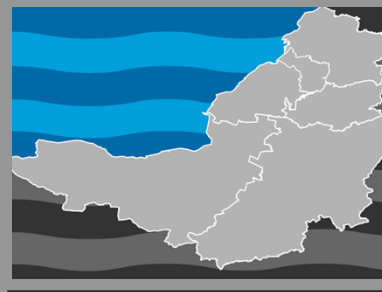


# Avon and Somerset Police and Crime Panel



Hosted by Somerset County Council Community Governance



## Minutes of the Police and Crime Panel

Tuesday 24<sup>th</sup> October 2017

### Present:

#### Local Authority Representatives:

Nigel Ashton and Roz Willis (North Somerset Council), Asher Craig (Bristol City Council), Neil Bloomfield (Somerset County Council), John Parham (Mendip District Council), Jane Warmington (Taunton Deane Borough Council), Martin Wale (South Somerset District Council), Stuart Dowding (West Somerset District Council), Heather Goddard (South Gloucestershire Council), Mark Weston (Bristol City Council).

#### Independent Members:

Joseph Mullis

#### Apologies for Absence:

Cherry Beath and substitute Dine Romero (Bath and North East Somerset Council), Bryony Ball (Independent Member), Afzal Shah (Independent Member), Mark Shelford (Bath & North East Somerset Council), Ann Bown (Sedgemoor District Council), Mike Drew (South Gloucestershire Council), Andy Sharman (Independent Member).

#### Police and Crime Commissioner and Supporting Staff:

Sue Mountstevens (Avon and Somerset Police and Crime Commissioner), John Smith (Chief Executive, OPCC), Julian Gale (Monitoring Officer, Somerset County Council), Mark Simmonds (Chief Financial Officer, OPCC), Joanna Coulon (Criminal Justice and Commissioning Officer, OPCC), Patricia Jones (Senior Governance Advisor, Somerset County Council), Howard Evans (Private Sector Housing Service Leader at North Somerset Council).

### 1. Public Question Time

None.

### 2. Declaration of Interest

None.

### 3. Minutes of the meeting held on 27<sup>th</sup> June 2017



**Resolved – that the Minutes of the meeting held on 27<sup>th</sup> June 2017 be confirmed as a correct record and signed by the Chairman.**

#### **4. Chairman's Business**

##### **Consultation on National Representation for Police and Crime Panels**

The Panel noted that most Panels were in favour of forming a Special Interest Group within the Local Government Association (LGA). Further discussions would be held at the PCP National Conference on 6<sup>th</sup> November 2017 which would be attended by the Vice-Chair and the Senior Governance Officer.

##### **Response to Panel's letter to the Home Secretary (highlighting funding concerns /increased demands on the force)**

The Panel noted the response from Nick Hurd (Minister for Policing and Fire) setting out his plans to lead a programme of engagement with the Police focussing on improved productivity, efficiency and the prudent use of reserves. It was noted that the Commissioner had made further representations to the Minister highlighting the need to progress talks around the complexity of demand and sustainability of the service. The Panel noted this had been evidenced in detail in the Tipping Point document submitted to the Minister to support these discussions.

#### **5. Commissioner's Update**

The Commissioner drew attention to the following key activities set out in detail in her report:-

- Criminal Justice Transformation Programme (CJTP)– funding had now been secured for the appointment of a Senior Responsible Officer who will lead on a programme of work based on recommendations emerging from a whole system review of the service. The Commissioner emphasised the importance of the multi partnership approach which had been adopted to ensure the successful delivery of the project.
- Reducing Offending Board – the Panel noted the support and early intervention workstreams which are being taken forward by a range of agencies including Community Safety Partnerships (CSPs). Whilst acknowledging the extent and severity of local authority cuts, the Commissioner made the point that lack of accommodation and infrastructure for ex-offenders on release from prison inevitably made rehabilitation more complicated.
- Commissioning activity - the Panel was advised that procurement processes are underway for the Sexual Assault Referral Centre (SARC) and the Custody and Courts Referral Service. The Panel was asked to appoint a Link Member for Vulnerability to assist in taking forward work to recommission victim services.
- Service Delivery Assurance – a multi-agency Inquiry Day will be held in March 2018 to review the lessons learnt following the tragic case of Bijan Ebrihami. Relevant agencies will work together to provide the best possible services to vulnerable residents in the community.

- Avon Fire Improvement Board – the Panel noted that the Commissioner had taken up a place on the board set up following the Home Office Inspector’s review of the Avon Fire Authority (AFA). The Commissioner will accept an invitation to join Devon and Somerset Fire Authority once voting rights are established through enabling legislation currently being progressed by the Home Office. The AFA was now officially located at Police and Fire Headquarters in Portishead and a Police enquiry office has opened at Nailsea Fire Station.
- The Commissioner noted a request for progress in Southmead where time is being lost by officers required to report to the Bridewell Station and then travel north.
- Following consultation with the public, discussions are taking place with Councillor Tim Warren to progress the move of the Neighbourhood Teams back to the One Stop Shop at Manvers Street, Bath.
- The Constabulary will make the decision on the precise location of response units in Yeovil.
- Over 100 agencies and 7,500 visitors attended the emergency services open day at Police and Fire Headquarters. The event was a great success.
- The Panel discussed the recent shooting incident in Portishead and acknowledged the widespread road closures which impacted across the region. A joint statement by the Commissioner and Chief Constable was issued to explain the reasons for the on-going closures connected to the subsequent investigation in and around the scene by the Independent Police Complaints Commission (IPCC). Work was in progress with Highways England to arrange a multi-agency exhibition to raise awareness of roles and responsibilities following incidents requiring road closures. The introduction of Smart Motorways had proven to ease congestion and reduce accidents at a number of hot spots.

A summary of the discussion that followed is set out below:-

- There was discussion around the wider mandate of a Police officer in 2017 and the proportion of time allocated to duties seemingly unconnected to the core business of a Police officer. The Commissioner pointed out that early intervention was key and there was a pressing need to develop initiatives such as Reducing Reoffenders Board which required the attendance of Police officers at related meetings. The Panel heard that this type of partnership work had historically cut the workload of a Police officer by reducing reoffending but had fallen away in recent years due to cuts. With match funding from partner agencies, the plan is to develop a dedicated rehabilitation support package to tackle the increasing number of offenders who are reverting to crime.

The Panel also noted the related work being carried out by PCCs nationally around the lack of rehabilitation support and loss of infrastructure which occurs when someone is incarcerated. It was emphasised that these are the main triggers for repeat offending and communication between the prison service and housing providers is key to developing a planned support package. Joseph Mullis agreed to assist John Smith in taking this work area forward.

- It was reported that decisions around the allocation of response units across the force area had been made on the basis of demand following a detailed review. Concerns were expressed that

plans to base the policing team within shared facilities at Shepton Mallet had stalled despite a jointly-funded project manager overseeing the project. The Commissioner agreed to make enquiries and report back.

- Asher Craig reported that work with the Constabulary was on-going to address existing challenges for BAME residents in south Bristol including the disproportionate use of stop and search powers. It was agreed that the results of Bristol's Race Disparity Audit and further details of an event organised by Bristol Race Commission would be circulated to the Panel. It was noted that the outcome of the Government's recently launched audit would be considered alongside the local findings. John Smith agreed to provide the Panel with a statistical analysis of stop and search incidents.
- The Commissioner was asked if her plans around fire authority governance would result in an expansion of her role to that of Police and Fire Commissioner. The Commissioner advised the Panel that this was not an immediate prospect and would also involve a change in legislation.

## 6. The Tipping Point

The Commissioner introduced a report making a case for a fair funding settlement by detailing the increasing challenge faced in delivering safe and sustainable policing for the communities of Avon and Somerset. It was noted that the evidenced based publication "The Tipping Point" was prepared for the Minister for Policing and Fire following a request for non-anecdotal information on the impact of further cuts.

The key points of the discussion can be summarised as follows:-

- The main grant settlement had reduced by 1.5% year on year, £65 million had been made in savings since 2010 and a further £8 million saved this financial year. The Government's assumption is that PCCs will raise the precept by the full 2% permissible.
- A 1% public sector pay cap has been planned for, but the additional 1% pay increase for Police officers and staff will need to be met from reserves.
- The counter-terrorism threat remains severe and response times are a challenge for armed response teams. Whilst the additional resource of a Specialist Counter Terrorism Firearms Officer is welcomed, these officers will not play a part in the initial response to any unplanned operation. The pressure on unarmed Neighbourhood Policing Teams is an on-going concern and specialist support is needed locally to meet demand. In turn, the increased pressure on Neighbourhood Policing means there is less time to gather intelligence in the community.
- Reported and recorded crime – the Constabulary responding in a more proactive way and has seen a significant increase in complex cases in relation to child sexual exploitation, child sexual abuse, as well as the areas of Female Genital Mutilation and modern slavery.
- Intensive work is underway with partners to develop a better systems approach to mental health and missing people.
- The population growth and demands of a typical day set out in detail at page 32 of the papers demonstrates the strain on resources.
- The workforce is also under strain - 39% of Police officers have sought help with mental health issues. There was general agreement that a primary cause of stress is caused by an

officer prevented from carrying out his duties due to increased demand and time constraints.

- Unless demand is reduced, the potential to become a reactive 999 force and a universal safety net will increase. There was general agreement that clarity and consensus was needed about the service that can be provided going forward. It was suggested that the government needed to be fully aware that if year on year efficiencies continue, the service provided will be significantly different.
- Despite concerted efforts in recent years to address the impact of "damping" (the element of the funding formula which is heavily weighted against the Avon and Somerset Constabulary), no significant progress is likely to be made this parliamentary term.

The Commissioner invited the Chief Financial Officer to talk further about the growing crisis in funding. The following key points were noted:-

- Reasonable assumptions and risk assessments have been made and a significant response is required to meet the challenges ahead. The current flat cash settlement is no longer sustainable - savings were being made year on year to keep pace with pay and inflation rises and the accumulative effect was severe.
- Capital grant funding has reduced by 60% since 2010 and capital programmes have been funded from capital reserves and receipts. Capital receipts that can be raised by selling the remaining surplus space on the estate will inevitably be swallowed up. It was confirmed that Bower Ashton has been sold to the Caravan Club.
- The Treasury has vastly over-estimated the reserve position of the force. The ability to call on reserves is very restricted and by next year useable non-ring-fenced reserves are predicted to fall to just 5% of net annual spend. This will pose a high level of risk in the coming years.
- Fair pay for staff is supported and an additional 1% increase (on top of the 1% cap) will be funded from reserves at a cost of £1.3 million.
- On the basis that there will be no uptake in the settlement, PCCs have asked for increased flexibility to raise the precept by up to 5% without triggering the referendum requirement. It was reported that this translates to £9.00 on a Band E property and would rise £5 million.

The Commissioner and staff were commended on the approach set out in the Tipping Point which provided a solid evidence base to inform the November settlement. It was agreed that the Panel would arrange for the document to be made available on the respective local authority websites. It was noted that a national submission from PCCs and Chief Constables will also be provided to the Minister.

## **7. Unauthorised Encampments**

The Panel considered a report from Howard Evans, Private Sector Housing Service Leader at North Somerset Council, setting out the powers available to tackle the formation of unauthorised camp sites on publicly owned land and the operational issues associated with the implementation of these powers.

It was reported that the Civil Procedure Rules and the Criminal Justice and Public Order Act 1994 (CJPO) provided the quickest form of relief to Local Authorities dealing with illegal sites, subject to the following criteria:-

***Part 55 Civil Procedures Rules***

- they can only be used by the landowner
- they may be used to regain possession of land and require civil court procedure
- Possession is obtained through enforcement action by county court bailiffs
- the rules do not provide any sanctions for the return of trespassers onto land

***Sections 77-78 Criminal Justice and Public Order Act 1994***

- used by a local authority on any land within the local authority's area (irrespective of ownership)
- ability 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
- Possession is obtained through enforcement action by county court 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.

It was reported that injunctions are not sought as a remedy on a regular basis because the process is both longer and more limited in its effect. The Panel was advised that injunctions directed at persons unknown lack a power of arrest and enforcement is by paper committal to the magistrate court which invariably takes time.

It was noted that Police also rely on powers set out in the Criminal Justice and Public Order Act and similarly there are limitations on the use of these powers - danger to life and significant disruption to the community or environment must exist before action will be taken.

Below is a summary of the points raised in the ensuing discussion:-

- With reference to the High court case *Croydon-v-Persons Unknown (2016)*, Joseph Mullis drew attention to the additional tools and injunctive powers available to Local Authorities provided for in the Local Government Act 1972 and the Anti-Social Behaviour Act 2014. The Panel noted that nuisance/annoyance was the primary test and that it was possible to serve a notice on persons unknown which included a power of arrest. Breach of the injunction would lead to enforcement action and attendance in court within 14 days. It was emphasised that the process was about protecting communities and agencies working together to achieve the best outcome. It was agreed that the cited case would be sent on to Howard Evans for possible future guidance.
- Councillor Willis expressed concern about the cost to residents, the Police and local authorities following recent experiences in her ward. There was general agreement that

legislative changes to take account of the wider area would ease the impact on local agencies - encampments were frequently moved on only for the process to start again at a different location. This “cat and mouse” scenario was understood to be a regular occurrence.

- It was noted that court and clean-up costs had amounted to £30,000 per site in Councillor Parham’s ward who recommended that a more robust approach could be adopted by the Police, particularly in circumstances involving anti-social behaviour and nuisance. This was noted but it was also recognised that language barriers and the protection afforded by the law to specific groups of people often made a challenging situation more complex.
- Ashely Jones, the Commissioner’s Staff Officer, outlined when and how Sections 61 and 62 of the CJPOA are used by the Police. It was reported that powers are activated when:-
  - the landowner has taken reasonable steps to move the encampment on but this has proved unsuccessful; and
  - damage to the land, threats, harm, harassment or damage to 6 or more vehicles has occurred.

Whilst in theory this enables the Police to evict the campers, it was reported that this was not a typical scenario because the law requires the group to be moved to an alternative transit site located within the local authority area. When this does not exist, an operational decision is often taken to contain the problem and mitigate the risks posed.

A number of Panel Members indicated that this was not a suitable remedy – whilst moving people without their cooperation was manpower intensive, every effort should be made to legally evict the encampment.

- It was noted that the Commissioner had lobbied the Government and Home Affairs Select Committee for legislative changes to bring about the national co-ordinated approach that is lacking. In the meantime, it was hoped that a recently drafted Memorandum of Understanding between the Police and Local Authorities alongside the summit taking place in early 2018, will clarify the roles and responsibilities of each authority and outline the circumstances when the powers available will be used. It was confirmed that transit sites will form part of the discussions.

In conclusion, it was agreed that Panel Members would provide the Commissioner with specific issues relating to their local areas.

## **8. Scrutiny of Performance/Delivery against the Police and Crime Plan – Link Member Reports**

### **Councillor Craig – Representative Workforce**

Councillor Craig reported on the initiatives being developed in support of the objective set out in the Police and Crime Plan – *Diverse communities will be engaged, well-understood and represented in the workforce*. A copy of the report is attached as Appendix 1 to the minutes.

The Panel noted the following key points:-

- At a strategic level, Mark Wilton has been appointed as Director of People and Organisational Development.
- The day to day work of the Representative Workforce Team is led by Esther Wride and PC Kristian Harris with support from the Black Police Association. Continuing engagement by the team at events and initiatives including football matches and career fairs has led to increasing support for Avon and Somerset Police (ASP).
- A targeted recruitment launch will be held at The City Academy on 2<sup>nd</sup> November 2017 to raise awareness and enable greater engagement in the recruitment process.
- There has been a significant uplift in BAME representation since October 2016 – now 17% of the workforce.
- Training is underway for new community assessors to join the interview panels for new recruits – Search Assessors.
- There are now 35 diversity champions within ASP.
- Stepping Up Programme – this will enable staff at midlevel to step up to leadership challenges.
- Babassa – a support programme providing mentoring opportunities for young people.

Councillor Craig thanked the Commissioner and Chief Constable for their concerted efforts to address the challenges.

*Councillor Craig circulated a stop and search information booklet entitled Know Your Rights. A number of Panel Members felt the booklet sent out the wrong message -HMIC was satisfied that 98% of stop and search in Avon and Somerset was justified, demonstrating that officers largely worked within the law and used the power effectively in a targeted and intelligence-led way. It was noted that arrests had increased specifically due to this. The Commissioner stated that the booklet aimed to eliminate the few unlawful instances which taint the overall position. It was noted that the smell of cannabis was no longer a lawful reason to stop.*

### **Councillor Willis and Joseph Mullis – Mental Health**

Joseph Mullis and Councillor Willis reported on their findings following a visit to Police Headquarters and Bridgwater Custody Suite to assess the progress of a two year mental health triage pilot launched in September 2016:-

- The service aimed to provide immediate access to a trained mental health team with ability to triage, screen for assessment and support the Police with decision making/referrals to specialised teams and organisations.
- The number of people taken into custody following a S136 detention has fallen dramatically, with a number of reporting periods seeing no custody detentions at all. While this is progress, finding a suitable health-based setting remains a challenge due to a lack of dedicated wards/beds.
- Reference was made to the current funding arrangements set out in paragraph 5 and the need to plan for the future to ensure the service achieves its potential.
- Since its launch in September 2016 and up to December 2016, the service has dealt with over 500 referrals. Anticipated benefits include:-
  - a reduction in the volume of individuals detained under the Mental Health Act, easing demand on health-based places of safety and ensuring beds are available for those most in need;



- a reduction in presentations to A&E by persons in mental health crisis through early intervention;
  - improved engagement with mental health services by people regularly in contact with the emergency services/a reduction in repeat caller demand;
  - Early identification of individuals not known to mental health services to prevent them reaching crisis point;
  - Multi-agency collaboration that 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.
- Jill Shepherd, previously Chief Officer of Bristol CCG, has been appointed as the Programme Manager for the S136 work. The first meeting of the new governance group will take place on 20<sup>th</sup> November.

### **Councillor Parham – Cyber Crime**

With reference to a report tabled at the meeting, Councillor Parham updated the Panel on initiatives and preventative work underway in relation to cyber crime. A copy of the report is attached as Appendix 2 to the Minutes.

### **Councillor Willis – Vulnerability**

The Commissioner noted that the new Link Member for Vulnerability is Councillor Willis.

## **10. Panel Funding – Indemnity Mechanism**

The Panel considered a report of the Senior Governance Advisor setting out the background to the Panel's governance arrangements and provisions in place to address any shortfall in funding as determined by the Leader's Joint Selection Committee in 2012.

The Panel noted that a principle of indemnity had been agreed by the LJSC which requires the Constituent Authorities to offset a shortfall should the Panel's running costs exceed the available funding. However it was noted that the method by which this would work in practice was not subsequently finalised, the most likely reason being that the Panel had operated within budget since 2012. There was no suggestion that an overspend situation was imminent but it was sensible to have the detail of the mechanism in place having been agreed by the Constituent Authorities.

There was general agreement that in the event of a deficit, the amounts discussed at the pre-meeting based on population estimates and a deficit of £10,000, would secure an equitable method of contribution.

## **11. Work Programme**

The Panel noted the following amendments to the Work Programme:-

Prevent Strategy - Presentation 13<sup>th</sup> December 2017

**12. Standing complaints Report**

The Panel considered and a report of the Chief Executive (OPCC) providing an oversight of all complaints made against the Commissioner. It was noted there had been no further complaints since the last meeting.

**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**

It was agreed that further efforts would be made to obtain clarification from BCC on the resolution method adopted for an outstanding complaint.

**15. Date of next Meeting**

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

(The meeting ended at 1.00pm)

Chairman -