



Avon and Somerset Police and Crime Panel

Hosted by Somerset County Council Democratic Services



Minutes of the Police and Crime Panel

8th December 2020 (10:30am)

('Remote' meeting held under the provisions of the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

Present:

Local Authority and Independent Member Representatives:

Chris Booth (Somerset West and Taunton Council), Richard Brown (Chair/Independent Member), Asher Craig (Bristol City Council), Janet Keen (Sedgemoor District Council), 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), Andrew Sharman (Independent Member), Heather Shearer (Mendip District Council), Josh Williams (Somerset County Council) and Roz Willis (North Somerset Council).

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

Mark Simmonds – Interim Chief Executive Officer

Paul Butler – Chief Financial Officer

Vicky Ellis - OPCC

Ben Valentine – Performance Officer

Sally Fox – Head of Contacts and Conduct Policy

Superintendent Mark Edginton, Avon and Somerset Constabulary

1. Apologies for absence

Peter Abraham (Bristol City Council), Joseph Mullis (Independent Member).

2. Public Question Time

None

3. Declarations of Interest

None.

4. Minutes of the meeting held on 13th October 2020

Resolved – that the Minutes of the meeting held on 13th October 2020 be confirmed as a correct record and signed by the Chair.

Matters arising from Minutes:

Nicky Watson Assistant Chief Constable, ASC – to be included in the list of attendees.

Joseph Mullis (Independent Member) – Extension of Term of Office

The Panel amended the Term of Office agreed at the last meeting, which should have been for 4 years.

5. Chairs Business:

Chair noted revision of the Agenda order -to hear Mental Health Assurance Report (at item 7 of the Agenda) as the next item.

7. Avon and Somerset Constabulary Mental Health Assurance Report.

Superintendent Mark Edgington of Avon and Somerset Constabulary (MA), introducing the item, highlighted the work completed with John Owen, Mental Health Co-Ordinator, thanking him for his contribution, as well as that of the OPCC. The accompanying presentation covered the following key points:

- Demand, the Covid effect and data
- Self-reflection
- Mental Health Strategic Board

- Conclusions

The following matters were discussed by the Panel:

- The Panel requested the presentation be circulated to Panel Members.
- Panel sought clarification on how cooperative NHS Commissioning were, in providing extra staff, for example Community Psychiatric Nurses, who could defuse situations before an individual came to harm. It was advised that there was good contact with NHS partners. Capacity issues with Psychiatric Doctors and Nurses within the system were acknowledged, and it was noted there was no easy solution for this. Many conversations were taking place with the NHS. The Panel was advised that the Control Room and Street Triage were in regular contact with the OPCC. The risk was raised regularly and was important when discussing services and the impact on the Police. The OPCC was ensuring the Constabulary's voice was heard in relation to this.
- MA was asked where policing had to start and finish and how the Criminal Justice System assessed whether there was a genuine situation, or an excuse for bad behaviour. The Panel was advised that mental health conditions were not necessarily seen as a policing role. People had been successfully prosecuted. It was not always possible to determine whether someone had capacity. Example was given of high intensity users, some of whom the Police were called to multiple times in a day but who may also have been causing a danger to the public. This was done in consultation with Clinicians. There have been custodial sentences but also support, with more to do in this area.
- It was noted that 2 or 3 months ago, the Commissioner's report contained a shocking number of Police assaulted over one weekend. The Panel sought information on whether there were any incidents that were mental health based, or due to bad behaviour. It was understood that violence and psychosis were becoming more prevalent, but it was not possible to respond without sight of the examples. It was advised that separate work was taking place on assaults on Police Officers and the mental health element was being fed into this.
- It was observed that in general policing, officers were expected to be experts in everything – social worker, mental health trained, demanding on time but without seeming to have the extra staff to deal with this. It was queried whether this was putting mental strain on Police Officers. MA reported that the Police could not be expected to be experts in everything. The importance of Mental Health Triage and Tactical Advisers was noted. Also work to hold other agencies to account and working with them for collaborative problem solving. Positive relationships were in place.
- The Panel asked about influencing the increase of mental health pathways and how confident the Police was in being able to make a change to that. The Panel was advised that pathways were a national challenge. Police had powers to manage through Section 136 for people in crisis, highlighting the importance of prevention before people reached this point. There was no pathway for Police to refer people to a GP but there was the Triage Control Room where people could be taken, as a sanctuary to get support. Conversations needed to continue on this matter and were being picked up by NPCC.
- It was questioned when working with AWP, whether there was the same relationship with the Somerset Foundation Trust. The Panel indicated that they would like to see the urban

area focus, reflected over the whole Force area. The response highlighted the relationship with Somerset Partnership but that greater demand in the AWP area necessitated more frequent contact. Learning and best practice could be replicated where appropriate across Somerset.

- Clarification was sought on the capacity of the Sanctuary in Bristol and whether this was for overnight or as a holding sanctuary and the expected times of use. It was reported that there had been issues around the proximity to estates and that suitable locations were being considered. Demand for services was highest between 5pm and midnight. NHS currently expected to support 3 or 4 people at Sanctuary, for 2 or 3 hours with mental health professionals, who were then to be referred on to GP or detained for further support. April-April saw an increase of 30% of people detained under Section 136 on the previous year. Capacity building into the system would help issues such as places of safety and Accident and Emergency being full. There was a need to find an alternative route for the Police to reduce examples of individuals being sat in Police cars outside NHS locations due to them being full. Lot of hard work was going on to prevent people going into crisis and there were limitations for Police who were not able to refer people to their GP.

ACTION- Panel Members to receive copy of the presentation material.

6. Commissioner's Update:

The PCC provided the Panel with a detailed update for her actions and decisions since the last meeting. The Commissioner drew attention to the following key points:

Covid Fines and Enforcement – in last week:

- 353 alleged breaches, of which Police attended 236.
- 41 fixed penalty notices issued.
- 80 warnings, issued, 49 of which were to 18-24-year olds.

Courts issued fixed penalty notices which if not paid, cases went to Court. More than £100,000 of fines had been issued. The Commissioner was aware of 61 convictions, 1 person was fined £2000 and 35 people were fined £1760.

Operation Hydrogen - Intensive work had been carried out and daily and weekly information had been shared between Police, District Councils and Local Authorities, including Trading Standards and Environmental Health. Building this was to continue post Covid.

Local Resilience Forum - Local authorities had put in place Local Outbreak Plans and Local Engagement Boards which were all attended by the PCC or DPCC. There was a need to challenge vaccine myths – an increasing number of people were concerned about having the vaccine.

Violence Reduction Units – Annual report in January demonstrated impact and achievements. 5 VRU's under strategic VRU. Funding for this year would be confirmed mid-2021, funding for 2021 had not yet been confirmed. The Constabulary and OPCC had created a VRU Qlik App which was now being proactively used in all 5 areas. The app provided a form of 'social network analysis' using Police data to enable informed and targeted approaches to tackle serious violence and to identify those at risk, either as a perpetrator or victim. The OPCC would be co-hosting a 'webinar' with the Constabulary to showcase this tool, this had been offered out on a national level to both VRU and non-VRU areas, Surge SPOCS, as well as the Home Office and APCC. A high level of interest had been seen in this learning event held on 31st December 2020.

The Panel then considered the PCC's Summary Statement attached as Annex 4 to the report relating to her oversight duties of the Constabulary in the context of Lloyds Bank and other banking institutions.

The Chair put the following questions to the Commissioner: -

1. *How satisfied are you that you have implemented the recommendations emerging from the Panel's final complaint report, on 12th August 2019?*

The Commissioner referred the Panel to the responses within the report. All recommendations had been taken on board, with the majority achieved or scheduled for action. The Commissioner confirmed that she would be writing to the complainants. The Panel was advised that the Commissioner had met with Kevin Hollinrake, MP from the Parliamentary Group on Fair Banking and wrote in January 2020 advising that the pilot phase had been delayed due to Covid and re-launch would be 1st December 2020. 7 banks had signed up, with advice to all businesses to register their interest and not self-exclude. Resolution service was due to start in the New Year, with a link to be available on the website. Business Banking Resolution Service was a complete step change to the business banking relationship. The Commissioner was aware some complainants had raised concerns.

2. *The Panel would be keen to understand how you have sought to influence others to try and bring forward changes in legislation since the report was published?*

The Commissioner confirmed she had written to the Home Office and refreshed Police and Crime Plan with its commitment to tackling fraud. The Association of Police and Crime Commissioners had conducted a fraud deep dive and Symposium on 19th October 2020, where the PCC from West Midlands reported on tackling fraud and Ian Dyson Commissioner for London, on cyber and economic crime and forces improved data set. The Commissioner also confirmed she would be meeting with representatives of UK finance to protect victims of banking fraud.

3. *In getting the right people, in the right places, with the right skills and culture, how have you ensured appropriate staffing within the economic crime unit to meet the demand for such services?*

The Commissioner emphasised that the direction of operational policing was not part of her statutory responsibilities.

The Commissioner explained that the (Complex and Volume) Fraud Team (previously known as the Economic Fraud Team) comprised 20 Officers who were now Specialist Fraud Investigators. Fraud management training was provided by City of London Police. Commissioner was satisfied that the Constabulary had the appropriate levels of resource to tackle the challenge and were the only force in the region to have Protect Officers, to assist vulnerable victims. The Commissioner highlighted the publicity to raise awareness of scams such as 'Take 5' to encourage people to think about what they were doing.

4. *What elements associated with the work of the unit have you sought improvement on so that vulnerable victims of crime feel confident in the unit's work undertaken on their behalf and are protected from harm?*

The Commissioner reported that the precept increase had enabled a more proactive approach through the recruitment of Protect Officers. The National Economic Crime Care Unit – every victim was considered for fraud and protect advice, which consisted of information sharing and advice. Reference was made to the Banking Protocol whereby banks work to identify vulnerable victims being defrauded through their bank accounts and Protect Officers then engage. At the moment this is in relation to defrauding through physical attendance at a bank, with UK finance and the Police looking to expand this to online banking.

5. *What activities are led by the economic crime unit to identify and publicise fraudulent activities and protect the most vulnerable and help them recover?*

The Commissioner advised the Panel of the Communication Team and the Fraud Team and their work to educate the public locally and nationally. An example was given of the targeting of older female residents in Chard, following which a press release was issued to highlight this and prevent it happening in other areas. Other examples included: work to raise profile through the wider platform of Stop Adult Abuse week, and social media, such as stay safe online videos, which were on the Constabulary website, alongside resources. The Commissioner outlined her support for Action Fraud, South West Cybercrime Unit as well as blogs such as 'Don't fall for fauxmance'. The Commissioner had also supported 'Take 5' and local and national agencies and local people to enable them to take care when shopping online. In the last month, there were national campaigns around Black Friday, Christmas shopping, and booking holidays online. The

Commissioner indicated that there had been NHS Test and Trace fraud and work with the Constabulary had increased as a result.

6. *How have you assured yourself that the Economic Crime Unit is adhering to a victim centred approach?*

The Commissioner responded that victim focus was intrinsic to the Police and Crime Plan. Through Protect Officers, the Constabulary had adopted a process to ensure vulnerable victims were identified early. This was a victim-focused approach, especially where vulnerability was highlighted. All victims were kept up to date and a victim had the right to appeal if their report was not progressing.

7. *What if any activities have you been assured have been implemented within the investigation of Economic Crime that will reassure residents of Avon and Somerset that their allegations are quickly picked up from Action Fraud or elsewhere and promptly and professionally dealt with?*

The Commissioner responded that the banking protocol had assisted greatly and supported any future expansion. The Team, worked through the list and supported Officers above and beyond – helping with PC's visiting homes etc. It was noted there was more to be done to achieve a more co-ordinated response. The Regional Organised Crime Unit would benefit from extra funding. At Board level the Chief Constable and the team had discussed the policing requirement in respect of cybercrime, with regional tasking teams and co-ordinators delivering locally. The National Crime Agency had also embedded this in their regional work.

8. *The Panel passed you representations from members of the public, what has been the outcome of your scrutiny? What were the outcomes from that scrutiny that provided reassurance, what were the areas for concern? What plan have you to ensure victims are at the focus of policing activities in this area of business?*

The Commissioner drew attention to her summary statement explaining that all correspondence was acted on accordingly and action taken as a result. The Panel was reminded that the Commissioner's role was not that of an investigating body and she had the assistance of a team to ensure adequate discharge of statutory duties. Extensive work was being carried out to ensure continuity following the next election in May 2021

9. *Fraud is an activity which does not respect national boundaries, how have you assured yourself that the unit can put victims first and respond across regional borders?*

The Commissioner reported that the work with ROCU and that Avon and Somerset Constabulary had demonstrated their ability to span boundaries. Examples were given of investment mortgage fraud, green energy fraud and romance fraud and the Panel was

advised that where reasonable, proportionate and in the public interest, work was done locally, regionally, nationally and internationally to bring offenders to justice.

10. *Allegations also emerged that material was omitted by ASP and this was compounded by a letter from TVP PCC Anthony Stansfeld sent to a complainant on the 5th October 2020. It intimated that ASC had not shared information with TVP on one case that 'strongly indicated a major fraud had been committed' against the complainant.*

The Commissioner responded that the letter from PCC Stansfield had been sent to the complainant and to the Panel and not to her. She had been satisfied by the Constabulary that every referral had been investigated and Thames Valley Police had found no indication of fraud in their review. The Commission made the point that she did not want to discuss operational detail and was satisfied that this had been scrutinised at a number of levels.

11. *Can the PCC explain why the Stansfeld letter is 'misleading and factually inaccurate', and what steps she took to reach that conclusion? Has she communicated peer-to-peer with PCC Stansfeld to explore the reasons for their very different views? Are there likely to be any areas to explore with PCC Stansfeld about the difference in views?*

The Commissioner reiterated that this was an operational matter and that her role was in scrutinising the force's response and assuring the Panel they had taken appropriate action.

12. *Of the 200 potential victims, were those not numbered outside the area/scope or just not identified?*

The Commissioner indicated her understanding was that they were not identifiable due to limited information, as per Annex 4 to the report.

13. *The level of staffing in Fraud Team is described as "acceptable"– is this after the 7 new posts mentioned or before?*

The Commissioner responded that as more resources came in, they were put to where the demand was. It was a matter for the Chief Constable to decide on allocation of resources.

Following discussion and on being put to the vote, the Panel RESOLVED:-

1. That the Commissioner had sought appropriate assurances from the Chief Constable in line with her role (12 Members voting in favour and 1 against)

2. That the conclusions reached in the Commissioner's report were reasonable based on the steps she had taken to hold the Chief Constable to account (10 members voting in favour, 1 against and 1 abstention)
3. That the Panel was satisfied with the steps the Commissioner had taken in response to the Panel's Complaint Report dated 12th August 2019 (10 members voting in favour, 1 against and 1 abstention)

Below is a summary of the responses provided to the issues and questions raised by Panel Members: -

- The Commissioner was asked, in respect of the People Survey, how she intended to hold the Chief Constable to account around leadership and management. The Panel was advised that this was routinely scrutinised at Board level and the Constabulary reported on action plans, which were currently out with Directorates.
- The Commissioner was then referred to page 18, which indicated an increase of 68% in cybercrime. The Panel sought reassurance on the force activities on cybercrime. The Commissioner stated that Cybercrime Unit had been covered in depth and any specific questions should be emailed to her.
- Commissioner was asked about scheduling in the Lammy Report. This matter was to be considered as part of Agenda Item 11 (Work Programme)
- The Panel asked about the report emerging from Operation Remedy on priority crime types. The Commissioner was invited to comment on the Remedy figures, which the Panel noted, had gone down. The Commissioner confirmed that this came under the discussion on performance and that she had made the Chief Constable aware that positive outcomes needed to improve.
- The Commissioner was asked questions in reference to the Business Crime Strategy and steps taken to consult with partners. Concern was expressed that there was a strategy in place that achieved little and that the evidence and the report provided was 'something and nothing'. The policy intent behind the strategy was questioned.
The Commissioner explained that it was a new Strategy and a workshop with the Business Crime Forum had been very successful and subsequently replicated by other forces. The Interim Chief Executive Officer was the OPCC Lead on this and it was his view that the strategy was working well. The Panel Member was advised that he would be invited to the February 2021 Business Crime Forum meeting to participate. The Commissioner was advised that the strategy itself was the concern, not the Business Crime Forum, and that to get business community buy-in, improvements were needed.
- The Commissioner was asked for an update in relation to the ongoing funding for VRU's. The Commissioner confirmed that there had been no update and that organisations were within days of giving notice of redundancies to staff. Drawing attention to a conversation in the last week with Kit Malthouse, MP, the Commissioner added that she had hoped for 3-year funding and indicated that without sustainable funding, the challenge for the units was enormous. In the meantime, whatever funds

were received, would go the 5 VRU's, using the same funding formula and using the same money.

ACTIONS:

- (1) PCC to request Dan Wood, HR Lead at ASC to provide an update on People Survey for the next Panel meeting.**
- (2) Panel Members to email specific questions in respect of cybercrime to the Commissioner.**
- (3) Panel representative to be invited to Business Crime Forum in February.**
- (4) Next PCC Update report to include VRU annual report, VRU funding update, Lammy Review update and report on OPCC Meeting with UK Finance and Banking protocol**
- (5) Link to Business Banking Resolution Service (BBRS) on website, to be provided once up and running.**
- (6) A written update on the complaint case relating to Lloyds that was reopened and omitted from the questions to be provided**

8. 2021/22 Financial Planning - Budget Process Update

The Panel received a detailed presentation from Paul Butler, Chief Financial Officer. In summary this covered:

- 21/22 Spending Review headlines
- Interpretation of Spending Review announcements
- Delivering uplift
- Funding – before precept
- Budget requirement – national uplift target
- Precept scenarios
- Next steps

Paul Butler, OPCC Chief Financial Officer reported as follows:-

- The Commissioner stated that the government had 'moved the goalposts', presenting a real challenge for the finances.
- The Panel sought clarification on the impact of the maximum £15 on the overall budget, when compared with p56 showing savings having to be made and the need to understand when it makes things sustainable. The Interim Chief Executive advised that £15 figure equated to a 6.6% increase and that under the current forecast, anything 5% or less would mean cuts would have to be made, based on the assumption from the Spending Review.
- It was reiterated that clarity was needed and until OPCC received the statement around government funding allocation (16th or 17th December 2020), assumptions were being shared with the Panel at this point.

- Confirmation of VRU funding and Officer Uplift allocation numbers, are required to allow for modelling to be finalised. It was anticipated that in early to mid-January a report would come from partners on the collection deficit, allowing the MTFP to be finalised and shared with the Panel on 4th February 2021.
- The Panel was advised that this was a big decision and some real cuts would have to be made if less than 5% was to be considered.. PCC recognised families had been hit extremely hard by Covid and that it was not an easy decision. Consultation was being used to capture the view of the public. A less than 5% increase would result in a cut equivalent to 64 PCSOs/staff, Police officers could not be cut as they were ringfenced.

The following points were raised by Panel Members:

- The Panel welcomed the PCC's recognition of the impact of the Covid crisis on families, all were agreed it was a difficult decision to make, not just for the Constabulary but for Local Authorities taking similar views. It was pointed out to the Commissioner that the year on year rises in recent years contributed significantly to the financial burden on communities. Trust in elected officials was considered important and given the Commissioner had provided assurances on previous occasions that the request to increase the Precept was isolated, the Panel sought further assurances on her rationale.

The Commissioner stated that she anticipated the pandemic being an exceptional crisis. When the comments had been made, a 3-year Spending Review had been expected. Much had changed in the last 9 months and challenging decisions had to be made. Trust was not the issue as the environment had changed more than was considered possible a year ago.

- The Panel queried if the association of PCC's was pushing back on the Government's approach which effectively put the financial onus on local authorities for services that should be backed by central funding. The Commissioner acknowledged this, pointing out that it was all taxpayers' money whether from the Government or precept. Commissioners, District Councils and County Councils were aware of the pressure being put upon local communities but there was not a unified voice from the APCC about this. The effect of damping on the Police funding formula continued to detrimentally affect this force and any review would not happen until next year at the earliest.
- Clarification was sought on the end date for the public consultation on the Precept and it was agreed that the Panel would be provided with the full survey results. There was general agreement that Covid had exposed inequalities.
- Chair raised matter of suppression of taxation to local level being the direction of travel for a long time and that this would drive the need for closer partnerships. The issue of mental health being cited as a good example. It was felt that anything that supported this and moved forward on plans was a good thing.

- It was noted that the costs for personal protective equipment (PPE) were being refunded by the Government.

Action – Panel to be provided with the full Precept survey results.

9. Avon and Somerset Police and Crime Performance Summary

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.

Key points highlighted included:

- **101 Abandonment rate** – for 999 calls remaining stable and was still performing well. The rate had declined in Quarter 2. This had not been sustained and October and November saw numbers back to 3.3% rate, more in line with figures seen recently.
- **Response timescales** – Decreased in Quarter 2. Actions had been taken to improve these including a triage system to ensure the right work was being done. Advised of a change to the call grading system, with changes to call grades 2 and 3, in the hope that this would better prioritise the threat harm risk level and to enable a better response, in a timely manner.
- **Operation Remedy** - next report to include Quarter 3 results plus burglary outcomes
- **Demand levels** – Small difference since Quarter 2. Reference to Appendix table for different breakdown of crime types. Noted in Quarter 2 theft had significantly decreased on last year and violence against the person had increased in Quarter 2, from last year.
- **Conviction rate** -The impact of the pandemic was reflected in Quarter 1 figures but had now returned to expected levels.
- **Public confidence** – was at its highest level in 5 years at 78%. The survey results in respect of the enforcement approach in response to Covid were pleasing.

Action – next report to include Quarter 3 results plus Operation Remedy burglary outcomes

10. Complaints against the Police and Crime Commissioner and Deputy Police and Crime Commissioner

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

Since the Report, 2 further complaints had been made to the Panel, which had been referred to the Independent Office for Police Conduct (IOPC). It was noted that the Panel was currently awaiting the IOPC findings.

It was noted that the complaint involving the Deputy PCC was now closed.

11. Work programme

The remaining work programme items were noted.

The Panel agreed the following Assurance Reports for the 12th March meeting: -

- Domestic abuse
- Safeguarding
- Equality and disproportionality

It was noted that the Desmond Browns' presentation on the progress of the Lammy Review Group would be scheduled into next year's work programme following its postponement earlier in the year.

The Chair requested sight of the remaining assurance reports from the initial list provided by the OPCC. It was noted that two of these reports will be available before the next meeting and the Panel requested that they are provided as soon as possible.

(1) Remaining assurance reports to be provided to the Panel as soon possible.

(2) Desmond Brown's postponed presentation to the Panel to be scheduled in next year's work programme.

12. Date of next Meeting

4th February 2021 at 10.30am

(The meeting ended at 2.10pm)

Chair