020/21 £ Ms	2021/22 £ Ms
GDP plus 2%	1%	Balanced	3.9	12.2	19.2	25.4
GDP plus 2%	2%	Balanced	2.7	8.8	13.8	17.8
GDP	1%	Balanced	0.7	5.6	9.1	11.6
GDP	2%	Balanced	-0.5	2.3	3.7	4.0
Flat Cash	1%	Balanced	-4.2	-4.2	-6.0	-8.9
Flat Cash	2%	Balanced	-5.5	-7.6	-11.5	-16.4

Illustration of funding scenarios – showing surplus (above line) or deficit (below the line)



More savings required

Savings of £8.2m are being delivered in 2017/18 and a further £6.6m savings plans have been agreed by the PCC and Chief over the next four years. These are fully built into these projections and are based on a redesign of enabling services such as HR, Finance and ICT provision and further collaboration in these areas.

These savings are in addition to the £65.2m which have already been delivered since 2010 from collaboration, procurement, reduction by over 650 in police officer numbers, moving to a new police operating model, reducing the

size of the police estate, and removing budget contingencies. Cumulatively therefore the total savings delivered, or planned to be delivered since 2010 amounts to £80m/27%.

Further savings will be required beyond this to balance the budget over the next four years, which **under 'Flat Cash' funding will mean cumulative savings between £89m - £97m by March 2021.**

This cumulative impact will create severe risk of adverse consequences for public safety and the effectiveness of the policing service provided to the public.

AVON AND SOMERSET POLICE AND CRIME PANEL

24TH OCTOBER 2017

UNAUTHORISED ENCAMPMENTS AND COMMUNITIES - INFORMATION REPORT

RECOMMENDATIONS

The Panel is invited to:-

- 1) Note the current position in relation to the law relating to dealing with unauthorised encampments
- 2) Note the Department of Communities and Local Government have announced a call for evidence on the issues associated with unauthorised encampments (details to be confirmed)
- 3) Note the work currently in progress to draft a Memorandum of Understanding between the Police and all local authorities in the force area.

1. SUMMARY OF REPORT

Over the recent summer in some localities there have been increased numbers of unauthorised encampments of Gypsies and Travellers in North Somerset (and other areas); on occasions requiring significant Police and local authority response.

The main focus of the report are the powers to deal with unauthorised encampments and some practical/operational issues associated with implementation.

The issues associated with encampments on sensitive land for prolonged periods and the impact on communities has been raised at the highest level including House of Commons debate (9th October 2017).

The Department of Communities and Local Government (DCLG) have committed to a call for evidence on unauthorised encampments and the powers available to the Police and local authorities to deal with them.

Locally the Police and local authorities have agreed to a Memorandum of Understanding to clarify the roles and responsibilities of each authority and outline the circumstances when the powers available will be used.

2. DETAILS

Throughout the country the police and local authorities have powers to deal with unauthorised encampments.

Responsibility for planning for the provision of sufficient Gypsy and Traveller sites in England lies with local authorities. Local authority and police enforcement powers are set out in the

Government guidance, “*Dealing with illegal and unauthorised encampments;*” see link in background papers. The guidance outlines each authorities responsibilities under equalities and human rights legislation while highlighting the impact that unauthorised encampments can cause communities.

This report solely deals with powers available to deal with unauthorised encampments which is generally defined as trespassing by people on land which they do not own (e.g. publicly owned playing fields, farmers’ fields or other private land). In relation to encampments on private land, the land owners usually engage private bailiffs to evict the encampment.

The report does not deal with unauthorised developments which are usually a site on land owned by Gypsies and Travellers, but for which they do not have planning permission. Often planning permission has been refused and/or an appeal dismissed or pending.

The main focus of the report are the powers to deal with unauthorised encampments and the some practical/operational issues associated with implementation.

Legal powers to deal with unauthorised encampments

Main powers available to the local authorities

Part 55 Civil Procedures Rules

- can only be used by the landowner;
- are used to regain possession of land and require civil court procedure;
- obtaining possession enforced by county court bailiffs
- does not provide any sanctions for the return of trespassers onto land.

Sections 77-78 Criminal Justice and Public Order Act 1994

- can only be used by a local authority on any land within the local authority’s area, irrespective of ownership;
- used to remove identified individuals (named or otherwise) from land;
- requires the involvement of the Magistrates Court when unauthorised campers do not leave when directed to do so;
- obtaining possession enforced by local authority officers or private bailiffs employed by the local authority;
- the return of unauthorised occupiers and/or their vehicles to the same location within three months carries criminal sanctions.

Injunctions to protect land from unauthorised encampments

- Injunctions are directions usually issued by a high court judge to individuals not to do certain things e.g. trespass on land
- guidance suggests should only be used for sites which may be particular vulnerable and information suggests may be subject to unauthorised camping to cause disruption
- Injunctions directed at persons unknown are of limited effect because they lack a penal notice (gives Police power of arrest) therefore enforcement is by paper committal to the Court which could take some time.
- There is no guarantee an injunction will be issued but the authority would still have to pay the costs and resources involves to support the application.

Government guidance clearly states local authorities should always follow a route which requires a court order which will have incorporated appropriate health and welfare checks as part of the process.

Main powers available to the Police

The Police also have powers under the Criminal Justice & Public Order Act 1994. The use of these powers are governed by detailed guidance and may only consider using the powers where:

- Local amenities are deprived to communities or there is a significant impact on the environment
- There is local disruption to the economy
- There is other significant disruption to the local community
- There is danger to life
- There is a need to take preventative action (i.e. anti-social behaviour problems from previous sites)
- there must be six or more vehicles in the encampment (can include towing or other vehicles)

Section 62A-E Criminal Justice and Public Order Act 1994 provides additional powers which enable the Police to take evict campers where there are places available on a transit site, but only if the transit site is located within the local authority area; County Council or Unitary Authority.

Public Engagement

In the majority of cases members of the public reporting unauthorised encampments understand the legal and welfare processes followed by statutory authorities; however frustrations and dissatisfaction often occur when a group repeatedly move around or demonstrate significant anti-social behaviour or rubbish left behind. The justification of needing to commence the legal process on each occasion is difficult to explain particularly when sensitive land is occupied.

Good Practice

In response to good practice guidance for managing unauthorised encampments and remaining sensitive to the needs of gypsies and travellers joint protocols exist between the Police and most local authorities which set out clear communication arrangements and operational issues when each may use their respective powers. The report has been written from the experiences of North Somerset but from engagement with representatives across the force area; similar challenges and issues are the norm.

Recent Activity

Over the last few years in North Somerset but particularly this summer unauthorised encampments on sensitive land i.e. parks, recreation or sports fields has increased and on occasions locations close to major events. These high profile encampments quickly attract public attention and have resulted in significant police intervention to move the travellers on or control public disorder. It's relevant to point out, as locations in North Somerset previously used by travellers have diminished where work to prevent unauthorised access has been completed or new housing developments commenced, the occupation of sensitive land has increased.

Recently, representatives from the Police and local authorities across the force area met to discuss the common issues around unauthorised encampments. It was agreed that a Memorandum of

Understanding be drafted which will clarify the roles and responsibilities of each authority and outline the circumstances when the powers available will be used.

In addition there has been a recent House of Commons debate on unauthorised encampments and the impact on communities; a link to the Parliamentary Briefing Paper is provided below. During the debate in the Department of Communities and Local Government (DCLG) committed to a call for evidence on unauthorised encampments and the powers available to the Police and local authorities to deal with them.

Operationally as part of the DCLG review it would be appropriate to consider raising the following key issues:

- Reviewing the legal barriers to using common law powers especially where health and welfare checks have been completed and a court order has previously been obtained to evict a group of travellers from a previous site
- Revising the national guidance/legislation to make it easier for the police to exercise their powers to move groups on where there is anti-social behaviour or an encampment is on sensitive land
- Legislative change to enable the Police to use their powers under Section 62A-E Criminal Justice and Public Order Act to move travellers on and prevent their return to the area where there is a transit site(s) provided in an adjoining local authority with spaces available and there is an inter-authority agreement to use these spaces.

AUTHORS

Howard Evans, Private Sector Housing Service Leader (01934 426673)
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BACKGROUND PAPERS

Dealing with illegal and unauthorised encampments – summary of available powers (DCLG)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418139/150326_Dealing_with_illegal_and_unauthorised_encampments_-_final.pdf

House of Commons Parliamentary briefing – September 2017

<http://researchbriefings.files.parliament.uk/documents/CBP-8083/CBP-8083.pdf>

Avon and Somerset Police and Crime Panel
24th October 2017

Panel Operating Arrangements Report – Indemnity Mechanism

1. Summary

In 2012, the establishment of the Panel was overseen by a Joint Selection Committee of all Avon and Somerset Council Leaders (LJSC) and the Panel has since operated within the governance framework set down by the LJSC in a document referred to as the Panel Arrangements. The change in administering authority now concluded, the Panel is taking the opportunity to review this document and ensure that it runs as effectively as possible and continues to fulfil its range of statutory functions.

2. Background

There was general agreement between the authorities from the outset that the direct costs of the Panel would be contained within the Home Office funding allocation of £69,860. However, it was also agreed that if at any time Panel costs exceeded the funding available, the shortfall would be met by the 10 councils through a mechanism to be agreed. This was subsequently incorporated in the Panel Arrangements document and agreed by the LJSC on 31st October 2012.

The actual mechanism referred to above was not put in place, the most likely reason being that the Panel has operated within budget since its establishment. Following consideration of the Panel Arrangements last year, the Panel agreed a number of amendments it wishes to make and commenced discussions on how the indemnity should operate in practice. This was not taken forward during the transition period and it would be prudent for an agreed mechanism to be put in place and the document formally endorsed.

Given the time lapse, there will be an opportunity to see the amendments agreed last year at the next Panel meeting, however the initial thoughts of the Panel are sought in advance of this on the indemnity mechanism and how it might work in practice. The indemnity mechanism will then be submitted for the approval of the Constituent Authorities alongside the revised Panel Arrangements document in accordance with the legislation which requires the Panel to revert to the Constituent Authorities with any proposals for amendments. A letter putting the 10 councils on notice was sent on 20th September 2017.

This is a purely precautionary measure for the future. Should the position arise where it is anticipated that the funding allocation will be exceeded, then the Constituent Authorities will be given as much notice as possible.

Recommendation

1. The Panel is invited to propose a suitable indemnity agreement – to be actioned and

concluded outside of the meeting with the Constituent Authorities to secure agreement on the issue of any shortfall in costs.

Patricia Jones
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Police and Crime Panel Link Member

Date: 24th October 2017

Report Originators: Joseph Mullis and Roz Willis

MENTAL HEALTH LINK MEMBER REPORT

1. Purpose of the Report

A visit was undertaken in December 2016 to Police HQ, Control and Communications Team and Bridgwater Custody Suite by members of the Police and Crime Panel, Joseph Mullis, Independent Member and Councillor Roz Willis. The purpose of the visits was to ascertain the progress being made with the implementation of the Mental Health Triage service initiated by Avon and Somerset Police and operating at Police Head Quarters Control and Communications Team and Bridgwater Police Station Custody Suite. Their observation identifies the challenges and successes of the service provision and its impact upon Avon and Somerset Constabulary and produces its findings within this Report.

2. Recommendation

- a) The Police and Crime Panel notes and welcomes the content of the report and its findings.

3. Background

In September 2016, Avon and Somerset Police and Avon and Somerset Police and Crime Commissioner, in partnership with NHS North Somerset, South Gloucestershire, Bristol and Bath and North East Somerset Clinical Commissioning Groups (CCGs), Avon and Wiltshire Mental Health Partnership NHS Trust and Avon Fire and Rescue Service, launched a two year pilot mental health triage service operating at police HQ in Portishead and Bridgwater Police Station Custody. The aim of the service is to have immediate access to a trained mental health team, this team are able to triage and screen for assessment, support the police with any decision making and follow up plans and liaise, refer and/or sign-post to other specialised teams and organisations.

In essence, mental health professionals will:

- Support police officers while they are out on patrol;
- Assist officers when they are responding to emergency calls;
- Give advice to staff in police control room.

The service is linked to Somerset Partnerships NHS Avon and Somerset Liaison and Diversion Service (Court Assessment and Advice Service) for the Somerset Area which provides a service to individuals appearing at Somerset's criminal courts and to those who have been arrested and are detainees in police custody regardless of their address.

The PCC justified the implementation of a mental health triage pilot by setting out an analysis of demand nationally and locally which shows a large proportion of daily Police business (20-40%) having an element of mental health. The PCC emphasised that there had been an increase in the use of Police powers under the Mental Health Act 1983 (sections 135 and 136) across our communities. It was noted that whilst those detained in Police cells is gradually reducing, demand on health-based places of safety often outstrips supply.

4. Section 136

At present the police have the power to remove individuals from a public place if they think they have a mental illness and need of care and control. For example, they might be worried about an individual because of their behaviour. The police do not need medical evidence before taking an individual to a place of safety, (this is likely to change with the enactment of the Policing and Crime Bill). The police officer needs to reasonably think that an individual is mentally ill and they need to move this person in the interests of him/her and other people.

The police cannot remove individuals from a private place under this section. This can be done using section 135 of the Mental Health Act.

A decision was taken by the Chief Constable and the Police and Crime Commissioner (PCC) that no individuals detained under S136 would be taken to police custody except for in truly exceptional circumstances. Since this change in practice, numbers detained in custody have fallen dramatically, with a number of reporting periods seeing no custody detentions at all. In the very small number of cases where custody has been used, the individual concerned has proven to be too risky, due to violent behaviour, to take to a health based place of safety. In each of these cases, once the individual's behaviour has been managed, they have moved on to an appropriate health based setting for assessment. Although this is significant step forward, it has also created challenges within the system. In the Somerset area, there are two dedicated S136 wards (Rowan and Rydon) and in the North of the force there are a total of 4 beds at Southmead Hospital (Mason Unit). When these spaces are full, which they often are, alternatives must be found. Since custody is no longer an option, officers are often left with no choice but to take individuals to Emergency Departments which are very often considered unsuitable locations for those in acute mental distress. Partners across the Avon and Wiltshire Partnership area, which includes Bristol, BaNES, South Glos, North Somerset, Swindon and Wiltshire, are currently engaged in a systems redesign process looking specifically at Section 136. It is hoped that this will establish some simple, but fundamental tweaks which can be made to the system to improve the journey for the service user and ensure resources are used most effectively.
Source: OPCC

An overview of Section 136 of the Mental Health Act-

- The Mental Health Act is the law which can be used to take you to a place of safety using section 136 to assess you for a mental illness. This is known as being ‘sectioned’.
- The police can use section 136 of the Mental Health Act to take you to a place of safety when you are in a public place.
- They can do this if they think you have a mental illness and are in need of care. A place of safety can be a hospital or a police station.
- The police can move you from one place to another.
- Doctors can keep you on this section for up to 72 hours. During this time, mental health professionals may do a Mental Health Act assessment with you. This will see if you need to be in hospital because of your mental health.
- After your assessment you may leave hospital or you may stay under a section of the Mental Health Act.
- You have rights under this section. You can get legal advice, ask the police or hospital to tell someone where you are and get mental health treatment. *Source: Rethink Mental Illness*

5. Funding

The 2 year pilot is funded as follows:

OPCC	£158,457
BaNES Clinical Commissioning Group (CCG)	£11,183
Bristol (CCG)	£43,566
North Somerset (CCG)	£15,076
South Gloucestershire (CCG)	£15,835
Avon Fire Service	£5,000
Total	£249,127

Source: OPCC

6. Police Control Room and Communications Team

The Control Room and Communications Team has in place an Avon and Wiltshire Partnership mental health professional that provides assistance and information following

enquires made by officers out on patrol or in response to emergency calls. The mental health professional has access to 'Rio' the NHS database and also Police databases which holds information on persons. Having access to both Police and health information can ensure that decisions are made in the interest of a vulnerable person and to manage risk. Officers are advised and fully informed on the most appropriate course of action, this assists with providing timely access into services for vulnerable persons encountered. The service has mental health professionals in the police control room between the hours of 8am and 10pm (identified as being the times of peak demand).

7. Bridgwater Police Custody Suite

Bridgwater Police Custody Suite has in place a number of Avon and Wiltshire Partnership mental health professionals who provide the service. The service exist to identify and support those brought to custody who have mental health, learning disability or substance misuse vulnerability when they first come into contact with the criminal justice system. These individuals can either be supported through the criminal justice system or diverted into treatment, social care or other relevant intervention or support service. The service is commissioned by NHS England and operates throughout the custody and court provision within Avon and Somerset. The service is delivered in partnership between Avon and Wilshire Partnership and Somerset Partnership.

The desired outcomes of the service are:

- The service provides the Custody suite with appropriate and timely advice on detainees with mental health problems and other vulnerabilities;
- Improved access to healthcare and support services to individuals who suffer from mental illness and other vulnerabilities who come into contact with the custody suite;
- To improve health outcomes, reduce reoffending and identify vulnerabilities earlier with a view to reducing the likelihood that offenders will reach crisis point.

8. Analysis & Anticipated Benefits

Since its launch in September 2016 and up to December 2016, the service has dealt with over 500 referrals, 449 of which related to individuals who were already known to services. The area with the highest number of calls was Bristol (316), followed by Somerset (144), BANES (31), north Somerset (57) and South Glos (11). Of the referrals received, 36 were relating to the potential use of Section 136. Of those, 22 went on to use the power and 14 were diverted. *Source: OPCC*

Anticipated Benefits

- Reduction in volume of individuals detained under the Mental Health Act, easing demand on health based places of safety and ensuring the beds are available for those truly in need;
- Reduction in presentations to A&E by persons in mental health crisis by enhanced early intervention;
- Improved engagement with the mental health services by persons regularly in contact with Police/Fire/Ambulance, reduction in repeat caller demand;

- Early identification of individuals not known to mental health services that are likely to require intervention to prevent reaching crisis point;
- Multi-agency collaboration will lead to significantly improved professional relationships between Health, Police, Fire and Ambulance. Increased levels of mental health awareness in frontline staff and jointly delivered training. (Source: PCC Decision Paper 30/03/16)

8. Findings

It is clear that the placement of mental health professionals within the Control Room and Bridgwater Police Custody is having a positive effect with dealing with individuals who present themselves with a mental illness or other vulnerability. The figures in section 8 of the report are encouraging but a further analysis of the anticipated benefits and the desired outcomes of the service would provide a benchmark of progress and enable to identify the gaps in service provision since the inception of the triage project. It must be said that early findings resonate a welcome addition of assisting the Police when faced with persons presenting a mental health illness or vulnerability.

However, it was found that there were a number of concerns surrounding the use of Section 136 where a police interviewee had raised questions about Police powers v duty of care, he stated, *“Police powers are actually very limited in relation to dealing with Mental Health. The main issue arises when we are called to someone’s house. We cannot use Section 136 Mental Health Act in a private place and whilst this will change slightly in the near future we will still not be able to use it in a dwelling. Which is where most of our calls come from. For some discussions on “why don’t you arrest them to prevent a breach of the peace” or “why don’t you use the Mental Capacity Act.” It is here where the biggest gap in provision exists”.*

“Repeated use of section 136 for the same person may be a sign that people are not receiving appropriate support from local services after being discharged from hospital. NHS trusts that provide mental health services should make sure that people receive the support they need after they have been assessed or, if admitted, once discharged from hospital to prevent further crises”.

It was also found that the availability of appropriate places of safety to which the police may take people detained under section 136 of the Mental Health Act 1983 has been the subject of concern due to the lack of designated places of safety within the County. Research undertaken by the Care Quality Commission states ‘all areas of the country should have designated places of safety’.

In May 2016 the Government released a £15 million fund to help provide health and community based places of safety to prevent vulnerable people being held in police cells.

The funding can be used to:

- Refurbish or improve existing health-based places of safety, for example to increase capacity
- Build new places of safety
- Make existing places of safety suitable for people aged 18 and under

- Create mental health crisis cafes or places of calm
- Provide ambulance transport to places of safety (so a police car is not used)
- Provide vehicles for mobile services to respond to mental health crises in the community.

The first wave of projects announced in August 2016 and approved a successful bids in North Somerset for a new crisis house as a short stay support for people in crisis £500,000 secured.

Second wave of approved project announced in October 2016 released £147,000 to refurbish a place of safety in Bristol.

No further bids have been identified across Avon and Somerset to provide health-based places of safety and bids closed 23 September 2016. Funding is available for 2017/18 for this scheme.

Policing and Crime Bill

It is noted that once enacted the Policing and Crime Bill will see the following changes to legislation around use of S136

- No under 18's to be detained under S136 within a police setting in any circumstances
- The length of time someone can be detained under s136 will be reduced from 72 hours to 24
- Police officers will be required to consult a mental health professional wherever practicable before using their powers under S136
- Extension of the definition of a 'public place' in which S136 can be exercised to include areas such as a place of work

Future monitoring/review

The following areas are identified to monitor/review within the pilot period for future progress with the project:

1. How has the project enhanced help for people with mental health problems;
2. The benefits of shared decision making between the Police and NHS;
3. How the understanding between organisations has improved;
4. How information sharing has improved;
5. Identify the reduction of police involvement in mental health crises;
6. The use of Section 136 & S135;
7. The provision of places of safety throughout Avon and Somerset.

Acknowledgements

Finally, we would like to thank Detective Sergeant Ashley Jones , Amy Hurst from the OPCC and the Police Officers and the Mental Health Professionals based at Police Head Quarters, Portishead and Bridgwater Custody Suite for their assistance during our visits and information provided to assist with the writing of this report.

Panel Work Programme 2017/18

27th June (AGM)	<ul style="list-style-type: none"> • Police and Crime Commissioner's Annual Report
24th October	<ul style="list-style-type: none"> • Unauthorised Encampments • Tipping Point – Briefing on the funding challenge • Panel funding - indemnity mechanism
17th November 10am-2pm (Police Headquarters)	Training – Budget preparation
13th December	<ul style="list-style-type: none"> • Scrutiny of the Budget - preparation/consultation • Presentation – Prevent Strategy • Review of Panel Protocols - <i>complaints, Panel operating arrangements, mid-term vacancy</i>
1st February	<ul style="list-style-type: none"> • Formal review of the Budget/Precept • Police and Crime Plan – Scrutiny of first draft • Six monthly update from Chief Constable
15th March	Formal review of the Police and Crime Plan
All Meetings	Standing Items:- <ul style="list-style-type: none"> • Commissioner’s Update • Scrutiny of performance/delivery against the Police and Crime Plan - Link Member reports • Complaints

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24 OCTOBER 2017

REPORT OF THE CHIEF EXECUTIVE

COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSIONER

PURPOSE OF THE REPORT

1. To provide members of Avon and Somerset Police and Crime Panel with oversight of all complaints made against Avon and Somerset Police and Crime Commissioner, for scrutiny of the initial handling by the Chief Executive of Avon and Somerset Police and Crime Commissioner's Office.

BACKGROUND

2. Avon and Somerset Police and Crime Panel (the Panel) is the Appropriate Authority to handle complaints against the conduct of 'Relevant Office Holders', being Avon and Somerset Police and Crime Commissioner (PCC) and Deputy PCC if one is appointed, according to statutory regulations of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and as referred to in the Police Reform and Social Responsibilities Act 2011, section 31 and schedule 7.
3. However, the initial handling, which includes categorisation, recording decision-making, referral of criminal allegations to the Independent Police Complaints Commission (IPCC), disapplication decision-making, and responding to the complainant in the first instance, has been delegated by the Panel to the Chief Executive in the Office of Avon and Somerset Police and Crime Commissioner, with scrutiny and oversight of all complaints and any escalation for informal resolution, remaining with the Panel.

SUMMARY OF COMPLAINTS RECEIVED

4. There has been one new complaint since the last Police and Crime Panel meeting report against the *conduct* of the Police and Crime Commissioner ('conduct' including acts, omissions, statements and decisions (whether actual, alleged or inferred)). The complainant alleges that the PCC failed to act regarding a report of the complainant's son as a victim of crime. This appears to be when the complainant was directly emailing Avon and Somerset Constabulary and/or Kent Police, cc'ing the PCC into 4 emails between February 2016 and July 2016. The PCC replied to the complainant and also made internal enquiries with Avon and Somerset Police. This is currently on hold at the request of the complainant who is awaiting progress with a complaint against Kent Police.
5. One other complaint remains open, as noted in the last report. This relates to the PCC's response email to the complainant who subsequently complained that the PCC

had interfered with the matter, which should have been dealt with by the Police and Crime Panel. This was escalated to the Panel on 24 January 2017.

6. The Police and Crime Panel have advised the PCC's office on 22 September 2017 that complaint number 25 has been finalised by the Panel, taking no further action beyond the response from the PCC's Office Manager to the complainant on 15 May 2017.
7. All complaints to date have had Panel oversight, including those solely handled by the Panel.
8. Please refer to the summary table in Annex 1.
9. All complaint files are available at the office of the Police and Crime Commissioner for viewing by the Panel, if requested. Live complaint files are available at the Police and Crime Panel meeting. The document retention period is in accordance with the published Record Retention Policy and this is currently eight years.

EQUALITY IMPLICATIONS

10. There are no equality implications arising from the handling of complaints against Avon and Somerset PCC. The protected characteristics of complainants are not necessarily known, and all complaints are logged and published in an open and transparent manner.

RECOMMENDATIONS

11. Members are asked to review and comment on this complaints report and to advise of any recommendations or requests for informal resolution through the statutory process of escalating complaints against the PCC to the Panel.

JOHN SMITH
CHIEF EXECUTIVE

COMPLAINTS and CONDUCT MATTERS AGAINST AVON AND SOMERSET POLICE AND CRIME COMMISSIONER
REPORT TO: AVON AND SOMERSET POLICE AND CRIME PANEL - 24 Oct 2017

Annex 1

No.	Date rcvd / log no.	Summary	Recorded?	Handled by	Outcome	Live or Closed
24.	12/01/2017 / 17315	PCC alleged to have interfered with a matter which should have been dealt with by the Police and Crime Panel.	Yes	Initially by PCC's CEO then escalated to PCP	19/01/17: Initial informal resolution by way of an explanation and apology from CEO. The complainant's right to escalate the complaint to the PCP, if required, was stated in the reply letter. 24/1/17: Complaint escalated to PCP.	Live
25.	05/05/2017 / 18324	Complaint alleging that the PCC breached confidentiality and disclosed the complainant's concerns regarding a separate matter within a reply to the complainant's MP after the MP wrote to the PCC again on behalf of his constituent (the complainant) about an ongoing matter previously correspondent about.	Yes	Initially by PCC's Office Manager then escalated to PCP	15/05/17: Initial informal resolution by way of an apology and explanation, plus action to MP. The complainant's standard right to escalate the complaint to the PCP, if required, was stated in the reply letter. Date unknown in May 2017: Complainant advised OPCC that he escalated complaint directly to the PCP. 22/9/17 PCP decision that there is no further action required and the complaint was addressed in the OPCC's reply on 15/05/2017.	Closed
26.	03/07/2017 / 18801	Complaint alleging that the PCC failed to act regarding a report of the complainant's son as a victim of crime. This appears to be when the complainant was directly emailing Avon and Somerset Constabulary and/or Kent Police, cc'ing the PCC into 4 emails between Feb and July 2016. The PCC replied to the complainant and also made enquiries with Avon and Somerset Police.	Yes	PCC's CEO reply summarised and asked for clarification.	23/08/2017: On hold, at the request of the complainant, who is awaiting progress on the complaint against Kent Police.	Live / On hold