

## **AVON & SOMERSET POLICE AND CRIME PANEL**

Minutes of a Meeting of the Avon & Somerset Police and Crime Panel held in the John Meikle Room, Somerset West and Taunton Deane Council, The Deane House, Belvedere Road, TA1 1HE, on Tuesday 8 October 2019 at 10.30 am

**Present:** Richard Brown (Independent Member), Chris Booth (Somerset West and Taunton Council), Janet Keen (Sedgemoor District Council), Joseph Mullis (Independent Member) Andrew Sharman (Independent Member), Heather Shearer (Mendip District Council), Alistair Singleton (Bath and North East Somerset Council), Clare Torrible (Independent Member), Andrew Wait (Bath and North East Somerset Council), Afzal Shah (Bristol City Council) Richard Westwood (North Somerset Council), Pat Trull (South Gloucestershire Council), Peter Abraham (Bristol City Council)

**Other Members present:** N/A

**Officers Present:** Sue Mountstevens (Police and Crime Commissioner), John Smith (Chief Executive Officer), Joanna Coulon (Criminal Justice and Commissioning Officer), Jamie Jackson (Strategic Manager – Democratic Services) and Andrew Randell (Senior Democratic Services Officer)

**Apologies for absence:** Asher Craig (Bristol City Council), Franklin Owusu-Antwi (South Gloucestershire Council), Roz Willis, Neil Bloomfield (South Somerset District Council), Josh Williams (Somerset County Council)

### **1 Apologies**

As above.

### **2 Public Question Time**

There were no public questions

### **3 Declarations of Interest**

There were no declarations of interest.

### **4. Minutes of the meeting held on 26th June 2019**

The Panel agreed the minutes and the Chairman signed the minutes of the meeting held on 26 June as a correct record of the proceedings. The Actions from the previous meeting were considered and the outstanding actions noted.

### **5 Matters Arising**

There were no matters arising.

### **6 Chairman's Business**

The Chairman announced that there would be budget training scheduled at 12:30 following the meeting.

## 7 **Commissioner's Update Report**

The commissioner presented the update which set out the Performance Report and Pension Information and also included the Serious Violence letter to stakeholders and Behavioural Insights Team report:-

The report provided an update for Panel Members on key activities since the previous Panel meeting on 26 June 2019. The report reflected the position at 25 September 2019.

The Police and Crime Needs Assessment had been drafted, feedback gathered would be finalised in the next couple of weeks. This would be one of the key documents provided to any candidates who declared they would be standing in the upcoming PCC elections.

The design of the joint performance framework was agreed at September Police and Crime Board (PCB). It was recognised that the framework agreed was primarily to improve reporting for the Constabulary and increased understanding and oversight by this office. It would form an important part of the risk management process of both organisations.

For these reasons the decision was made that a separate performance report would be produced for the Panel and this report would also be published for the public view. The reporting will be done quarterly in line with the financial year and the reports would be produced by the end of the first month of the next quarter. This meant the reports would be available by the end of the following months:

- Quarter 1 - July
- Quarter 2 - October
- Quarter 3 - January
- Quarter 4 - April

Annex A set out a draft of what the quarterly report could look like with a handful of examples of data to demonstrate this. The introductory section also explained more about the actual framework itself. Feedback from the Panel was welcome on this and the overall content and presentation would be developed as feedback is received from different sources.

The Independent Residents' Panel (IRP) scrutinised completed cases of complaints - made by members of the public against Avon and Somerset Police – and their last meeting was on 5<sup>th</sup> September 2019. This session focused on complaints most recently closed and 'mistaken identity'. This was as part of an action set by the Constabulary to review their approach to complaint cases where the complainant had been mistaken by Police as somebody else. Due to attendance issues only 14 complaints were reviewed including 3 for mistaken identity. The Panel also reviewed complaints that have been informally resolved by the 'Early Intervention' timely process. During August 2019 the total number of successfully completed informally resolved (logged, early intervention) complaints was 43 (compared to 65 in July 2019). There were 69 formally recorded complaints (compared to 102 in July 2019). The total number of complaints recorded from 1 September 2018 to 1 September 2019 is 909.

This compared to 880 during the same time period the previous financial year. The Panel members' feedback included recognition of significant improvement over the year in the recording of case information and material as well as efficiency. The Panel would focus on producing their annual report and were considering amending their quarterly report to a more user friendly format to encourage footfall and promote the work of the Panel.

#### Ministry of Justice Consultation – Revised Victims Code of Practice

The Ministry of Justice is consulting on a revised Victims Code of Practice. Consultation is centred on a number of key themes:

- Information and communication - Victims have told MOJ that timely and accurate information and communication are key to meeting their needs.
- Victims' voice - Victims want to be listened to and their views and needs taken seriously.
- Support - The support for victims should always be of a consistently high quality and accessible to them all.
- Specialist support - Recognition that many victims need access to specialised support.
- Accountability - Victims should be confident that they will receive the services to which they are entitled and have redress if this does not happen.

Responses will inform a second round of consultation on detailed content within a revised version of the Victims Code which is due to take place later in the year. A local response has been submitted, coordinated by the OPCC in consultation with the Victims Governance Sub-Group.

The OPCC continues to lead a number of key pieces of work to support the delivery of the government's Serious Violence Strategy. For an update on a range of pieces of work the appended letter to Stakeholders dated 13 August 2019 along with the final Behavioural Insights Team report, was attached as Annex B and C.

A key part of this work was the funding awarded to the PCC to establish Violence Reduction Units (VRUs). 18 PCCs were invited to put forward for VRUs and the Avon and Somerset PCC decided to allocate VRU funding across the five local authority areas within Avon and Somerset to account for the different levels and nature of serious violence in each area as well as crucially, broader opportunities for prevention and early intervention. Recognising the transient nature of offending and victimisation the PCC would require bordering areas to work together where there is intelligence to suggest that this is required. Allocations had been based on a) Population and b) Recorded Serious Violent Crime (March 2018 – March 2019), and were set out below:

| <b>Area</b>                  | <b>%</b> | <b>Funding</b> |
|------------------------------|----------|----------------|
| Bath and North East Somerset | 10%      | £114,884       |
| Bristol                      | 37%      | £424,389       |
| North Somerset               | 12%      | £143,582       |
| Somerset                     | 31%      | £362,225       |
| South Gloucestershire        | 10%      | £114,920       |

|                          |             |                   |
|--------------------------|-------------|-------------------|
| <b>AVON AND SOMERSET</b> | <b>100%</b> | <b>£1,160,000</b> |
|--------------------------|-------------|-------------------|

This localised approach had been informed by the findings from the report by BIT. It also supported a public health model by being informed by local need and supporting prevention and early intervention opportunities.

An Avon & Somerset Violence Reduction Strategic Governance Group had been established, and were responsible for:

- Giving strategic direction for the development of the Avon and Somerset VRUs, avoiding duplication with other work streams;
- Providing coordination across VRU activity where required;
- Ensuring that the VRUs follow a public health approach;
- Overseeing performance and delivery of VRUs;
- Ensuring that delivery is informed by Behavioural Insights Team (BIT) Report on Serious Violence in Avon and Somerset;
- Ensuring compliance with Home Office reporting requirements;
- Seeking to understand and resolve issues that require force-wide resolution or are strategic systems change / infrastructure issues e.g. data/intelligence sharing arrangements/agreements - the group will assist to allow for effective local delivery.

Membership of the group was set out and included:-

- Representatives from the Office of PCC
- Assistant Chief Constable (Local Policing)
- Public Health England South West
- Education
- Clinical Commissioning Group
- Representatives from the 5 Violence Reduction Units.

The first meeting of the Avon and Somerset Violence Reduction Strategic Governance Group took place on the 10 September 2019. Key deliverables for year one of the Violence Reduction Unit are local problem profiles and response strategies. A number of other priorities were also agreed including engagement with health colleagues to facilitate the effective sharing of multi-agency data. It has been agreed that Leaders of Councils will be invited to the next meeting to be arranged for January 2020.

The government announced the continuation of the overall Serious Violence Fund from which VRU funding is allocated in the recent budget announcement, however the detail of how this will be used from April 2020 had not yet been communicated by the Home Office. The OPCC would be lobbying for early notice of continued funding to capitalise on the work already underway in Avon and Somerset to tackle and prevent serious violence. The PCC would be hosting a visit by the Head of the Serious Violence Priority Projects Team at the

Home Office on the 22 October and will be raising the importance of continued funding at this meeting as well as showcasing work already delivered by VRUs.

#### Local Violence Reduction Units

A range of local stakeholders were selected according to Home Office guidance, local priorities and arrangements would come together to oversee local delivery. In the main, local proposals from the five areas consist of coordination, delivery of the year one priorities (problem profile and response strategy) and a range of interventions. Leads for the five VRUs were set out and could be contacted by Members for more detail on local delivery:

#### Standing Updates:

Fire Governance: There had been ongoing discussions between Avon Fire and Rescue Service and the Constabulary about estates and fleet; a joint meeting including the PCC and the Chief Constable was held with Avon Fire and South West Ambulance during the summer.

Estates: An update was circulated to Members in advance of the meeting.

Recruitment Update: At the request of Panel Members, an update on police officer and PCSO numbers would be provided as a standing item through the coming year, using 1 April 2018 as the baseline. The position as at 31 August 2019 was:

| Staff Group     | FTE as at Apr-18 | FTE as at Aug-2019 |
|-----------------|------------------|--------------------|
| Police Officers | 2,593.63         | 2,632.09           |
| PCSOs           | 331.44           | 328.2              |

PCC Election 2020: The OPCC has commenced preparatory work for the PCC Election in May 2020. The Election Planning Board, chaired by the OPCC Chief Financial Officer, met for the first time on 12 August 2019. Progress to date was set out:

- Work Plan developed and signed off;
- Bath & NE Somerset Council will take on the role of Police Area Returning Officer;
- Work was underway to develop the Election OPCC Microsite, which will host briefings, responses for information requested by candidates through the FOI process, and information on the election;
- Introductory meetings will be arranged for candidates as they are announced. To date, introductory meetings have been held with the prospective Conservative candidate.

At the request of the PCP Chair, a briefing setting out arrangements in relation to police pensions and the position with regard to reviews of Injury on Duty Awards was attached at Annex D.

In light of the Government Spending Review and the timing of announcements, the PCP Budget Briefing, provided by the OPCC Chief Finance Officer, has been brought forward and will take place immediately following this Panel meeting.

Over the summer, the Government announced its intention to provide funding in order to enable the recruitment of 20,000 additional police officers over the next 3 years. A national programme had been set up by the Association of Police and Crime Commissioners and the National Police Chiefs Council working with the Home Office. The CPC and Chief Constable also set up a local programme to respond to Operation Uplift and the Constabulary was confident that it could respond to the proposals. There had been no announcement of a specific allocation of officers to Avon and Somerset yet.

Police officer pensions were a defined benefit scheme that was not asset backed. The liability was ultimately funded by UK taxpayers.

The PCC administered police pensions for Avon & Somerset, collected and paid contributions and re-claimed the net cost of these pensions from central government via a taxpayer funded (not asset backed) annual "Top Up" Grant.

The police officer contributions range from 11% to 15% (depending on pay scale and their start date). Employer contributions have just been increased in 2019/20 from 24% to 31%.

In 2018/19 the PCC paid £95 million as police pension benefits to retired officers, paid and collected £36.5 million contributions and received a Top Up Grant of £58.5 million in July.

Local Government Pension Scheme (LGPS) for police and OPCC staff and PCSOs

The pension scheme for PCSOs and police staff is asset backed and, run by the Somerset Local Government pension Scheme (LGPS).

This is a defined benefit scheme based on the average/ final salary of the retiring staff member. There are over 2,700 active members and over 1,600 current pensioners.

This scheme is currently assessed as 80% funded against forecast liabilities and forecast asset values. A new tri-annual actuarial assessment is due later this year.

The PCC is liable for this pension funding deficit. There are £357 million of assets held in the PCC's name in the LGPS scheme.

The PCC contributes to this scheme at rate of 13.2% plus a cash lump sum, currently £2.9m per annum. Employees contribute in a range of 5.8% to 10.5% depending on salary. In total the annual contributions to this scheme in 2019/20 are £12.6m.

Recent rulings over age discrimination, reviews on Injury on Duty Awards, legal claims and Police Medical Appeals Board were detailed further in the report.

The draft performance report was set out in appendix A

A Stakeholder Letter detailing a Serious Violence Update was provided in Appendix B

Developing a Serious Violence Strategy for Avon and Somerset report was set out in Appendix C.

An update on Police pensions was detailed in Appendix D.

### Debate

- There had been an increase in knife crime in Avon and Somerset, this included an increase with the younger demographic of the population.
- The creation of Violence reduction units who liaised with the CCG, Education and Public Health England.
- Sharing and transferring of anonymised information with Accident and Emergency was encouraged to address the high risk areas so that funding could be distributed accordingly when aware of risk areas.
- Levels of violent crime and occurrences per population was looked at as part of performance reporting.
- The Chief Executive would provide estimated costs in relation to legal claims
- A report on the process and cost in relation to Injury incurred on duty was considered, the annual cost was deemed to be high with comparison to Devon & Cornwall.
- Brexit Planning was underway and reports were received on a regular basis.
- A potential risk around the Brexit process was that of civil unrest and the potential requirement of mutual aid. The feeling from central government was that military presence on the streets was a last resort in this scenario.
- The impact on projects such as Hinkley with EU workers was a consideration, current numbers were around 4,800 with this set to increase over 6000 within 18 months.
- Those registered to work would still continue with their employment.
- Pathways to reduce reoffending was a focus with inadequate accommodation being a major focus. A report had been released indicating 1 in 7 young people released from prison could not find adequate accommodation. The position with adult offenders is worse, with 40-50% offenders released from HMP Horfield without accommodation. Opportunities through the Homelessness Reduction Act are being explored and discussions are taking place with the prison to address the key blockage at lack of notice provided by the prison to the Local Authority prior to release.

- The commission review encouraged close working with local authorities, with a greater partnership approach to encourage contribution, influence and responsibility.
- Performance diagnostics were considered, an update on developing measures which can be updated to make informed decisions on the budget was encouraged. The Panel welcomed the new format of the performance report and invited the OPCC performance officer to attend the next meeting.
- Concerns were expressed over staff morale at the Lighthouse Safeguarding Unit and its staffing levels. These were considered under resourced. This issue remains under close view by the Commissioner.
- Through the use of Violence Reduction Units, each individual had an action plan to prevent violent crime reoffending.
- PCSO's were working with schools and individuals.
- Public Health England were engaged in working with Violence Reduction Units in trying to find a resolution.
- The value of information sharing across agencies was discussed. Panel Members requested an update on the Constabulary Data Analytics programme, in particular work in partnership with Local Authorities and undertook to support and challenge their councils.
- Panel Members welcomed the Op Remedy performance report showing strong improvement and gave positive feedback from their visits out and about with officers observing Op Remedy. Panel Members were encouraged to participate in future opportunities.

The Panel noted the update.

### **Link Member Reports - Agenda Item 8**

The update was presented by Andy Sharman

The role provided oversight of the work undertaken by the OPCC to ensure that objectives in the Police and Crime Plan were delivered. An update provided to the report presented to 12th March meeting was detailed:-

- Weston Business Crime Reduction Initiative has successfully undergone their National Standards accreditation making them the second scheme in the service area to have attained the new standard.
- The Bristol City Centre BIDs Business Crime Reduction Partnership was all but live, already it was showing the benefits of partnership working between police and businesses with some good results.
- Op. Heron review had seen some improvements incorporated and trialled. Results so far were looking positive.
- Online reporting system showed continued inputs from businesses.
- The next Business Crime Forum was scheduled in November. The most recent one saw strong engagement and a number of actions to support the shared aims of partnership working in this area.

### Debate



- Repeat offenders were actively monitored to ensure there was a deterrent to prevent repeat offending.
- The panel commended the progress made on the report

The Panel noted the report.

## 9 **Complaints Sub-Committee Report - Agenda Item 9**

The Panel was responsible for handling non-criminal complaints against the Commissioner and criminal complaints and conduct matters that are referred back to the Panel by the Independent Office for Police Complaints (IOPC). Arrangements for the Panel's role in complaints handling are set out in Part 4 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and accompanying Home Office Guidance and The Panel's Complaint's Protocol (revised in May 2018) was attached for information at Appendix A to the report and available on the Panel's website.

In 2012, the Panel delegated the initial consideration and resolution of complaints to the Chief Executive and Monitoring Officer in the Office of the Police and Crime Commissioner (OPCC). This delegation was provided for in the legislation and an overview of relevant complaints is provided by the OPCC in the form of a monitoring report to each Panel meeting. There was also regular liaison between officers in the period in between meetings. However, the Panel is the final arbiter of complaints against the Commissioner and the protocol sets out the circumstances when a complaint may be escalated to the Panel:

- When the complainant is not satisfied with the OPCC's attempt at resolution - The CEO considered there was an actual or perceived conflict of interest - The IOPC referred a complaint back to the Panel for resolution\* - There was a request for a review/escalation of a complaint by a Panel Member \*The Panel was not responsible for investigating or determining whether a crime has been committed. Any conduct matter and any serious complaint (a complaint about conduct that constituted or appeared to involve, the commission of a criminal offence) must be reported to the IOPC "without delay and in any case not later than the end of the day after the day it first becomes clear that it is a matter which must be referred."

Between 2012 and 2014 consideration of complaints against the Commissioner was a whole Panel function. However, to provide flexibility, utilise the expertise of members and ensure complaints were dealt with swiftly, the Panel formed a sub-committee to deal with the complaints that were escalated to the Panel. The Terms of Reference agreed at that time were attached as Appendix B.

The Panel is a member-led body and recent experience of complaints suggested that the Panel should appoint a Link Member to lead and maintain an overview on complaints that were escalated to the Panel with advice, guidance and support provided by the Lead Officer. This would also provide a

filter for the less serious complaints and ensure that meetings of the sub-committee were only held when necessary. A meeting with the OPCC had been arranged to consider some changes emerging from the recent experience of the sub-committee and to refresh and align the complaints handling process with the appointment of a Link Member. This work was being taken forward by Clare Torrible, Independent Member, who was a member of the sub-committee and had relevant professional experience of complaints.

The following would form the basis of discussions with the OPCC:- A written context report will be provided when a complaint is referred to the Panel to provide a structured approach to the process. This was agreed at a recent meeting with the OPCC. Email correspondence will inevitably feature as background information to test the commentary in the report against. - The referral should include a copy of OPCC attempt at resolution, an introduction in the report which sets out what is the OPCC's understanding of the substance of the complaint ie. the precise issue that the complainant is aggrieved about, and any relevant commentary and explanation. - Opportunity for dip sampling – this has been in place since 2012 and an appropriate mechanism for how this can work in practice will be discussed at the meeting with the OPCC. - Lead Officer to liaise with the Panel's Link Member in the first instance and subsequently with the complainant. It is proposed that the Link Member will decide if the Complaints Sub-Committee needs to meet to consider the complaint. A decision taken as to whether OPCC has satisfactorily dealt with complaint or if it is necessary to refer back to the OPCC on any additional points – subject to representations from the complainant.

The following were appended to the report:-

Appendix A - The Avon and Somerset Police and Crime Panel Complaints Protocol.

Appendix B – The Complaints Sub-Committee terms of reference.

#### Debate

- Procedure around complaints over operational issues and procedure were considered.
- Appeals would in future be dealt with by the OPCC. There was anticipation of an increase in complaints to the Panel following any unsuccessful appeals when the appeal function passes to the PCC.

The Panel resolved:-

- a) To re-establish the Complaints Sub-Committee and determine membership until the next set of local authority elections or any changes in the Independent Member membership
- (b) approve the proposed amendments to the current Terms of Reference
- (c) consideration and membership be considered and confirmed at the next Panel meeting.

## 10 **Standing Complaints Report** - Agenda Item 10

The report provided the panel with oversight of all complaints made against the 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.

The initial handling, which included 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, had 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.

There were five complaints 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)).

There was 1 live complaint against the PCC.

Complaint case 38 remained a live complaint, received on 30th August 2019. An acknowledgement and request for further information was sent on the 12th September 2019 and the Police and Crime Panel were notified.

All complaints to date had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.

All electronic complaint files were available at the PCC's office for viewing by the Panel, if requested. The document retention period was in accordance with the published Record Retention Policy and this was currently eight years.

The Home Office wrote to all Constabularies and Appropriate Authorities on the 30th July 2019 to confirm that they were invoking the 6 month preparation period for the implementation of the new complaints and conduct legislation. The new process would be more customer focused and was designed to be more expedient, transparent and independent with an increased remit of oversight by the OPCCs. The objective of the reform was to make the system less adversarial with learning placed at its heart.

Training has been commissioned by the Home Office for practitioners and the IOPC were also seeking to provide additional training for OPCCs on complaints against Chief Constables. Confirmation of dates were still to be decided but all relevant staff would be attending.

The intention of the final phase of reforms was to deal with the majority of lower level of misconduct outside of the disciplinary process by implementing 'Practice Requires Improvement'. The national view was that a professional readjustment would be required to embrace this approach. This new category would replace Management Action and Management Advice and capture allegations where an officer's conduct could need improvement. The intention was that an officer could be open and reflective, confident that disciplinary

proceedings will not follow, leading to learning and improvement rather than blame.

The PCC elected to take over the Reviews process (formally known as Appeals) which was the mandatory option provided by the Home Office. The OPCC were already embracing the ethos of the new legislation and the Constabulary's Appeals Officer had been seconded to the OPCC in readiness for the enactment of legislation where the role would pass to the OPCC. An action plan had been drafted and the Contacts and Conduct Officer continued to work with Professional Standards and the Appeals Officer to ensure a smooth transition. There were also changes to the Police Appeal Tribunal panel make up in that a 'lay person' would replace the retired officer position as the third wing member. The PCC has also opted to keep any further options under the legislation under review.

The new legislation would go live on the 1st February 2020.

The process in relation to Super Complaints were that only designated organisations had the ability to submit a super complaint managed by HMIC. When super complaints were made they were considered by a panel comprising of the HMIC, IOPC and the College of Policing to agree appropriate action. HMIC would respond to the designated body setting out next steps within an agreed timescale. Avon and Somerset Constabulary did not have a localised policy but reverted to the guidance and timescales specified in the Police Super Complaints Regulations 2018.

A meeting would be scheduled between the OPCC, the Panel Complaints Link Member and the Democratic Services Officer to discuss the Panels expectations and views regarding the handling of complaints and the Reforms

Complaints considered were set out in a summary table in Annex 1

### Debate

- 1 complaint was closed pending potential escalation to the Panel, 1 was open (awaiting the end of the 21 days for potential appeal).
- A super complaint had been added to the complaints structure. An example of a super-complaint would be a complaint from a consumer rights organisation about a systemic issue. Avon and Somerset Police were yet to receive one. It was clarified that HMICFRS is responsible for handling 'super complaints'.
- Minor amendments on page 119 were adopted.

The panel noted the report.

### 11 **Work Programme** - Agenda Item 11

The work programme was noted.

### 12 **Date of Next Meeting** - Agenda Item 12

The date of the next meeting was 10.30am on 11<sup>th</sup> December at The Deane House in the John Meikle Room.

**(The meeting ended at 12.30 pm)**

**CHAIRMAN**