



**Wednesday 11th March 2020**  
**10.30 am Somerset West and Taunton Council, The**  
**Deane House, Belvedere Road, TA1 1HE**

**Membership:**

Bath & North East Somerset  
Bath & North East Somerset  
Bristol City Council  
Bristol City Council  
Bristol City Council  
Independent Member  
Independent Member  
Independent Member  
Independent Member  
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  
Somerset West and Taunton Council

Alastair Singleton  
Andy Wait  
Asher Craig  
Afzal Shah  
Peter Abraham  
Richard Brown (Chair)  
Joseph Mullis  
Andrew Sharman (Vice-Chair)  
Vacancy  
Heather Shearer  
Roz Willis  
Richard Westwood  
Janet Keen  
Josh Williams  
Patricia Trull  
Franklin Owusu-Antwi  
Martin Wale  
Chris Booth

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Agenda published: 3<sup>rd</sup> March 2020  
Somerset County Council  
County Hall, Taunton TA1 4DY



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# Agenda

## Public Information Sheet

Guidance about procedures at the meeting follows the agenda. This meeting will be open to the public and press, subject to the passing of any resolution under Section 100A (4) of the Local Government Act 1972. This agenda and the attached reports and background papers are available on request prior to the meeting in large print, Braille, audio tape & disc and can be translated into different languages. They can also be accessed via the council's website on [www.somerset.gov.uk/agendasandpapers](http://www.somerset.gov.uk/agendasandpapers)

**\*\* Public Guidance notes contained in agenda annexe \*\***

**1 Apologies for Absence**

**2 Public Question Time**

Statements or questions should be e-mailed to [PLJones@somerset.gov.uk](mailto:PLJones@somerset.gov.uk), or sent to the Democratic Services Team, County Hall Taunton TA1 4DY (marked for the attention of Patricia Jones). Statements must be received no later than 12.00 noon on **Tuesday 10<sup>th</sup> March 2020**. Questions must be received no later than 3 clear working days before the meeting - **5pm on Thursday 5<sup>th</sup> March 2020**.

**Statements and questions must concern an area of business which falls within the Panel's remit. Please see the Public Information Sheet attached for further details and procedure at the meeting.**

**3 Declarations of Interest**

The Statutory Register of Member's Interests can be inspected by contacting Patricia Jones in the Democratic Services Team on Tel: 07855 284506 or [PLjones@somerset.gov.uk](mailto:PLjones@somerset.gov.uk).

**4 Minutes of the meetings held on 11th December 2019, 8th January 2020 and 4th February 2020 (Pages 7 - 28)**

To confirm as a correct record.

**5 Chairman's Business**

**6 Video presentation – work undertaken by the Regional Organised Crime Unit**

**7 Commissioner's Update (Pages 29 - 36)**

**8 Avon and Somerset Response to the Lammy Review - Presentation from Desmond Brown, Independent Chair (Pages 37 - 50)**

- 9        **Representative Workforce Team - Presentation on Activities and Progress**
- 10      **Work Programme** (Pages 51 - 54)
- 11      **Standing Complaints Report** (Pages 55 - 58)
- 12      **Panel Budget and Expenditure** (Pages 59 - 60)
- 13      **Date of Next Meeting**

# Avon & Somerset Police and Crime Panel

## 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](http://www.somerset.gov.uk)

Please contact Patricia Jones, Senior Democratic Services 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 Democratic Services 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](mailto:PLJones@somerset.gov.uk) or sent to Somerset County Council, Democratic Services 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.
- 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.



## Minutes of the Police and Crime Panel

Wednesday 11<sup>th</sup> December 2019

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### **Present:**

#### **Local Authority and Independent Member Representatives:**

Peter Abraham (Bristol City Council), Neil Bloomfield (South Somerset Council), Richard Brown (Chair/Independent Member), Asher Craig (Bristol City Council), Janet Keen (Sedgemoor District Council), Franklin Owusu-Antwi (South Gloucestershire Council), Andrew Sharman (Independent Member), Heather Shearer (Mendip District Council), Alastair Singleton (Bath and North East Somerset), Pat Trull (South Gloucestershire Council), Richard Westwood (North Somerset Council), Josh Williams (Somerset County Council) Roz Willis (North Somerset Council).

#### **Host Authority Support Staff**

Patricia Jones – Lead Officer

#### **Police and Crime Commissioner and Support Staff:**

Sue Mountstevens - Police and Crime Commissioner

Mark Simmonds - Chief Financial Officer

Joanna Coulon - Criminal Justice and Commissioning Manager

Ben Valentine – Strategic Planning & Performance Officer

### **1. Apologies for absence**

Chris Booth (Somerset West and Taunton Council), Joseph Mullis (Independent Member).  
Afzal Shah (Bristol City Council) and Andy Wait (Bath and North East Somerset Council)

### **2. Membership**

The Panel agreed that the recruitment process to fill the Independent Member vacancy should commence after the Panel's last meeting in March 2020.

### **3. Public Question Time**

None.

#### 4. Declarations of Interest

None.

#### 5. Minutes of the meeting held on 8th October 2019

**Resolved – that the Minutes of the meeting held on 8th October 2019 be confirmed as a correct record and signed by the Chair.**

#### 6. Chairs Business

None.

#### 7. Commissioner's Update Report

The Commissioner thanked Members for prioritising the Panel meeting ahead of the General Election and reported as follows:-

- **CEO OPCC** – the Panel was updated on the recruitment process to appoint an interim CEO pending the PCC elections in May 2020. It was noted that John Smith's last day of service was subject to the start date of the new appointee and that the salary remained the same. It was confirmed that the Vice-Chair Andrew Sharman and Councillor Pat Trull would be participating in the Stakeholder Panel element of the appointments process following an invitation from the Commissioner to take part. The Panel noted that the Confirmatory Hearing to review the proposed appointment (required in accordance with Schedule 1 part 10 of the Police Reform and Social Responsibility Act 2011) would be held on 8<sup>th</sup> January 2020 and within the statutory three weeks required by the Act.
- **Independent Custody Visiting (ICV)** – the Panel noted that it was proving a challenge to recruit to the ICV scheme which enables volunteers to make unannounced checks on the welfare and entitlements of detainees in the 3 custody units. The Commissioner sought the assistance of the Panel in highlighting the opportunity to get involved with councillor/local authority networks and this was agreed <https://www.avonandsomerset-pcc.gov.uk/Take-Part/Custody-Visiting.aspx>
- **Reducing Reoffending** – the Commissioner updated the Panel on the Resolve Programme jointly funded by partners to tackle reoffending and develop interventions in Avon and Somerset. It was confirmed that funding for the programme's lead officer (Sophie Baker) had been secured for a further year. The Panel heard that recruitment was also underway for an officer lead on the Regional Reducing Reoffending Board. This was currently chaired by the Commissioner to develop a regional approach which was strongly supported the Ministry of Justice (MOJ).
- **Serious Violence Strategy** – the Commissioner highlighted the delivery work currently underway in the OPCC and at local authority level including the development of Violence Reduction Units formed by a government funding pot of £1.16m. The Commissioner emphasised that partnership working was essential to take this work area forward and invited Panel Members to retain oversight of the work being led by their respective LA contacts (to be circulated by email).

- **National Probation Service (NPS)** - as previously notified to the Panel, all offender management was being brought back into the NPS and the Commissioner continued to represent the South West in working with the Ministry of Justice and NPS to develop the future service. The Commissioner was asked if she was confident that the review of the management of offenders across Avon and Somerset would bring the changes required. The Commissioner stated that on-going work with the NPS and the Community Rehabilitation Company (responsible for managing low and medium risk offenders) was going well and she was confident that the reforms proposed by the Ministry of Justice would bring about the changes necessary to transform the service.
- **Road Safety Funding** - The Commissioner reiterated that road safety was a prevailing priority for local communities and urged Panel Members to point their constituents in the direction of the OPCC and the funding currently available for a range of road safety related projects: <https://www.avonandsomerset.police.uk/apply/police-community-trust/road-safety-fund/>
- **Mental Health Triage Services** – following a recent visit to The Lighthouse which took place as part of the Link Member quarterly briefings process, the Commissioner was invited to comment on the challenges currently being experienced in delivering the mental health triage service based in the control room at Police Headquarters. The Commissioner confirmed she was alert to the concerns around staffing and the OPCC was working with the CEO of NHS Clinical Commissioning Group to remodel the service.
- **Merchandising and Consultation with the Public** – the Commissioner emphasised the importance of working with communities and familiarising young people with the Police. Referring to recent adverse media reports, she stated that she was satisfied that a spend of £12,000 on publicity over an eight year period was a necessary and vital investment to establish and build vital links. This expenditure was supported by the Panel in the context of the overall budget and the benefits gained by strengthening Police ties with the community.
- **Martock** - Councillor Bloomfield advised the Commissioner that the Parish Council remained unanimously concerned about the level of Policing in Martock. He drew attention to the enhanced security presence funded by the Parish Council as an additional resource to address increasing reports of anti-social behaviour, burglary and damage to property. It was suggested that smaller rural communities were suffering from an inequitable allocation of Police resources. It was noted that the Parish Council was considering the feasibility of civil remedies to pursue offenders and the legalities of purchasing a property to house a permanent beat officer. The Commissioner was asked to consider engaging in talks with the Chief Constable to establish if the latter was a viable solution.

The Commissioner stated that she respected the private investment in security that Martock had chosen to make and urged Councillor Bloomfield to continue discussions with the Police to find a mutually agreeable solution. She added that a joint parish meeting with the Parish Council, Police and the public was a good idea as this would enable intelligence to be shared and safeguarding concerns to be discussed.

- **Police Pensions and Injury on Duty Awards** – the Chair referred to the update provided at the last meeting setting out arrangements in relation to Police pensions, ill-health retirements and the review of Injury on Duty Awards. There was a brief discussion regarding

the outcome of a successful legal claim brought by Police pensioners following a series of reviews of injury on duty awards. It was clarified that £111k represented the total legal costs emerging from the case. It was noted that the settlement to claimants remained confidential.

**Action - an update on the status of the mental health triage service to be provided to the March Link Member briefing.**

## **8. Performance**

Ben Valentine, OPCC Strategic Planning & Performance Officer introduced the first of a new performance report with related data which had been developed to enable the Panel to carry out its oversight of performance against the Police and Crime Plan. As agreed, it was confirmed that the report would be prepared on a quarterly basis in line with the financial year and produced by the end of the first month of the next quarter:-

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

The Panel examined a range of measures separated into:-

**Success Measures-** where data alone indicated how well the Constabulary or other service was performing and provided a snapshot of performance during the quarter in conjunction with the trend over a longer period of time. The Panel noted that it translated into a three tier performance grading based on defined ranges of expected performance - exceeds expectations, meets expectations and below expectations.

**Diagnostic Measures** - where conclusions could not be drawn from looking at the data and required further analysis to understand if any change was good or bad – for example numbers of recorded crimes where an increase could look like more crime was being committed but could also be attributable to better internal crime recording or an increase in public confidence to report crime.

It was noted that a central dashboard of the most important measures underpinned the performance framework and would be reported in full to the Panel on each occasion.

The Commissioner stated that there had been significant improvements in the Constabulary's recording system however noted that positive developments to make recording obligations more victim-focused had also led to the inclusion of crimes that may have limited prospect of successful investigation. HMICFRS's most recent inspection of the Constabulary's performance was not yet in the public domain but expectations were that the Force had moved on from the previous assessment of "requires improvement".

### **Call Handling**

It was noted that the Constabulary's 999 call handling rate was one of the best in the country but the 101 abandonment rate required improvement. It was anticipated that over 28,000 calls would be taken over the Christmas period with a proportion of these calls relating to loneliness

and isolation which invariably tied up the time of call handlers and the local Neighbourhood Teams.

It was accepted that this was a multi-agency challenge and figures by district would be provided to the Panel if this was possible. The approach adopted by staff in the Communications Centre was commended by the Panel as both sensitively handled and reassuring following a recent visit.

### **Representative Workforce**

The Panel noted the work being undertaken to achieve a representative workforce. It was suggested that “going in the right direction” was a more appropriate assessment than “strong”. In favour of setting an incremental target, it was reported that Bristol City Council’s method of performance monitoring required all partner agencies to provide base line statistics and to demonstrate an upward trend at intervals.

The Commissioner advised the Panel that outreach workers had been employed to reach and encourage members of the public from under-represented communities. This was described as a long-term investment and benefits were anticipated over time given the short term would only evidence small improvements in the overall numbers picture.

However, it was accepted that the top line figure was not where it needed to be and discussions were taking place with the Police and Crime Board.

### **Response Times**

In terms of timeliness of response, it was reported that this was weakest area across the performance framework and a high-level priority with a number of strands of strategic review being pulled together to better understand how improvements could be made.

The Panel was advised that the three tier system operated as follows:-

Immediate – Burglary or assault in progress  
Priority High – Road accident/obstruction  
Standard – Anti-Social Behaviour

The Panel reported that the location of Police estates and fleet were important issues for residents and often prompted questions when these changed. The Commissioner was asked if the location of these resources influenced response times. The Commissioner advised the Panel that the Constabulary adopted a “borderless” Policing approach using mobile laptops and technology. However, estates and vacancies were significant factors because there were fewer officers, greater distances to cover and fluctuations in demand.

More generally, it was noted that demand had strong seasonal trends and the same pattern each year, peaking in July and at its lowest in February

### **Performance by Outcome**

The Panel noted a small reduction in Quarter 2 residential Burglary figures and asked if this trend was likely to continue alongside the general improvement in the positive outcome rate set out as 16.1%, in the report and above the top of the performance range. The Commissioner stated that she anticipated that a further reduction would be evident over time on the basis that Operation Remedy was meeting expectations in terms of residential burglary and a number of persistent offenders had been convicted.

It was recognised that the positive outcome rate in general terms fluctuated but the trend was considered stable and the Panel was assured that continuous improvement was a priority for the Constabulary.

Although not sufficiently marked to be a trend, the Panel noted the decreasing number of people taking part in Active Citizenship. It was agreed that an update on the different categories of engagement and participation in crime prevention activities would be provided to the Panel where possible.

It was noted that the local public confidence measure was currently 1% point under the performance range and therefore classified as stable but below expectation.

It was recognised that the annual staff survey was as primary measure of how the Constabulary treats its workforce. The Panel noted the key questions asked and the results from this year compared to last which showed substantial improvement. There was general agreement that all employers needed to take active steps to establish the right culture and inevitably this was a challenging exercise.

The Commissioner was asked to comment on the strategy in place to instil the right values and develop the culture. The Commissioner agreed to report on this more fully at the next meeting and made reference to the road shows and talks across the organisation carried out by the Chief Constable.

The Panel drew attention to representations made by a victim support worker at The Lighthouse who felt that one to one meetings with managers were being lost in an effort to clear the backlog of work. The Commissioner stated that the value of one to one meetings had been recognised and the Force was working hard in this area.

## **Recruitment**

Following the Government announcement to fund the recruitment of 20,000 additional police officers over the next 3 years, the Panel was advised that the specific allocation of officers to Avon and Somerset had been announced as 137 by the end of the next financial year. In total, 360 officers would be recruited each year over 3 years and the organisation's vision and culture would be embedded as part of their training. This opportunity for real progress was welcomed by the Panel.

The Chair stated that it would be useful for the Panel to understand the specifics of the performance range and clarity about boundaries and timescales given it was not apparent what data was used to state that an incident would be attended within a particular timeframe or why a Positive Outcome rate of 16.1% across all offences exceeded expectations.

The Panel was advised that it was important to understand that targets were not used but the measure was taken from how the Force had performed over the last year. The aspiration was to be better than 16.1% but the Constabulary was not setting performance targets and instead aimed to tap into a continuously improving performance ethos. The goalposts would move accordingly as performance improved.

The Panel suggested that useful comparisons could be made with a similar force such as Devon and Cornwall and was advised that only a small amount of data was available to compare.

**Action:-**

- (1) An update on the different categories of citizen engagement and participation in crime prevention activities to be provided to the Panel where possible.**
- (2) Additional information/strategy in place to instil the right values and develop the culture within the organisation to be provided to the next meeting.**

## **9. Complaints Sub-Committee**

Following the submission of a report to the last meeting, the Panel gave consideration to its role in handling complaints against the Commissioner and how the governance of Complaints Sub-Committee should work on a practical level in future in the future.

Based on detailed discussion at the Panel's Pre-Meeting, the Panel:-

- Noted the amendments to the Terms of Reference based on amendments agreed at the 8<sup>th</sup> October Panel meeting
- Determined that membership should comprise a minimum size membership of 3 Panel Members to include Andrew Sharman, Heather Shearer, ? and the Chair
- Formally appointed Andrew Sharman to the role of Link Member for complaints.
- Endorsed the future process for the complaints handling system following a meeting with the OPCC on 5th October 2019 as set out in detail in the report

It was noted that the opportunity for dip sampling agreed between the OPCC and the Panel in 2012 remained open to any Panel Members who may have concerns about any complaint and wished to view the relevant files.

## **10. Standing Complaints Report**

The Panel considered and noted a report of the Chief Executive (OPCC) providing an overview of all complaints made against the Commissioner.

Andrew Sharman provided a status update on live complaints and this was noted.

### **Changes to the Complaints System**

There was a brief discussion relating to the reform of the complaints system and enhanced PCC responsibilities Under Part 2 of the Policing and Crime Act 2017 which included an explicit function of Commissioners to hold their Chief Constable to account in relation to the force's handling of complaints locally and to review complaints heard internally by forces.

The Panel noted that essentially if a complainant was not satisfied with outcome of force's handling, they now must appeal to the PCC (not to the Chief Constable, as currently happens). Whilst the Home Office has said that the guidance will make clear there would be no further right of appeal to Panels, there was general agreement that complainants would still seek to

follow this route and the number of appeals to the PCC as a result of the increased responsibilities will be reflected to some degree in the number of appeals to Panels.

The Panel noted that the new legislation and duties would take effect on 1<sup>st</sup> February 2020 in accordance with the update provided to the last meeting.

#### **11. Work Programme**

The Panel noted the work programme.

#### **12. Video Presentation**

The video created by the SW Regional Organised Crime Unit and made available to Chief Constables and PCCs across the South West to show at their respective Police and Crime Panel meetings would be shown at the Panel meeting on 11th March 2020.

#### **13. Date of Next Meeting**

8<sup>th</sup> January 2020 at 10.30am (Confirmatory Hearing) and 4<sup>th</sup> February 2020 at 10.30am -The Deane House, Somerset West and Taunton Council

(The meeting ended at 12.30pm)

Chair



## Minutes of the Police and Crime Panel

8<sup>th</sup> January 2020 – Confirmatory Hearings

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### **Present:**

#### **Local Authority and Independent Member Representatives:**

Peter Abraham (Bristol City Council), Chris Booth (Somerset West and Taunton Council), Richard Brown (Chair/Independent Member), Asher Craig (Bristol City Council), Janet Keen (Sedgemoor District Council), Joseph Mullis (Independent Member), Franklin Owusu-Antwi (South Gloucestershire Council), Andrew Sharman (Vice-Chair/Independent Member), Heather Shearer (Mendip Council), Pat Trull (South Gloucestershire Council), Andy Wait (Bath and North East Somerset Council), Martin Wale (South Somerset Council), Richard Westwood (North Somerset Council), *Josh Williams (Somerset County Council) ??*

#### **Host Authority Support Staff**

Scott Wooldridge – Monitoring Officer  
Patricia Jones – Lead Officer

#### **Police and Crime Commissioner and Support Staff:**

Sue Mountstevens - Police and Crime Commissioner  
Mark Simmonds – OPCC Section 151 Officer  
Nick Adams – Constabulary Section 151 Officer  
Joanna Coulon - Criminal Justice and Commissioning Officer

### **1. Apologies for absence**

Alastair Singleton (Bath and North East Somerset), Afzal Shah (Bristol City Council) and Roz Willis (North Somerset),

### **2. Membership**

It was noted that Councillor Martin Wale was now the appointed member for South Somerset, effective from 19<sup>th</sup> December 2019.

### **3. Confirmatory Hearing – Interim Chief Executive Officer**

The Chair outlined the Panel's responsibilities to review Senior Staff Appointments in accordance with Schedule 1 Part 10 of the Police Reform and Social Responsibility Act 2011. At the request of the Chair, the Commissioner provided an overview of the recruitment process.

The Panel noted the steps taken in relation to:-

- the advert which was placed on an interim basis due to the PCC elections in May 2020. Four applicants were shortlisted
- the main Appointments Panel consisting of the Commissioner, Mark Simmonds (OPCC Section 151 Officer) and SCC Leader David Fothergill - responsible for the formal evaluation of candidates and decision-making process
- the Stakeholder Panel made up of officers from the Constabulary's Chief Officer Group and members of the Police and Crime Panel to provide extra assurance and feedback on the candidates.

The Commissioner advised the Panel that the candidates demonstrated aptitude and skills in a range of individual areas, but ultimately there was no one candidate suitable for appointment to the position. Following discussions with Mark Simmonds (MS), it was felt a pragmatic approach was to offer the role of Interim Chief Executive Officer (CEO) to him on an interim basis subject to endorsement from the Panel. The Commissioner stated that she had full confidence in his ability to carry out the role.

As notified in advance of the meeting, the Panel noted that the transition would be facilitated by the appointment of Nick Adams to the vacant role of OPCC Section 151, this to be undertaken on an interim basis and in tandem with his current role as Section 151 Officer for the Constabulary.

In response to Panel Member questions, the Commissioner gave the following responses:-

**Q: How did the appointment of MS come about?**

The Commissioner stated that this choice was the smarter solution for an interim period and the likelihood was that he would go back to his substantive position as OPCC Section 151 Officer.

**Q: I have a concern about transparency. What was the sequence of events on 19<sup>th</sup> December that led to MS agreeing to take the role? Are there any legal implications?**

The Commissioner explained that whilst the candidates were strong on paper, the evaluation scores demonstrated that none were appointable to the role. It was therefore necessary to think again and only then did the discussions with MS take place. HR was consulted and the Commissioner was satisfied there were no legal repercussions. It was confirmed that there had been no challenges from the shortlisted candidates following the decision to offer MS the position.

The Chair welcomed MS to the meeting. Below is a summary of the questions put to MS by members of the Panel and the responses provided:-

**Q: What skills can you bring to the role of Chief Executive Officer and how can you contribute to the success of the Office of the Police and Crime Commissioner?**

MS referred to his experience gained over ten years working at a senior level in the OPCC, and the valuable knowledge this had brought in the context of OPCC systems and relationships. He then outlined his ability to draw on a previous role as CEO for a private sector IT company. The Panel heard that whilst MS's background was in financial management and budgeting, he had worked closely with the former CEO building the current team and deputising for him on a number of occasions in a number of work areas including partnerships and collaborations.

**Q: How would your skills support the successful delivery of the Police and Crime Plan?**

MS stated that the role of the team was critical as the Constabulary underwent continuing change and a new PCC took up office. For this reason, time would be spent nurturing and supporting the team and ensuring that OPCC priorities were allocated to the right staff.

**Q: What would you do if you became aware that the Commissioner was about to undertake an unwise action? Can you provide an example of where you have challenged the course of action set out by a superior?**

MS referred to an example involving his former employment and the CEO who was about to undertake a course of action involving a venture capital company. When the risks outlined to him were not acted upon, MS was reluctantly forced to take the matter further, an Independent review took place and ruled in favour of MS who then became the CEO.

**Q: How would you demonstrate that you are achieving value for taxpayers' money?**

MS reported that he had been required to make £80m in savings during the course of his current role and had attempted to do so with the least impact on delivery of service. It was noted that he had led on major contracts and provided advice and guidance to the Commissioner to assist her decisions. A £1.5m saving had been made in reletting the SAP contracts because of his knowledge of IT and how systems worked. The focus was to ensure minimal effect on front line delivery. MS had also been successful in resetting the bar in respect of the use of the force helicopter.

**Q: What do you see as the single most significant change or challenge that will need to be addressed within the next twelve months and why?**

MS stated that over the nine month interim appointment period, the election of a new PCC and keeping the team match fit for supporting candidates and the new PCC was a priority. The focus would be to understand the mandate of the successful candidate and translate it into delivery. MS informed the Panel that the Constabulary recruitment process would receive similar focus. Given the impact of additional officer numbers would be seen over time and not immediately, it was anticipated that managing the expectations of the public and ensuring value for money would be important issues for the new PCC.

**Q: How can the organisation make savings, ensure value for money and avoid duplication by working with neighbouring forces?**

MS stated that collaboration arrangements were a moving feast and financial pressures often dictated the pace of change. The point was made that not all forces were willing partners. Black Rock, Major Crime and Forensic Services were already multi force shared services but other opportunities existed across different forces and there was scope for multi-emergency services collaboration.

The Commissioner added that not all PCCs were proponents of collaboration and the political will of the new PCC or a mandate from the Home Office would drive the agenda.

**Q: What would you identify as the key challenges in maintaining effective engagement with the residents of Avon and Somerset? How would you seek to overcome these barriers?**

MS informed the Panel that the PCC elections and the focus this required made for a distinct nine month period. The Commissioner would continue to engage until the successful candidate took up office. Post-election, the work would start in earnest with stakeholder partners, ensuring the PCC remained accessible to the public and raising the profile of the office on social media. It was emphasised that the scale of this task should not be under-estimated with working families and young people being the hardest to reach.

The Chair thanked MS for his answers.

#### **4. Confirmatory Hearing – Interim Section 151 Officer**

The Chair welcomed Nick Adams (NA) to the meeting. Below is a summary of the responses provided by NA to questions put by Panel Members:-

**Q: Can you provide your thoughts on the role of CFO within OPCC and what skills you can bring to make a success of the role?**

NA drew attention to the Section 151 Officer's specific duties to the tax payer and the clear governance framework which provided the basis for advice provided to the Commissioner when she was required to make decisions. NA outlined his skill set and the value he brought to the role developed over a 12 year period working for the Constabulary and the experience gained as a chartered accountant bound by ethics and a statutory code of conduct. It was noted that NA's experience included the production of the Constabulary's Medium Term Financial Plan (MTFP) for 11 years.

**Q: How would you ensure sound financial planning in the medium and long term to support the new PCC and the Police and Crime Plan and how would you ensure continuity following the election?**

Referencing the precarious financial position of the organisation back in 2008, NA explained that making savings and prudence in terms of financial planning had been a key focus for a long time. It was noted that a forward planning horizon over 5 years was now routinely produced for both revenue and capital. NA stated that planning had to be closely linked to workforce plans to ensure the right number of police officers were delivered at the right time.

NA reported that the Budget for the new financial year would already be set on 1<sup>st</sup> April 2020 so the new PCC would effectively inherit the budget and changes to reflect the new PCC priorities were open to consideration. Some preparation in advance of this was possible based on their manifesto, however, the fundamental building blocks of the plan would be largely the same. Delivery of the Government's agenda and the increase in officer numbers would mean a significant amount of planning. The allocation of officers and any structural changes to required to the Budget would have to be worked through.

**Q: Who do you see as being the key external partners in this role and how would you set about developing structures and relationships?**

NA informed the Panel that he had worked closely with the PCC and CEO over the last decade. Along with the Chief Officer Group, they were the key partners for the role. Undertaking the role on a day to day basis meant an understanding of the landscape was essential. NA stated that he needed to give more thought to the mechanisms around external partners. He provided an overview of his close connections with counterpart 151 officers in other areas and his responsibility to work closely with the Association of Police and Crime Commissioners (APCC). He highlighted the development of relationships with Local Authority counterparts as a priority as these contacts did not fall naturally within his current role and responsibilities. It was recognised that an existing relationship with MS was very helpful.

**Q: What is your understanding of the accountability relationship between the Chief Constable, the Commissioner and the Panel?**

NA explained that the Chief Constable retained operational independence but was accountable to the Commissioner. The Commissioner was accountable to electorate and the Panel maintained checks and balances on her decisions and activities.

**Q: Can you give an example when a decision you made led to a negative outcome. How did you respond and learn?**

NA stated that delivering savings at pace inevitably meant swift decisions, some of which required revision and reframe later. He added that he was constantly learning but there were several incidences when he had to draw back from a plan to ensure the continued delivery of another service. He outlined how he had restructured the finance function within the constabulary and worked through internal challenges of distributing workloads across the team, reviewing the original rationale and enlisting the support on the processes and people changes required.

A decision to move a speed enforcement unit to another site vacated by a team in Portishead was described as having negative consequences. It had not been foreseen that the salary level of staff within this particular team made property prices in Portishead cost prohibitive.

**Q: What is your view on your personal ability to be the diplomat and reach a final outcome that is acceptable to all parties involved without getting blood on the carpet?**

NA stated that diplomacy was his strength and conflict with colleagues required a specific set of skills to overcome. He informed the Panel that his track record demonstrated an ability to work through challenging situations, make hard choices and lead the charge to find savings. NA talked about the difficulties associated with putting an organisation into reverse and the relentless nature of demand. As a group of people working for the same organisation, the team had navigated its way through evidence and fact and found solutions and a shared focus.

The Chair thanked NA for answers.

The Panel resolved to go into closed session to consider its decisions.

**RESOLVED - 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).

**5. Panel Decision on the Proposed Appointment to the Position of Interim Chief Executive Officer**

All Panel Members gave their respective opinions on the Commissioner's preferred choice of candidate. There was general agreement that Mark Simmonds had demonstrated both the professional competence to deliver the role of Interim Chief Executive Officer and the personal independence necessary to exercise that role.

**RESOLVED - that following full and comprehensive discussion and on being put to the vote, the Panel unanimously agreed to endorse and support the Commissioner's decision to appoint Mark Simmonds to the position of Interim Chief Executive Officer.**

**6. Panel Decision on the Proposed Appointment to the Position of Interim Section 151 Officer**

All Panel Members gave their respective opinions on the Commissioner's preferred choice of candidate. There was general agreement that Nick Adams had demonstrated both the professional competence to deliver the role of Interim Section 151 Officer and the personal independence necessary to exercise that role.

**RESOLVED - that following full and comprehensive discussion and on being put to the vote, the Panel unanimously agrees to endorse and support the Commissioner's decision to appoint Nick Adams to the position of Interim Section 151 Officer.**

The Commissioner and her staff returned to the room and were advised that the Panel unanimously supported the Commissioner's decisions.

(The meeting ended at 12 noon)

Chair



# Minutes of the Police and Crime Panel

4<sup>th</sup> February 2020

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**Present:**

**Local Authority and Independent Member Representatives:**

Peter Abraham (Bristol City Council), Richard Brown (Chair/Independent Member), Asher Craig (Bristol City Council), Janet Keen (Sedgemoor District Council), Joseph Mullis (Independent Member), Franklin Owusu-Antwi (South Gloucestershire Council), Alastair Singleton (Bath and North East Somerset), Pat Trull (South Gloucestershire Council), Andy Wait (Bath and North East Somerset Council), Richard Westwood (North Somerset Council),

**Observer:**

Virginia Golf (OPCC)

**Host Authority Support Staff**

Jamie Jackson – Scrutiny Manager

Patricia Jones – Lead Officer

**Police and Crime Commissioner and Support Staff:**

Sue Mountstevens - Police and Crime Commissioner

Andy Marsh – Chief Constable Avon and Somerset Constabulary

Mark Simmonds – Interim Chief Executive Officer

Nick Adams – Interim 151 Officer

Joanna Coulon - Criminal Justice and Commissioning Officer

Inspector Deepak Ninth – Staff Officer to the Chief Constable

**1. Apologies for absence**

Andrew Sharman (Independent Member), Heather Shearer (Mendip District Council), Josh Williams (Somerset County Council) and Roz Willis (North Somerset Council).

**2. Public Question Time**

The Panel heard from members of the public concerning allegations of criminality involving Lloyds Banking Group. All statements and questions received were circulated in advance of the meeting

and noted by the Panel. Responses to questions for the Police and Crime Commissioner would be copied to the Panel for information.

### **3. Declarations of Interest**

None.

### **4. Minutes of the meeting held on 11<sup>th</sup> December**

To be submitted to the 11th March 2020 meeting.

### **5. Chairs Business**

None.

### **6. Chief Constable's Report to the Panel**

The Panel heard a brief statement from the Chief Constable and noted his commitment to investigating allegations of fraud and related crime in Avon and Somerset.

The Panel then received a detailed presentation from the Chief Constable. In summary this covered:-

- Resetting the Constabulary's Identity
- Policing Pressures
- Operation Remedy (Burglary, Knife Crime and Drugs)
- Serious Violence
- Recruitment Programme and benefits to Avon and Somerset
- Finance and Resources
- Inclusion and Diversity Strategy and Tackling Under-Representation
- People Survey
- Increased use of Tasers
- IT Mobilisation and Expenditure
- Automation – Desktop, Business Processes, Automatic and Cognitive

Below is a summary of the discussion that followed:-

- Councillor Craig thanked the Chief Constable for his progressive approach to providing outstanding policing and efforts to instil caring and inclusive values in staff to drive a positive direction of travel. It was reported that BCC had replicated the Constabulary's cultural competency training to enable staff to understand, communicate with and effectively interact with people across all cultures.
- Councillor Booth commended the hard work undertaken by the Constabulary and reported general improvements in relationships with officers in his local area. The Chief Constable was also invited to comment further on the value created by the robotic automation of Policing. The Panel heard that automation would be a consistent feature going forward, taking away the repetitive tasks that add little business value and enabling officers and support staff to focus on

making a real difference to organisational efficiency and quality of service delivery. It was noted that 66 processes had been identified as suitable for replacement with automation technology.

- Councillor Wale asked if approval of the proposed Precept would lead to more visible Policing. The Chief Constable stated that it was important for tax payers to see a difference, however there would not be an overnight revolution in terms of recruitment and a decision was yet to be taken on the allocation of additional officers. The point was made that the additional funding would allow the Constabulary to build on Operation Remedy and maintain PCSO numbers. The recruitment of Investigators would reduce the existing deficit in teams and release officers to the front line. It was emphasised that approval would make the difference between moving to outstanding in 12 months or 3 years.
- Councillor Wait stated that the positive outcome rate in relation to Residential Burglary remained very low at 6.4%. It was also put to the Chief Constable that the figures suggested Operation Remedy was yet to have a positive impact on drug trafficking and knife crime offences. It was reported that the most up to date figure for Burglary was 6.9% and the Constabulary remained in the top quartile. However, there was mutual recognition by the Chief Constable and the Commissioner that Burglary detection rates were unacceptable and should be well in excess of 10%.

To combat knife crime and drug trafficking, it was reported that increasing focus was being placed on enforcement and prevention activity. Projects and interventions in schools also had the ability to reach vulnerable young people frequently targeted by organised crime groups.

The Panel was advised there was lots of evidence to suggest that Operation Remedy was delivering outcomes.

- In the context of a 6% burglary detection rate, the Chair asked what had happened to Linked Crime Units and how/if Burglaries were being linked to common themes. It was confirmed that all officers followed the same structural model/methodology to map organised crime groups. County Lines amounted to a vast business enterprise and the mobile telephone span was indicative of the extent of the problem. In the case of Bijan Ebrahimi, the pressures of policing at that time meant the available data was not utilised to make the obvious links. A visual predictive system was now in place to identify high risk people.

Beat managers were also involved in managing dangerous offenders in their areas. The need to work smarter and empower staff with the right information was emphasised. A massive disparity existed in the use of Body Worn Video (BWV) and officers were being routinely admonished if they were not switched on for stop and search and domestic violence incidents. The Panel was assured that the Constabulary's assets and capabilities were being applied to key challenges.

- Councillor Shah reported that community representatives in Bristol were grateful for the Chief Constable's leadership, commitment and local engagement. Referencing the Metropolitan Police's use of live facial recognition technology to tackle serious crime, the Chief Constable was asked who was policing the Police in the use of algorithms. The Chief Constable drew attention to the ethical issues associated with facial technology and reported that this was not a game changing technology in his view at this point in time.

The Chief Constable was also invited to comment on reports of increased hate crime emerging from the spread of the Corona virus. It was reported that all Chief Constables were involved in a weekly conference call linked to the Government's Cobra briefings and local emergency planning

was being led by Assistant Chief Constable Nikki Watson. The Constabulary was reaching out to communities to provide reassurance, however it was emphasised that the level of hate crime directed at the Chinese community needed to be acknowledged and addressed.

- The Chief Constable was asked to comment on recent media reports highlighting the prospect of cost savings of 5% across all Government departments. He stated that he was satisfied that the Constabulary knew how to identify savings. The Commissioner added that the MTFP had accounted for £5.5m in savings.
- Councillor Wale asked if the use of BWV had had a positive effect on the number of complaints against Police officers. The Chief Constable informed the Panel that he was the national lead for this work area and had worked hard to establish an evidence base of what worked and what did not. Research in this area indicated that its use did change the behaviour of the public and the officer for the better and anecdotally gave officers more confidence to make stops.

## **7. Scrutiny of the Medium Term Financial plan and Scrutiny Proposal**

The challenge presented by timings due to the General Election and the delay in Government announcements on departmental grant settlements was acknowledged.

The Commissioner introduced the report and explained the rationale for her proposal to increase the Council Tax Precept by an average of £10.00 per annum for the period 20/21.

The Panel noted that this would generate £6.1m in new funds in 2020/21 subject to a confirmed 1.04% tax base increase, and collection fund surplus of £235k.

With the support of additional Precept funding, the Commissioner informed the Panel that 75 new Police staff investigator posts would be created. The Panel was advised that this would reduce pressure in the Force Investigations Department and bring much needed improvements in case preparation for court. The resulting positive impact on conviction rates and public confidence in the court system was emphasised. Significantly, the Panel heard that that the investment would also release officer capacity to frontline operations to build on Operation Remedy and tackle serious violence and knife crime in communities.

The Commissioner advised the Panel that the additional Precept would also provide an active community-based presence by maintaining the 15 PCSO posts currently attached to schools in the force area. Evidence suggested that this type of dedicated local Policing had the ability to strengthen relationships with the public and reduce levels of youth crime and serious violence.

The Panel was further advised that consultation with the Public and results of surveys undertaken across the year demonstrated continued support for the increase in addition to central funding from the Government.

Before the formal presentation of the report by Nick Adams (Interim 151 Officer), Panel Members expressed the following concerns to the Commissioner:-

- An increased council tax burden would inevitably contribute to the financial pressures experienced by members of the public and the survey results appeared “too comfortable”. It was suggested that many people lacked confidence in the Police and an increase was unlikely to be well-received.

- Significant increases had been proposed and supported by the Panel in 2018/19 (£12.00) and 2019/20 (£24.00). Notwithstanding these increases and the additional central funding from the Government this year, the Panel was being asked to approve a further increase which amounted to £46.00 over four years. It was felt that communities were being asked to step up again for the reduced funding applied by the Government in recent years. It was suggested an increase of £7.00 or £5.00 was a more appropriate proposal in the circumstances.

The Commissioner stated she fully acknowledged the increase was a big ask and confirmed that the Government had assumed a £10 increase in the funding figures presented. It was her view that an increase and resulting benefits would serve to increase public confidence.

Mark Simmonds stated that the 2,500 people surveyed as part of the consultation exercise was not an insubstantial figure and a proportionate amount of time had to be spent on the telephone survey. It was acknowledged that some people were harder to reach than others. It was confirmed that telephone survey participants were selected at random, and included both landline and mobile users.

A brief discussion regarding the current funding formula and its detrimental effect on Avon and Somerset followed.

Nick Adams, Interim 151 Officer, provided an overview of the key assumptions made in the MTFP presented to the Panel. Below is a summary of the key points made:-

- There would be an increase of £12.2m in the main grant funding (7.5%) rising to £43.6m (26.8%) by 2024/25.
- An increase of £10.00 this year (4.5%) and an assumed 1.99% increase thereafter would generate £25.7m in Precept funding by 2024/25.
- The introduction of a new ringfenced grant for the recruitment of Police officers amounted to 137 officers for Avon and Somerset by March 2021. The plan supported the delivery of extra officers locally bringing numbers to 165 by March 2021 and 403 by 2023. It was noted that recruitment targets must be delivered in order to fully claim the additional grant retrospectively.
- Notwithstanding the significant uplift in revenue, capital funding was under pressure at £0.27m in the 202/21 funding settlement. This represented a reduction of 75%. Key assumptions therefore included borrowing and direct revenue funding of £7m in order to continue with capital investments.
- Annual increases to pay costs of 3% per annum reflected the relaxation of the restrictions placed on pay increases for Police officers and staff after several years of freezes
- The cost of pensions reflected the confirmed increases to staff pensions effective from April 2020 with provision for further upward pressure in these costs in future years
- In addition to the specific investments brought by the rise as outlined by the Commissioner, further investments/growth included:-
  - Custody function challenges;
  - Data Science innovation centre/analytics;
  - Outreach support;
  - Robotics; and
  - Tasers.

- Provision had been made within the capital plan for a new response hub and Police station at Shepton Mallet and a range of refurbishments were planned/ongoing
- The capital plan was funded up until 2023/24 when a deficit would occur. The implementation costs of the Emergency Services Network (ESN) programme needed to implement this national airwave replacement programme were high.
- The plan was not without its risk and had not assumed any change in the funding formula. Attention was drawn to the risks set out in the report and plans for mitigation. Reserves would increase in the short term only but decrease as capital planning was implemented.
- Grant wise, the picture was positive for Policing but remained 15% below its cash value in 2010. The expectation of Police Forces was that the shortfall would be made up through a rise in council tax.

Below is a summary of the questions raised by Panel Members and the responses of the OPCC:-

- It was confirmed there was no formal regulation level for reserves. The duties of the 151 Officer and external auditors in this context were explained. The expectation was that between 3%-5% of the revenue budget would be held in reserve and the plan would take reserves to 2.9%.
- The Panel sought clarification of the drag effect on the plan if a Precept increase of £10.00 was not applied. It was confirmed that this would mean the planned investment in PCSO's and Police Staff investigators would be scaled back. The Chief Constable added that without an increase any improvements would be very slow and unnoticeable and emphasised that this was an opportunity for change and for the Public to see a difference. Attention was drawn to the pressure being experienced in the Control Room earlier this morning with 500 reports waiting for allocation. He drew attention to the terrorist attack on Sunday and the significant costs attached to the subsequent review of offenders released in the Avon and Somerset area. He emphasised that a huge engine of general demand existed in the background to Policing which went relatively unseen.
- It was suggested that a recent article indicated that Avon and Somerset Constabulary was likely to receive an increase in grant funding as a result of a review of the funding formula. The Panel was advised that there was no guarantee of a review and there were still savings to be made and a deficit capital programme to address.
- Future deficits predicted included the annual increases to pay costs and the increases in the cost of pensions in staff and officer pension schemes
- There was discussion around the seemingly high interest rate on borrowing. It was clarified that 4.1% was the average rate across all loans - distorted by historic longer-term loans. An interest rate of 2% on new borrowing was possible taken over a shorter time frame but this would create re-financing risks in the portfolio over the long-term. A rate of 3% on loans today should be assumed.
- The Mini Police project was described as successful and a worthwhile investment. A new generation of people were targeted and often in less prosperous communities.
- The new Neighbourhood Policing model had been relaunched in October 2018 and a PCSO attached to every school. Funding for Neighbourhood Policing had been ringfenced and approval of the Precept proposal would ensure that the 15 PCSO posts would be similarly ringfenced.

*There was an adjournment and the Commissioner, Chief Constable and OPCC staff withdrew from the room.*

Following discussion and on being put to the vote, the Panel RESOLVED to approve the Commissioner's proposal to increase the Policing Precept by £10.00 per annum in 2020/21 for an average Band D property (11 members voting in favour and 1 abstention).

The Commissioner and her staff were notified of the outcome of the Panel's deliberations. The first point made by the Chair was that the organisation was in receipt of a sizeable grant settlement this year. The Panel was therefore tasked with reconciling the effect of the increase upon the most vulnerable in communities against the increasingly complex demands of modern Policing. The Chair indicated that the Panel was looking to establish some certainty around the financial plan and scenarios presented to the Panel and would hold the Commissioner to account on the assurances and benefits that would be delivered if the Precept was approved. This included proper performance information that would provide something of measurable value to demonstrate how effectively the organisation was achieving its objectives.

The Commissioner committed to a conversation with the next Police and Crime Commissioner around performance information.

#### **8. Commissioner's Update report**

The Commissioner reported that Government funding of Violence Reduction Units (VRU) would continue with a further £35million agreed for 2020/2021. Avon and Somerset would receive an amount of £1,160,000 and the OPCC would work closely with VRU leads and wider partners to coordinate the application process and performance data required.

#### **9. Police and Crime Performance report – Quarter 3**

The Panel noted the latest performance report with related data which had been developed to enable the Panel to carry out its oversight of performance against the Police and Crime Plan.

#### **10. Work Programme Report**

The Panel noted the items scheduled for submission to the next meeting on 11<sup>th</sup> March 2020.

#### **11. Standing Complaints Report**

The Panel considered and noted a report of the Chief Executive (OPCC) providing oversight of all complaints made against the Commissioner.

#### **14. Date of next Meeting**

- 11<sup>th</sup> March 2020 at The Deane House, Somerset West and Taunton Council  
(John Meikle Room)

(The meeting ended at 2.10pm)

Chair

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## AVON AND SOMERSET POLICE AND CRIME PANEL

### COMMISSIONER'S UPDATE REPORT

11 MARCH 2020

The following briefing provides an update for Panel Members on key activities since the last Panel meeting on 4 February 2020. This report reflects the position at 28 February 2020.

#### Governance and Scrutiny

##### **Police and Crime Needs Assessment**

The PCNA has been finalised and published on the Avon & Somerset PCC election microsite, which hosts key information for candidates and members of the public. The microsite can be found at the following link: <https://aspccelections.co.uk/>

##### **Police and Crime Board**

Agendas and minutes of the Police and Crime Board are published at the following link: <https://www.avonandsomerset-pcc.gov.uk/Openness/Reports-and-meetings/Police-and-Crime-Board.aspx>

##### **Key Decisions**

No key decisions have been made since the last meeting. Decision notices and accompanying documents are published at the following link: <https://www.avonandsomerset-pcc.gov.uk/Openness/Decisions.aspx>

##### **HMICFRS**

The Constabulary was inspected in May 2019 as part of the Integrated PEEL Assessment; the report from this inspection was published on 7<sup>th</sup> February. As a result of this the Constabulary's current grading is as follows:

- Effectiveness – Good
- Efficiency – Outstanding
- Legitimacy – Good

This is an improvement on the previous PEEL assessment which had all pillars as Good.

##### **OPCC Scrutiny Panels**

- **Out of Court Disposals Scrutiny Panel** – the Panel will meet on 4 March to review cases resolved by Community Resolution and involving the use of Restorative Justice. The theme has been selected in order to scrutinise appropriate use of low-level disposals and explore and address issues identified around confusion in terminology. The Panel will also review Terms of Reference and consider themes for the coming year.
- **Scrutiny of the Use of Police Powers Panel**  
At the last meeting on 28 November 2019, members continued their independent review of randomly selected Taser deployments, Spit & Bite Guard use and Stop Search incidents (within 3 themes of under 16s, BAME, and more than jacket, outer garment and gloves

being removed). This meeting was observed by an HMICFRS Inspector, as occurred in November 2018. The Panel also received a Constabulary report on policing mental ill health (2018 and 2019 documents) and an update on section 60 Stop Search policy, the net increase in Police Officer recruitment and increase in Taser trained Officers based on risk, harm and threat decision-making by the Chief Constable. Members' key points of continued review include encouraging an increase in the percentage of cases where Body Worn Video camera is switched on and recording the reason for no BWV; encouraging Police Officers to switch on their BWV early and data accuracy.

At the next Panel meeting on 10 March members will be focussing on Stop and Search disproportionality and comparing two geographical regions for Stop Search (appropriate and fair grounds) and Use of Force/Taser use: Minehead, West Somerset versus the Central/East Bristol area. The Scrutiny Panel will be working with the IRP (see below).

- **Independent Residents Panel** – The IRP will meet on 5 March to review complaints in relation to Use of Force and Stop and Search.

The quarterly reports as well as the 2019 annual report can be viewed here: <https://www.avonandsomerset-pcc.gov.uk/Openness/Scrutiny>

### **Independent Custody Visiting Scheme**

The Independent Custody Visitors (ICVs) continue with their unannounced visits to each of the 3 Custody Units (Bridgwater, Patchway and Keynsham) once every 4 days, to observe and check on the welfare, rights and entitlements of detainees. This includes the new detainee dignity aspects commencing from 21 August 2019 with new legislation in the Police and Criminal Evidence Act (PACE) Code C. ICVs are seeking assurances that female detained are offered sanitary towels (a 'female hygiene pack') and offered to talk with a female Officer. ICVs welcome the installation in Custody Units of talking software for speaking out Rights & Entitlements to detainees who are blind or partially sighted, or who cannot read printed documents. Further information about the ICV role can be found on the PCC's website: <https://www.avonandsomerset-pcc.gov.uk/Take-Part/ICVs/Apply-to-be-an-ICV.aspx>

### **Commissioning and Partnership Working**

#### **A&S Criminal Justice Transformation Programme**

As Members will recall, the A&S Criminal Justice Transformation Programme was established to deliver recommendations of a Home Office-funded review of the local criminal justice system carried out by the Behavioural Insights Team in 2017. The term of appointment for the Senior Responsible Officer appointed to lead the programme came to an end in December 2019. However work to transform the criminal justice service continues through a number of key strands:

- Work with the Constabulary Data Science and Innovation Centre to enable multi-agency, real-time performance management information to manage demand across the criminal justice journey;
- A Criminal Justice Taskforce led by the Police and CPS to drive up performance in file quality with a focus on establishing 'what good looks like' and getting it right first time;
- Proposals to improve the criminal justice response to RASSO (Rape and Serious Sexual Offences) cases.

A review of governance arrangements is also underway following recommendations considered at the A&S Criminal Justice Board meeting in December.

### **Victims Governance**

As Members will recall, the Ministry of Justice (MoJ) wrote to PCCs on 8 May 2019 setting out requirements for PCC-led monitoring and reporting of local compliance with the Victims Code of Practice. The Victims Governance Group met on 29 January to carry out dip sampling to test compliance, looking at cases on the theme of burglary. The group also discussed progress in addressing actions identified in the pilot dip sampling session, including work to improve the offer and use of Victim Personal Statements and to map the victim's journey through the criminal justice system to improve understanding of what to expect, roles and responsibilities. Findings and actions arising from the dip sampling session will be considered at the A&S Criminal Justice Board on 18 March.

The MoJ will host a workshop in March 2020 to discuss their intentions with regard to future VCOP compliance monitoring. Following initial consultation in summer 2019, a second round of consultation on revisions to the Victims Code of Practice is expected in early 2020. Consultation is also expected on new legislation to enshrine victims' rights and entitlements in a 'Victims' Law'.

### **Avon and Somerset Reducing Reoffending – Resolve**

The redefined focus of the Resolve board has driven progress in a number of areas. A **review of Integrated Offender Management (IOM)** in Avon and Somerset has been commissioned and is expected to build on the report from HMIP into IOM and provide recommendations for future proofing IOM within Avon and Somerset.

**Ready 4 Release** has had the business case approved and is currently recruiting for a project manager to commence the 6 month set up and 18 month project. The project manager will be seconded to HMP Bristol and will lead a multi-agency team in a co-located model to improve and sequence the release of all offenders from HMP Bristol. It will also generate holistic release data to better inform the Local Authorities within Avon and Somerset on the needs and risks of the individuals returning to their areas. The governance will be held by a multi-agency steering group and overseen by the Resolve Board. HMP Bristol are co-funding a safety analyst post within the release hub and development of VCS and community links will be a priority task for the pilot.

There is ongoing work to explore the best Avon and Somerset response to the need for intervention with the **perpetrators of domestic violence** to stop asking #WhyDidn'tSheLeave and start asking #WhyDidn'tHeStop. The PCC and Local Authorities are seeking to co-fund a one-to-one voluntary intervention with perpetrators of domestic violence who are not currently being managed through IOM and this was being developed in partnership with the Community Rehabilitation Company (CRC). Unfortunately due to recruitment challenges this is not something the CRC can offer currently so work is being done to build a specification which could go out to tender. In addition further scoping on the DRIVE project is being completed and consideration of whether Avon and Somerset might be a possible next test site for the third stage of the DRIVE programme is being explored.

Women in the criminal justice system remain a focus of the board and one of the priority areas for the South West Partnership. Work on the Bristol Magistrates Court Pilot '**Court Up**' was delayed due to personnel changes but it is anticipated recruitment for this pilot following approval of the business case could commence in March. In addition the Gender Responsive pathway will be making recommendations to the Resolve board in March around the value in scoping the possible operating models for '**Free Hand**'- a whole system mentoring service for women from the beginning to the end of the interaction with the criminal justice system.

The Regional Reducing Reoffending Board, chaired by the Commissioner, continues to meet and a Regional SRO has been appointed and has commenced work in all areas of the Board's three priority groups: women, short term sentences and youth to adult transition. As Members will recall, the South West was the first in the country to establish a Regional Reducing Reoffending Board, and progress in developing the regional approach continues to receive strong support from the Ministry of Justice. A workshop in February developing the concept of a **regional data collaboration** in reducing reoffending information has agreed the proof of concept will be developed within Avon and Somerset and requests for file sharing have been submitted to partner agencies. The intention of this innovation is to better inform commissioning and better evaluate the impact on reoffending of different interventions ultimately at a South West regional level.

### **Serious Violence**

The OPCC and partners continue to prioritise work to introduce Violence Reduction Units (VRUs) across the five local authority areas of Avon and Somerset. Work is progressing well with the focus being on the mobilisation of resources to deliver the year one priorities (the first two of which will be completed by the end of February 2020):

1. Problem Profile / Needs Assessment
2. Response Strategy
3. Interventions

This is alongside work being undertaken by the Constabulary including Op Remedy and the Home Office's Policing Surge funding.

At the last Strategic VRU chaired by the PCC (07.01.20), Local Authority Leaders attended to hear the progress of their local VRU's. This meeting's priorities are informed by a workplan based on the BIT report (now available [online](#)). The group has already prioritised engagement with health on data sharing and work is progressing with a range of partners to make improvements in this important area. In the January meeting it was agreed that Education engagement and exploration work around the link to exclusions and serious violence would be a key strategic theme. The OPCC will work with Education leads to establish a way to encourage consistent strategic engagement across the force area and also consider a way forward in moving consistent and robust Inclusion processes.

On 30 December 2019 the 18 forces currently delivering VRU work have been informed that funding will continue. A further £35million has been agreed for 2020/21. Avon and Somerset will receive the same funding amount as 2019/20 (£1,160,000). The OPCC have

been told that there will be an application process, at this stage it is unknown what form this will take and whether there will be any Home Office direction as to how they wish the funding to be allocated or spent. The OPCC will work closely with VRU leads and wider partners to coordinate the 20/21 application which is due to open w/c 17.02.20.

It is unknown at this time whether the Police Serious Violence surge fund will continue post March 2020. Home Office officials have stated that until after the Police Settlement is agreed, can they then confirm any future funding.

### **Home Office funding for Child Criminal Exploitation**

As Members will recall, funding was secured from the Home Office Early Intervention Youth Fund for the ROUTES project, tackling child criminal exploitation. The project is being delivered in two areas, with a focus on tackling gang affiliation in the Central and East District areas of Bristol, and county lines activity in Somerset. The project includes both 1:1 therapeutic work as well as preventative work with 5 secondary schools. In the last quarter, the Bristol project had 27 open cases, with 10 referrals and 7 new cases opened. In Somerset there were 12 open cases (plus one consultation case), 10 referrals and 4 new cases opened.

The ROUTES service took part in a Home Office-hosted event on 5 December to showcase and share best practice. There has been no indication from the Home Office as to any continued funding, as such with support from the Police Surge fund and Bristol City Council, the project will be enabled to continue for one year more to continue building its evidence base and support vulnerable youths.

### **Mental Health**

Work has continued to remodel the mental health control room triage service over recent months – led by the OPCC, working closely with the Constabulary and the provider Avon and Wiltshire Partnership (AWP). Members will recall that the provider struggled to staff the service and it became apparent it was delivering less over the phone advice to officers and staff than had originally been envisaged. Since the beginning of December a number of process changes have taken place, in particular streamlining the referral process so that referrals can only be made over the phone. Further work is ongoing to evaluate the impact of this change and consider the best physical location for the service moving forwards.

### **Safer Streets**

In October the Home Office announced that there would be a new £25 million Safer Streets fund for situational crime prevention in areas most disproportionately affected by acquisitive crime (hotspots). This was put on hold following the announcement of the General Election but was re-launched at the end of January. PCCs are able to bid for a number of hotspots and a successful bid could be awarded £550,000. Bids must be submitted by 20<sup>th</sup> March, successful bids will be announced in May and funding delivered from July 2020. Money awarded has to be spent in year (by 31<sup>st</sup> March 2021) and this has to be planned for as one-off funding i.e. there is no certainty of additional funding after this. It was also made clear any ongoing cost e.g. maintenance must be funded by the local area.

The office is submitting two separate bids. In order to maintain a consistent strategic direction, the focus was on residential burglary when choosing the hotspots. This led to the primary bid being an area in North Bristol and the secondary bid being an area in central Weston-super-Mare. Although the bid is being co-ordinated in the OPCC they are effectively being led by the Community Safety Partnerships and colleagues from the Councils and the Constabulary have been engaged to this end.

### **Police & Crime Grant**

The three year allocation of the Police and Crime grant comes to an end in March 2020. The OPCC wrote to all Community Safety Partnership (CSPs) leads in November to confirm that the PCC had decided to extend the Police and Crime grant for one further year (2020/21). As previously CSPs will be required to complete a simple template setting out how they will use the funding ahead of April 2020 and to report against spend on a six monthly basis.

### **Independent Sexual Violence Advisor Service**

The Independent Sexual Violence Advisor Service – provided by Safelink – have been awarded Lime Culture (nationally recognised body in sexual violence training and development) Accreditation and therefore Quality Mark. The Accreditation Programme includes a 7-stage process that incorporates a documentary evidence review, interviews and a site visit. Services assessed as meeting the Quality Standards achieve an independent Quality Mark, services are then subject to on-going monitoring to ensure the quality of services is maintained.

### **Standing Updates:**

Fire Governance: The OPCC continue to represent local blue light services on the West of England Combined Authority Joint Asset Board. Discussions also continue with our two local Fire Authorities about various potential joint estate projects.

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

| Staff Group     | FTE as at Apr-18 | FTE as at end Dec 2019 |
|-----------------|------------------|------------------------|
| Police Officers | 2,593.63         | 2,641.65               |
| PCSOs           | 331.44           | 319.90                 |

PCC Election 2020: Preparatory work continues for the PCC Election in May 2020. Preparations are being overseen by the Election Planning Board, chaired by the OPCC Interim Chief Executive. An election microsite has gone live which will host information and resources for both candidates and those interested in the election. The OPCC is working closely with the Police Area Retuning Officer to ensure key information will be included on the website. This is still in development but can be accessed at the following link: <https://aspccelections.co.uk/> Introductory meetings will be arranged for candidates as they are announced. The pre-election period date has now been agreed, and will commence on 23 March 2020.

## **National Updates**

### **Queen's Speech**

The Government's legislative agenda includes the following policing and criminal justice measures:

- Counter Terrorism (Sentencing and Release) Bill – ensuring the most serious and dangerous terrorist offenders stay in prison for longer;
- Sentencing Bill – ensuring the most serious and violent offenders serve more of their sentences in custody;
- Serious Violence Bill – placing a duty on public bodies to work together to identify and tackle early factors that can lead to crime and strengthen police powers with respect to stop and search;
- Police Powers and Protection Bill – establishing a Police Covenant and providing additional support and protection to ensure that the police are able to conduct their duties;
- Prisoners (Disclosure of Information about Victims) Bill – requiring the Parole Board to take into account the impact on the victim and their families in cases where offenders refuse to disclose information about their crimes;
- Domestic Abuse Bill – to be reintroduced from the previous Parliamentary session, strengthening protections for victims and providing new enforcement mechanisms;
- Extradition (Provisional Arrest) Bill – powers to arrest an offender wanted for a serious crime committed in a trusted country, without having to apply to a court for a warrant first;
- Victims Law Reform – introduction of a Victim's Law to guarantee victims' rights and the level of support they can expect, together with consultation on a revised Victims Code of Practice with enhanced powers for the Victim's Commissioner to better hold criminal justice agencies and the government to account;
- Proposals with regard to foreign national offenders, including increasing the maximum penalty for those who return to the UK in breach of a deportation order;
- For the Government to establish a Royal Commission to improve the efficiency and effectiveness of the criminal justice process.

**Contact Officer – Mark Simmonds, Interim Chief Executive**

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

**11 MARCH 2020**

## **REPORT OF THE POLICE AND CRIME COMMISSIONER**

## **AVON & SOMERSET RESPONSE TO THE LAMMY REVIEW**

### **Background**

- 1.1 The Independent Chair of the Avon and Somerset Lammy Review Group, Desmond Brown, has been invited to the Panel Meeting to give a presentation on progress in the local response to recommendations of the Lammy Review. The purpose of this report is to set out the background to the Avon and Somerset approach for the benefit of Panel Members.

### **National Position - Lammy Review**

- 2.1 The Right Honourable David Lammy MP published his independent review into the treatment of, and outcomes for, Black and Minority Ethnic (BAME) individuals in the criminal justice system in September 2017. The report made 35 recommendations to help improve on fundamental principles of trust, fairness and responsibility in order to address racial disparity in the criminal justice system. The report also calls for the justice system to take significant steps to increase diversity and transparency, addressing the 'trust deficit' between BAME individuals and the justice system. The full report can be found at the following link:  
<https://www.gov.uk/government/publications/lammy-review-final-report>
- 2.2 The Government Race Disparity Audit (October 2017, revised March 2018) was published by the Cabinet Office alongside the Lammy Review, with a view to shining a light on differences and potential disparity in treatment of individuals across public services by publishing data held by the Government. The report can be found at the following link:  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/686071/Revised\\_RDA\\_report\\_March\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf)

### **Local Approach - Avon and Somerset Response**

- 3.1 A joint meeting of the Bristol Manifesto for Race Equality Group and representatives of criminal justice agencies was convened in January 2018 to agree the collective approach in the local response. The Avon and Somerset Lammy Group was convened to take forward work, with membership including criminal justice agencies, Local Authority and victim service providers. Desmond Brown was appointed in May 2019 as Independent Chair to provide strategic direction and champion the approach across partner agencies in taking forward the Avon and Somerset response.

- 3.2 The group is taking forward a programme of work based around the three pillars of fairness, trust and shared responsibility. The initial focus is on reviewing data collected by partners to build a clear picture of data currently available and taking forward work to challenge discrepancies, improve recording practice and ensure that local data is consistent and robust. Whilst work is focused on CJS disproportionality, the scope of work by its nature is broad and links into important parallel work underway including work in relation to the serious violence agenda and the Representative Workforce programme.

### **Recommendation**

- 4.1 For Panel Members to note the report and consider how they may be able to support this work through their respective roles.

# Avon & Somerset Lammy Review Sub-group

**Desmond Brown**  
Independent Chair

# The Lammy Review and Race Disparity Audit (2017)

To investigate evidence of possible bias  
against black defendants and other ethnic  
minorities. ...

Jan 2016

“Fight against the burning injustice”

“If you’re black, you’re treated more harshly  
by the criminal justice system than if you’re  
white.”

July 2016

The Prime Minister announced the Race  
Disparity Audit

August 2016



# Race Disparity Reviews

- The Lammy Review(2017)
- The Young Review (2014)
- Shaping the Future (2013)
- Double Trouble PRT (2010)
- Race Review NOMS (2008)
- Less Equal Than Others CLINKS (2008)
- SEED 4 BME Offenders (2006)
- Social Exclusion Unit report (2002)
- Macpherson report (1999)

“An **effective justice** system depends on **procedural fairness**. **Equitable treatment** at every stage in the criminal justice process is **essential**. And a **society** that cannot **trust** its **institutions** to **protect** the people and treat them fairly **cannot** effectively control the **crime** that we rightly **fear**.”

Tackling Racial Disparity in the  
Criminal Justice System: 2018 Update

# Avon & Somerset Lammy Sub- Group Membership

C.O.R.E

Bristol City Council

National Probation Service (NPS)

HMPPS

Avon & Somerset Police

BAME Lawyers

Her Majesty's Court and Tribunal Service  
(HMCTS)

OPCC

A&S Deputy Bench Chairman

LCJB Business Manager

Stand Against Racism and Inequality

Resident Judge

Citizens Advice/ Witness Services

CPS

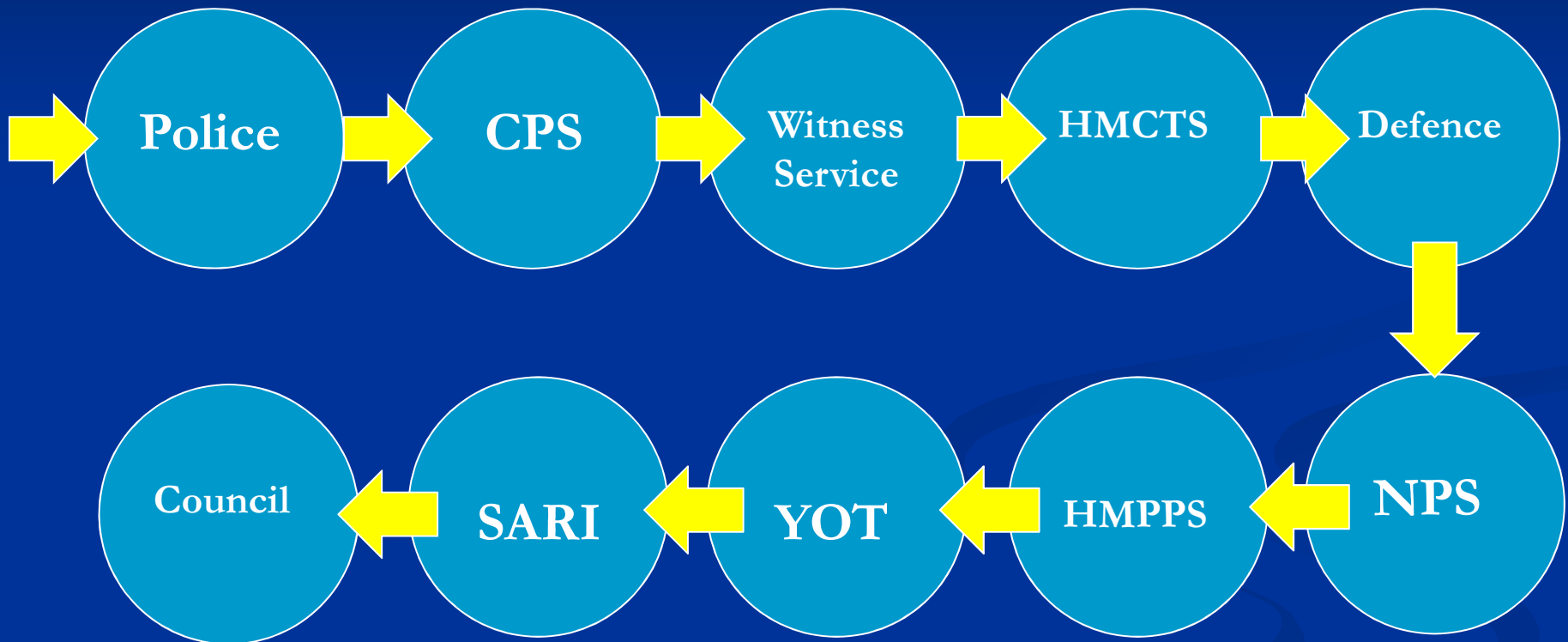
Youth Offender Service (YOT)



# Core Principles

- Delivering Fairness
- Building Trust
- Sharing Responsibility

# DATA



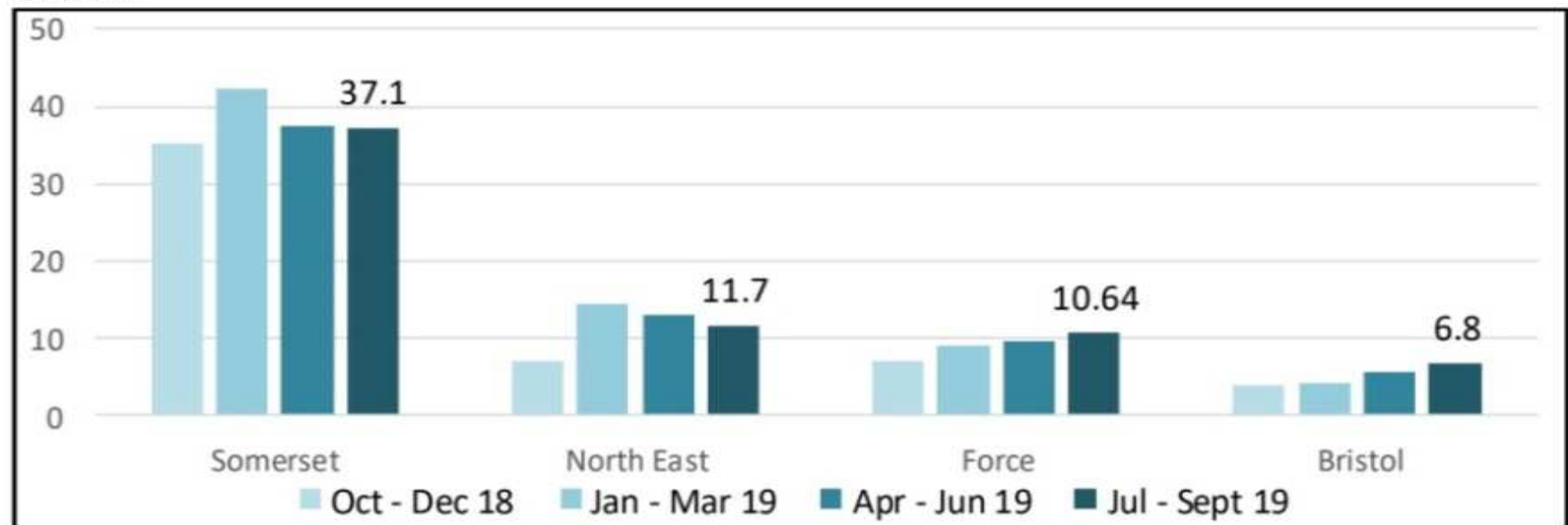
# Priorities

## Stop & Search Task & Finish Group

### Disproportionality

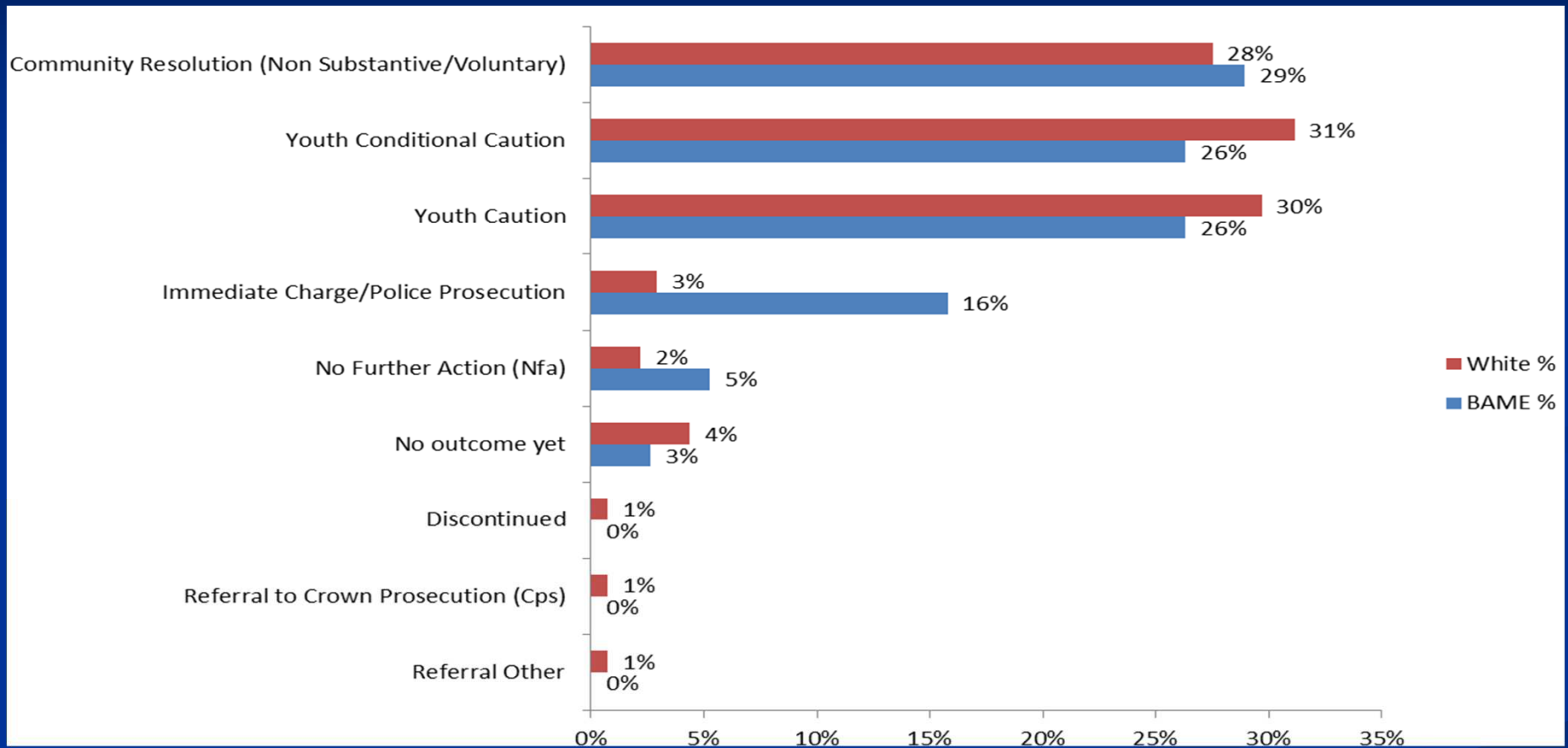
#### Black people searches in relation to the black resident population

Chart 7:



# Priorities

## Youth Justice Task & Finish Group



Demographics of young people supported by Bristol YOT through the out of court and court process during the period 01/10/2018 – 30/09/2019

# Priorities

## Prisons Task & Finish Group

### Population

National average of BAME prisoner population = 27.07%  
(National average of White prisoner population = 72.93%)

### Complaints Raised

National average of complaints for BAME prisoners = 32.28%  
(National average of complaints Raised by White prisoners = 67.72%)

#### Highest proportion of BAME complaints in comparison to population

|            | Comp   | Pop    |
|------------|--------|--------|
| Avon & Sth | 28.62% | 20.47% |
| Sth Cen    | 34.35% | 26.74% |

#### Lowest proportion of BAME complaints in comparison to population

|        | Comp   | Pop    |
|--------|--------|--------|
| N Mids | 22.51% | 27.02% |
| IRC    | 45.18% | 49.27% |

# Priorities

## Judicial Task & Finish Group

- Work with MOJ and HHJ Peter Blair QC to agree process to collect sentencing data from A&S crown Courts including ethnicity outcome data
- Recruitment, Retention and Development of Courts, Tribunals and Magistracy staff and volunteers

# Questions

## Panel Work Programme 2019/2020

| Date PCP Meeting   | Business  | Notes  |
|--|---|--|
| 26 <sup>th</sup> June  | AGM Procedural Business<br>PCC Annual Report<br>Work Programme – draft for Panel consideration/approval   |  |
| 27 <sup>th</sup> September – new member training. Police and Fire Headquarters | <ul style="list-style-type: none"> <li>- Roles and responsibilities as Panel Members - statutory duties and the development of shared objectives as a PCP with a refreshed membership.</li> <li>- Fulfilling your strategic roles as councillors and independent members by focusing on the strategic rather than operational matters</li> <li>- How to get the best of the Link Member SP briefings (the Panel's chosen method of scrutinising delivery of the Police and Crime Plan) by reporting back to the main Panel and Interpreting and using performance data</li> <li>- OPCC slots – John Smith CEO and Asst Chief Constable Steve Cullen.</li> </ul> | Meeting with Frontline 28 <sup>th</sup> to discuss/finalise programme  |
| 8 <sup>th</sup> October  | Mark Simmonds CFO OPCC- Budget Briefing (see below*)<br>Review of Performance reporting mechanism<br>Actions/reports emerging from the AGM<br>Medical Pension review report   | Chancellor has announced a one-year spending review to be delivered at the end of September. Significant new money for policing anticipated - details about the allocation of money (and possibly recruitment targets) to each PCC and the timescales involved expected soon after. New money to be derived from government grant or raised from additional council tax precept – to be confirmed. |

|   |  |  |
|---|--|--|
|   |  | Given the significance of these changes to OPCC budget planning, the 15 <sup>th</sup> November briefing below has been brought forward.  |
| <del>15<sup>th</sup> November – Budget Briefing (takes place at Police/Fire Headquarters)</del> | *First consultation on the Budget led by the OPCC Chief Financial Officer. It provides opportunity for the Panel to consider the OPCC's planning assumptions and forecasts ahead of the draft Medium Term Financial Plan presented to the Panel on 11 <sup>th</sup> December, and the final report to be presented on 4 <sup>th</sup> February. The session should be attended by all Panel Members. |  |
| 11 <sup>th</sup> December   | Scrutiny of the Budget/Draft Medium Term Financial Plan – Separate briefing from the OPCC CFO<br>Crime Unit<br>Performance Report<br>Complaints Sub-Group Report   | Video has been made available to Chiefs and PCCs across the South West to show at their respective Police and Crime Panel meetings. Created by the SW Regional Organised Crime Unit, it shows highlights of their work during 2018/19. It has been confirmed that contents are suitable to be shown in public session. Suggest December meeting.<br><i>Deferred to 11<sup>th</sup> March</i> |
| 4 <sup>th</sup> February  | Chief Constable – Presentation<br>Formal Review of the Budget and Precept Proposal   | Chief Constable presentation – deferred from December  |
| 11 <sup>th</sup> March  | Desmond Brown – presentation Lammy Group Objectives (TBC)<br>Representative Workforce Team – report on their work<br>Panel Budget/Costs report<br>Video presentation – Work undertaken by the Regional Organised   | Agreed at AGM that Desmond Brown would be invited to a suitable Panel meeting to comment on his role in ensuring delivery of the Lammy Group's key objectives. If possible, this item to sit alongside a presentation on the work of the Representative Workforce team. It was agreed that this should be taken forward outside of the meeting and built into the                            |

|  |  |   |
|--|--|---|
|  |  | work programme at the appropriate time. |
|--|--|---|

**Standing reports to each meeting:-**

- Commissioner's Update Report – report on PCC activities/key decisions. Standing updates on Fire Governance and Estates.
- Work Programme – fluid and presented for noting or approval following amendment
- Performance Report
- Link Member reports/Scrutiny of performance against the Police and Crime Plan – Strategic Priorities Quarterly Briefings
- Complaints Report – Monitoring arrangements for dealing with complaints against the Commissioner

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## AVON AND SOMERSET POLICE AND CRIME PANEL

11 MARCH

### 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 no new 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)).
5. There is one closed complaint against the PCC at this time which has been escalated to the Police and Crime Panel.
6. Please refer to the summary table in Annex 1.
7. All complaints to date have had Panel oversight, including those solely handled by the PCC's Chief Executive Officer.
8. All electronic complaint files are available at the PCC's office for viewing by the Panel, if requested. The document retention period is in accordance with the published Record Retention Policy and this is currently eight years.

## **UPDATE ON PROPOSED CHANGES TO THE COMPLAINTS SYSTEM**

### **Police Integrity Reforms**

9. The new Police Integrity Reforms have now gone live and all the subsequent legislation has been enacted as of the 1<sup>st</sup> February 2020. The OPCC has received its first 'Review' under the new regulations and this has been dealt with. The new process carries a potential risk of increased complaints to the Police and Crime Panel regarding the PCC's handling of these reviews as there is no further right of appeal once the review process is complete. Whilst the legislation does not give any provisions of how this should be managed by the Police and Crime Panel, it will need to be closely monitored and any approach should be devised and agreed collaboratively. The OPCC will be heading a regional meeting in the Autumn of OPCC's to evaluate approaches to the review process and share best practice.

### **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.

### **MARK SIMMONDS – INTERIM CHIEF EXECUTIVE**

REPORT TO: AVON AND SOMERSET POLICE AND CRIME PANEL

Date: 11 March 2020

| No. | Date rcvd / log no. | Summary  | Recorded? | Handled by          | Outcome  | Live or Closed |
|-----|---------------------|--|-----------|---------------------|--|----------------|
| 41. | 11/12/2019<br>25620 | <p>Sent directly to the PSD of ASP:<br/>Allegations are:</p> <ol style="list-style-type: none"> <li>1) <b>The Police and Crime Commissioner failed to recognise the severity and associated risk relating to the note left at your address by an officer.</b></li> <li>2) <b>The Police and Crime Commissioner's letter to you contained inaccuracies.</b></li> <li>3) <b>The difference in presentation of the letter provided by the PCC and ASP.</b></li> </ol> | Yes       | CEO<br>PCP notified | Resolved by means of explanation.<br>Escalated to the Police and Crime Panel by the complainant 30/01/20 | Closed         |

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**Avon and Somerset Police and Crime Panel**  
**11<sup>th</sup> March 2020**

**Title of Report:** Panel Funding and Expenditure Report

**1. Purpose of Report**

The Avon and Somerset Police and Crime Panel has accepted a grant from the Home Office to meet the running costs of the Panel. The purpose of this report is to report on actual costs for the periods:-

- 1<sup>st</sup> April 2019 to 30<sup>th</sup> September 2019
- 1<sup>st</sup> October 2019 to 31<sup>st</sup> March 2020

**2. Background**

The Home Office provides a limited grant to each Local Authority acting as the Host Authority to provide administrative and specialised support to the Panel and Member expenses. This maximum annual sum payable to a PCP is £53,300 for running costs and up to a maximum of £920 per member for expenses (now £15,640 + vacancy + plus NI costs). Since 2015/16 the grant payment has been consolidated into one single payment, with no ring fencing for administration, expenses or translation costs. This is to provide Panels with increased flexibility over how to spend their grant.

**3. Claim Periods**

**1<sup>st</sup> April 2019 to 30<sup>th</sup> September 2019**

| <b>Breakdown of expenditure</b>                                 | <b>£ (0,000s)</b> |
|---|-------------------|
| Staff salary costs in supporting the Panel:                     |                   |
| Monitoring Officer  | £2,621.00         |
| Principal Democratic Services officer                           | £21,895.08        |
| Finance Manager   | £283.16           |
| Administrative Costs associated with the running of the Panel:- | £2,147.35         |
| Venue hire/insurance  |                   |
| Reprographics/postage   |                   |
| Conference/travel   |                   |
| Website maintenance   |                   |
| Panel Training/National Conference                              |                   |

|                                    |                   |
|------------------------------------|-------------------|
| Panel Member expenses (18 members) | £8,341.56         |
| <b>Total:</b>                      | <b>£35,288.15</b> |

#### **1<sup>st</sup> October 2019 to 31<sup>st</sup> March 2020 - Forecast**

| <b>Breakdown of expenditure<br/>October 2017 to March 2018</b>  | <b>£ (0,000s)</b> |
|---|-------------------|
| <b>Staff salary costs in supporting the Panel:</b><br>Monitoring Officer<br>Governance Specialist<br>Website team   | £24,244.83        |
| Administrative Costs associated with the running of the Panel:-<br>Reprographics/postage<br>Catering<br>Mileage/Travel costs<br>NAPC subscription<br>National Conference<br>Frontline Training<br>Website support | £2445.46          |
| Panel Member expenses (17 members and associated NI for SCC members)  | £7,881.56         |
| <b>Total:</b>   | <b>£34,571.85</b> |

#### **4. Contingency**

The Constituent Authorities have signed up to an Indemnity Agreement based on population to cover a shortfall in funding should the need arise. This is precautionary and the Panel will endeavour to operate within Budget in the future.

#### **5. Transparency**

Under the Home Office grant agreement, PCPs “must publish, as a minimum on their website, details of expenditure incurred. The details can be found at <http://www.avonandsomersetpoliceandcrimepanel.org.uk/>

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