



Minutes of the Avon and Somerset Police & Crime Panel 28th June 2022 at 10.30am (AGM)

The Dean House, Somerset West and Taunton Council

Present:

Local Authority and Independent Member Representatives:

Heather Shearer (Mendip, Chair), Nicola Clark (South Somerset), Jonathan Hucker (Bristol City), Julie Knight (Independent Member), Alastair Singleton (Bath and North East Somerset), Pat Trull (South Gloucestershire), Andy Wait (Bath and North East Somerset), Richard Westwood (North Somerset).

Host Authority support staff:

Jamie Jackson – Service Manager
Patricia Jones – Panel Lead Officer
Pippa Triffitt – Democratic Support Officer
Lee Willment – Panel Administrative Support

Police and Crime Commissioner and Constabulary/Support Staff:

Mark Shelford – Police and Crime Commissioner
Alice Ripley – Chief of Staff
Niamh Byrne – Head of Communications

1. Apologies for absence

Apologies were received from Councillor Chris Booth, Gary Davies, Councillor Franklin Owusu-Antwi, Councillor Asher Craig, Councillor Peter Crew and Councillor Jonathan Hucker.

2. Election of Chair

One nomination was received in advance of the meeting. Proposed by Councillor Singleton and seconded by Councillor Clark, Councillor Heather Shearer was duly appointed as Chair for the municipal year 2022/23.

3. Election of Vice – Chair

One nomination was received in advance of the meeting. Proposed by Councillor Clark and seconded by Councillor Wait, Councillor Richard Westwood was duly appointed as Vice-Chair for the municipal year 2022/23.

4. Public Question Time

The meeting was attended by the Lloyds Bank Victims Group (LBVG). The Chair read out a statement in response to the questions and statements submitted to the Panel in relation to allegations of fraud and corruption in the banking industry and other financial institutions. A copy of the statement is attached as Appendix 1 to the minutes.

The statement provided clarification in relation to the Panel's statutory functions and responsibilities and confirmed that all correspondence had been passed to the Office of the Police and Crime Commissioner for response.

The Chair went on to explain that the Commissioner was alert to the precise nature of the representations made and was properly exercising his challenge function of the Constabulary.

The Commissioner also addressed the group, referencing the challenges many people had faced in having reports and allegations looked at by a relevant law enforcement agency. He extended his understanding and sympathy for the individual circumstances of those present.

The Commissioner emphasised that the questions and statements were outside of the Panel's remit and drew attention to the limitations of his own role which does not include the ability to conduct investigations or refer such matters to the Home Office. His work with partners and colleagues at a national level would continue, including giving evidence to the House of Commons Select Committee on Fraud and a Lords Special Fraud Inquiry.

It was noted that the Commissioner would also continue to discharge his scrutiny function of the Constabulary and seek assurances in relation to the matters within the Avon and Somerset jurisdiction. In conclusion, the Commissioner agreed to meet with the group later the same day.

5. Declarations of interest

There were none.

6. Minutes of the meetings held on 17th March 2022 (10.30am) and 17th March 2022 (11.00am) and 26th April 2022.

The minutes of these meetings were confirmed as a correct record subject to Councillor Westwood being recorded as present at both meetings on 17th March 2022.

7. Chair's business

None to report.

8. Presentation - Identifying Disproportionality in the Avon and Somerset Criminal Justice System

The Commissioner introduced the report and welcomed Desmond Brown, the Independent Chair of the Lammy Review Sub-Group set up in 2018 to address local disparity in Avon and Somerset (in response to the Government's Lammy Review in 2017). It was noted that this review aimed to bring together regional Criminal Justice Partners to proactively address issues of disproportionality and produce a data picture of the journey of BAME people through the Criminal Justice System. Based on the findings and recommendations of the emerging report, ([Identifying Disproportionality in the Avon and Somerset Criminal Justice System](#)), it was noted that Criminal Justice System leaders across Avon and Somerset had been invited to join a new Tackling Disproportionality Action Group for the purposes of creating a multi-agency programme to tackle disproportionality.

The Commissioner informed the Panel that he was confident that this piece of work was a catalyst for change and that he aimed to effect this change by ensuring the recommendations were implemented, and efforts thus far become everyday business. As part of this, Chief Constable Sarah Crew would lead a sub-group of the Criminal Justice Board to ensure the action plan remained on track.

The Panel then received a presentation from Desmond Brown. Below is a summary of the ensuing discussion:-

- The Panel welcomed the new Tackling Disproportionality Action Group and asked for more detail on the response to the invitation to join. Did the level of interest include representatives at the required level? The Commissioner

advised the Panel that he was satisfied that this was the case and that his primary concern was ensuring that the people who did attend, can make decisions.

- The Panel sought clarification of the timescales for delivery.
- In the context of producing a data picture of the journey of BAME people through the Criminal Justice System, there was general agreement that collaboration and benchmarking of current data across partner agencies critical.
- It was noted that obtaining a complete data picture was a current focus in proactively tackling disparity in outcomes for BAME people and in monitoring success. The importance of moving beyond statistical data was also emphasised. It was possible to glean equally important insights and feedback from qualitative data around lived experiences and everyday realities - for example Stop and Search.

Allowing BAME people access to power and wider employment spaces was reported as integral to progress.

- Reference was made to racial disparity in sentencing and if this was connected in any way to the quality of legal representation. It was noted that this data was not available. However, work around disproportionate sentencing outcomes had been conducted in the Crown Court and the intention was to move on to the Magistrates and Family Courts. It was suggested that Youth Offending Team (YOT) reports almost certainly impacted sentencing.

The Panel then drew attention to the reduction in YOT funding, querying if there was a correlation between this and the ability of YOTs to provide sentencing reports and support offenders to move away from the crime. The Panel was advised that increased funding was unlikely to make a difference as the focus was not on the right issues. The animosity and mistrust prevalent amongst Black boys towards the Police was based primarily on their personal experiences and largely their experience of Stop and Search.

- The Panel was advised that it was important to address the policy around stop and search in the context of drug searches. It was suggested that Black communities are over-policed and under-protected. Based on this, the Panel discussed the importance of Leadership and intelligence led policing in achieving the right tactical outcomes. How can the leadership be influenced to bring about positive change?

The Commissioner provided assurances that the Chief Constable was creating the right values and culture for the force by ensuring the agreed principles were hardwired into the leadership.

- The Panel suggested it would be useful to establish if ethnicity factored in the low literacy abilities evident amongst prisoners. Members were advised that there was evidence of this. High school exclusion rates of Black boys and girls were frequently found to be unwarranted, and this created disaffection with the education system and learning. Attention was drawn to the importance of getting upstream, before someone is incarcerated.
- It was recognised that accessing education data was an historic challenge. The Panel made the point that the data was available and asked if the system of academies had exacerbated the problem. It was apparent that data was not being shared consistently or effectively and government intervention would likely be required to move this on. Evidently, academies in the same trust experience issues around information sharing.
- It was acknowledged that the purpose of sharing data was not to expose or identify racism but about ensuring that children have the same opportunities and better outcomes in the future. The point was made that the absence of local accountability was hampering progress. The value of data in providing the transparency, accountability and visibility required to tackle these issues should not be under-estimated.

9. Membership of the Panel/Host Authority Report

Membership

The Panel's Lead Officer introduced the report and drew attention to the membership changes emerging from the Somerset elections on 5th May 2022.

It was noted that Councillor Heather Shearer had been appointed as the County representative for the municipal year 2022/23. The appointment to the resulting vacancy at Mendip District Council would be notified to the Panel in the coming weeks. This was anticipated to be a representative of the Liberal Democrat group.

Members noted that the Panel retains its three Independent Co-opted Members who were appointed for a four year term (Richard Brown in 2018 and Julie Knight and Gary Davies in 2021).

The Panel noted that the election churn rendered the political allocation of the seats for 2022/23 as follows:-

Liberal Democrat – 7 (Somerset County, Bath and North-East Somerset, Mendip, South Somerset, South Gloucestershire, Somerset West and Taunton Councils)
Conservative – 4 (South Gloucestershire, North Somerset, Bristol and Sedgemoor)
Labour – 2 (Bristol and North Somerset), Green – 1 (Bristol)

The Lead Officer recommended that a review of the Panel's overall membership should take place before the establishment of the new Somerset Council on 1st April 2023. It was agreed that this would ensure that the future membership reflects the geography and population size of the force area following the establishment of the new Unitary council.

Host Authority

The Chair updated members and confirmed that efforts continued to find an authority to act as Host to the Panel following the resignation of SCC.

Attention was drawn to the obligation on the Constituent Authorities to collectively put in place appropriate arrangements for the Panel to undertake its statutory function. It was reported that the aim was to secure a negotiated acceptable solution, dispensing with the option of referring the impasse to the Home Office which would be both unprecedented and less manageable.

It was proposed by the Chair, seconded by Councillor Westwood and on being put to the vote, unanimously:-

Resolved – that the transition of the Host Authority be progressed on the basis of a negotiated settlement.

Action:

(1) A review of the Panel's overall membership to take place before the establishment of the new Somerset Council on 1st April 2023 to ensure that the future membership reflects the geography and population size of the force area following the establishment of the new Unitary council.

(2) The transition of the Host Authority be progressed on the basis of a negotiated settlement.

10. Annual Report of the Commissioner 2021/22

The Commissioner presented his statutory Annual Report detailing the exercise of his functions over the past year and reflecting on the progress of the 2021-22 Police and Crime Plan objectives. It was emphasised that the report was currently in draft form and any comments and recommendations of Panel Members would be taken into account in the final version.

Below is a summary of the Panel's comments:-

- The Panel welcomed the establishment of a task force to drive forward improvement in crime recording, highlighted in the report as the most significant improvement made. Members noted that from July 2021 to year end, over 8,000 additional crimes and over 1,000 recordable incidents were recorded, a third of which related to Stalking and Harassment and just under a third relating to Domestic Abuse.

The Panel acknowledged the improvement in the context that crime and incident recording have been long standing issues for the Constabulary. Referencing the Domestic Abuse, Stalking and Honour Based Violence process (DASH), the point was made that it is a requirement for officers attending incidents to determine how many crimes to record at the initial stage. On the basis that a high number of DASH related crimes were being recorded post incident, the Commissioner was asked if there was scope for improvement in the how the initial DASH assessment process was being approached.

The Commissioner fully agreed that officers needed to be curious and mindful of the wider picture behind incidents that fall within the scope of DASH. He agreed to report back to the Panel on the question raised.

The Chair added that Domestic Homicide Reviews commissioned by Community Safety Partnerships, have a decisive scrutiny role to play in ensuring the DASH assessment process is working as it should.

- The Panel recommended that the Annual Report provides a context for the current HMICFRS ratings of "Good" and "Outstanding," for the purposes of providing the public with a better understanding of how the assessment process works and how the force is performing.
- The Panel indicated its support of the Police and Crime Plan objective that aims to ensure that fewer people are killed or seriously injured on the roads. It was recommended that the Annual Report is expanded in order to address road safety in the context of cyclists. Specifically, data relating to casualties and fatalities, accidents involving cyclists that have resulted in a Police investigation, and attribution of fault if this data is available.

The Commissioner agreed to take this way and made the point that the roads should be shared with care by both motorists and cyclists. The Panel was signposted to online cycling forums for useful discussion on this subject.

- The Panel noted that a lack of data to enable local oversight of the criminal justice system is presenting a barrier in both effective partnership working and in getting an accurate picture of how backlogs are being managed.

The Panel requested an assurance update at an appropriate time in the coming year on the effectiveness of the courts in addressing the backlog of cases.

Action:

(1) Commissioner to report back on scope for improvement in the initial DASH assessment process to ensure crimes are being robustly recorded at the outset.

(2) An assurance update at an appropriate time in the coming year on the effectiveness of the courts in addressing the backlog of cases.

(3) Panel to provide their comments and recommendations by 15th July 2022.

11. Panel Work Programme 2022/23

The report was introduced by the Lead Officer. The Panel noted that the work programme (attached as Appendix 1 to the report) had emerged from:-

- the Panel's statutory functions and responsibilities as defined in the legislation
- consultation with Panel Members
- the Annual Planning meeting with the OPCC on 18th May 2022

Attention was drawn to the Rural Crime and Green Strategy reports listed for consideration in September 2022 and brought forward from 2021/22. A Panel report on the development of the Local Plans report would also be taken in September.

The Panel noted that Confirmation Hearings for any senior appointments in the OPCC would be incorporated as and when they are required.

This year, following consultation with Panel representatives and the OPCC, the proposal for the Panel's proactive scrutiny review is to focus on the OPCC role in commissioning and partnerships. Attention was drawn to the detail in Appendix 1 to this report.

Members noted that an update on Integrated Offender Management has been scheduled for 29th March 2023 as requested at the Panel meeting on 17th March 2022.

The Panel endorsed the work programme for 2022/23 and the following associated meeting dates:

28th September at 10.30am
8th November at 12.30pm (private briefings Police HQ Budget and complaints)
8th December at 10.30pm
1st February at 10.30am
15th February at 10.30am (Backstop Precept meeting)
29th March at 10.30am

12. Working Arrangements between the Panel and the Office of the Police and Crime Commissioner – Shared Protocols

The Lead Officer introduced the report.

It was reported that following the introduction of new governance arrangements for Policing in 2012, the Panel and the OPCC has conducted business with the assistance of a number of shared protocols - the aim being to facilitate the effective discharge of the respective functions.

Over time, amendments had been made when necessary. The Panel considered the proposed amendments to the Communications Protocol and Complaints Protocol attached as Appendices 1 and 2 to the report. The amendments to the Communications Protocol were endorsed. The Lead Officer was requested to make the following amendments to the Complaints Protocol:-

- removal of the abbreviations in the process mapping document
- to include a sentence that specifies that the complainant will be regularly updated.

The Panel considered the rationale provided for the introduction of a Mid Term Vacancy Protocol, based on its responsibility to appoint an Acting Commissioner in the event of a vacancy and in the light of the PCC's obligations on succession planning emerging from Part 1 of the Home Office review. Members approved the protocol attached as Appendix 3 to the report.

Action:

(1) Complaints Protocol to be made amended as requested.

(2) Mid Term Vacancy Protocol to be introduced and published as a joint protocol.

13. Commissioner's Update Report

The Commissioner introduced the report, setting out key governance and scrutiny activities and OPCC/national business updates since the last meeting. The Commissioner drew specific attention to:-

OPCC Office Review – conducted by Chief of Staff Alice Ripley, a more logical office structure has emerged. A full presentation would be provided to the Panel when it meets on 8th December 2022.

Economic Crime – in his capacity as APCC National Portfolio lead for ECC, the Commissioner attended a House of Lords Select Committee on 16th June for the purpose of an oral evidence session on the Fraud Act 2006. It was noted that the inquiry aimed to ascertain what more needs to be done across both the public and private sector to stop fraud being committed through digital services.

It was reported that a Fraud Prevention Awareness Postcard had been finalised and will be circulated to population areas where there is a higher proportion of residents over 55. Working with partners across the force area, the postcard will also be circulated via newsletters and other media platforms.

Fire Governance – the Panel noted the update on fire governance and the Fire Reform White Paper which was circulated to members in May 2022.

Below is a summary of the discussion that followed:-

- The Commissioner indicated he had serious reservations about the standard of service provided by Action Fraud, particularly when the public contacted the organisation directly.
- There was a further discussion regarding the channels of communication between the Constabulary and Action Fraud and if processes were working as intended to link seemingly unrelated incidents through analysis.
- Asked if he was confident that the Constabulary had the right number of people in the right roles with the right skills to tackle fraud, the Commissioner informed the Panel that he was far from confident. In terms of making progress, capability of digital investigations would be looked at first with a view to establishing the expertise required in areas such as banking, conveyancing and property law.
- The Panel noted that unlike overall crime, recorded hate crime had increased and that ASC is one of three forces nationally piloting Hate Crime Out of

Court Disposals. It therefore appeared to the Panel to be out of balance/counter-intuitive, that 'referral numbers are lower than anticipated' at 12. The Commissioner agreed to provide further information.

- The Commissioner was asked about officer retention, and if the higher than anticipated numbers of officers leaving the force was linked to newly recruited post degree officers leaving prematurely. This was thought not to be the case, but clarification would be provided. Two officers from the first cohort were understood to have left.
- The Panel noted the continued shortage of places of safety for detainees with mental health issues was highlighted in the last Independent Custody Visitors report. The Commissioner was asked if work has been undertaken to establish what constitutes a place of safety.

The Commissioner acknowledged the prevailing issues around mental health and its impact on demand. It was reported that Police officers were spending up to a third of their time on non-policing matters, compounded by difficulties experienced by the Ambulance Service. He agreed that Police custody units are acting as a default place of safety for detainees presenting with mental health issues on repeat occasions, and that it was important to establish why this was happening.

Action:

(1) Clarification to be provided in relation to the number of hate crime referrals.

(2) More precise data in relation to leaver numbers to be provided.

14. Panel Annual Report

The Lead Officer introduced the report and its general content was endorsed by the Panel. It was agreed that members would contact the Lead Officer outside of the meeting with any further comments or amendments.

15. Performance Summary and Standing Complaints Report

The Panel agreed to defer the Performance Summary and Standing Complaints Report to the next meeting.

16. Date of the next meeting

28th September 2022 at 10:30am (The Deane House, Somerset West and Taunton Council).

(The meeting ended at 1:30pm.)