

AGENDA

KENT AND MEDWAY POLICE AND CRIME PANEL

Dear Panel Member

Notice is hereby given that a meeting of the **KENT AND MEDWAY POLICE AND CRIME PANEL** will be held in the **Council Chamber, Sessions House, County Hall, Maidstone** on **Thursday, 28th September, 2017, at 2.00 pm** when the following business will be transacted

Members of the public who require further information are asked to contact Anna Taylor/Joel Cook on 03000 416478/416892

Tea/Coffee will be available 15 minutes before the start of the meeting in the meeting room

Membership

Councillor Brad Bradford	Ashford Borough Council
Councillor Pat Todd	Canterbury City Council
Councillor Richard Wells	Dartford Borough Council
Councillor Keith Morris	Dover District Council
Councillor John Knight	Gravesham Borough Council
Mr Mike Hill (Chairman)	Kent County Council
Councillor Fay Gooch	Maidstone Borough Council
Councillor Josie Iles	Medway Council
Councillor Peter Fleming	Sevenoaks District Council
Councillor Malcolm Dearden	Shepway District Council
Councillor Alan Horton	Swale Borough Council
Councillor Trevor Shonk	Thanet District Council
Councillor Brian Luker	Tonbridge and Malling Borough Council
Councillor Don Sloan	Tunbridge Wells Borough Council
Mr Nick Chard	Co-opted member
Dr Mike Eddy	Co-opted member
Councillor Habib Tejan	Co-opted member
Councillor John Burden	Co-opted member
Elaine Bolton	Independent Member
Mr Gurvinder Sandher (Vice-Chairman)	Independent Member

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Introduction/Webcast Announcement
- 2 Apologies and Substitutes
- 3 Declarations of Interests by Members in Items on the Agenda for this Meeting
- 4 Minutes of the Police and Crime Panel held on 20 July 2017 (Pages 3 - 14)

B - Commissioner's reports requested by the Panel/offered by the Commissioner

- B1 Police and Crime Commissioner's Statement of Accounts 2016/17 - Statutory Requirement (Pages 15 - 36)
- B2 Police and Crime Act 2017 - new responsibilities for Police and Crime Commissioners (Pages 37 - 40)
- B3 Making Offenders Pay - progress update (Pages 41 - 44)
- B4 Mental Health - verbal update
- B5 Powers of Kent Police Community Support Officers (Pages 45 - 48)

C - Commissioner's Decisions

- C1 Governance of Kent Fire and Rescue Service - Record of Decision (Pages 49 - 50)
- C2 Procurement of Restorative Justice Service - Record of Decision (Pages 51 - 52)

D - Questions to the Commissioner

E - Panel Matters

- E1 Future work programme (Pages 53 - 54)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

John Lynch, Head of Democratic Services,
03000 410466

Wednesday, 20 September 2017

KENT COUNTY COUNCIL

KENT AND MEDWAY POLICE AND CRIME PANEL

MINUTES of a meeting of the Kent and Medway Police and Crime Panel held in the Council Chamber, Sessions House, County Hall, Maidstone on Thursday, 20 July 2017.

PRESENT: Mr P M Hill, OBE (Chairman), Mr Gurvinder Sandher (Vice-Chairman), Mr N J D Chard, Cllr M Dearden, Cllr F Gooch, Cllr R Hogarth (Substitute for Cllr P Fleming), Cllr A Horton, Cllr J Iles, Cllr J Knight, Cllr B Luker, Cllr Sloan, Cllr P Todd, Cllr R Wells, Cllr M Eddy, Cllr H Tejan, Cllr J Burden, Mrs E Bolton and Cllr B Bradford (Substitute for Cllr P Clokie, OBE)

ALSO PRESENT: Mr M Scott (Kent Police and Crime Commissioner), Mr A Harper (PCC's Chief of Staff) and Mr Robert Phillips (PCC's Chief Finance Officer)

IN ATTENDANCE: Mr M Campbell (Policy Officer) and Mr J Cook (Scrutiny Research Officer)

UNRESTRICTED ITEMS

224. Election of Chairman

(Item 2)

1. The Scrutiny Research Officer invited nominations for Chairman. Mr Chard nominated Mike Hill as Chairman; nomination seconded by Mr Hogarth. There were no other nominations.

RESOLVED that Mike Hill be duly elected as Chairman.

225. Election of Vice-Chairman

(Item 3)

1. Nominations were invited for Vice-Chair. Mr Hill nominated Gurvinder Sandher; nomination seconded by Cllr Sloan. There were no other nominations.

RESOLVED that Mr Sandher be duly elected Vice-Chair.

226. Minutes of the Police and Crime Panel held on 28 March 2017

(Item 6)

1. The Chairman and Members raised a small number of matters arising from the minutes of the Panel meeting;
 - The Commissioner advised the Panel that he had provided the safeguarding information in relation to the Cadet scheme as requested and he noted comments from Members regarding training on radicalisation issues.
 - The Commissioner confirmed that he had attended the Kent Youth County Council meeting on Sunday 2 July meeting and had agreed to work with them on some of their cyber-bullying campaigns.

- The Commissioner advised the Panel that the initial meeting of his Mental Health and Policing Board took place in April and had been positive and boded well for his future work in this area. He added that the next meeting was due to take place in October, to allow time for the street triage schemes to embed.
- The Commissioner explained that he would be visiting Minster in the future as part of his engagement plan, but the issue raised had been referred to Kent Police and local officers had already liaised with the council and Mr Latchford direct.

RESOLVED that the Commissioner's updates be noted and that the minutes of the meeting held on 28 March 2017 were an accurate record and that they be signed by the Chairman.

227. Mental Health - verbal update

(Item B1)

1. The Commissioner provided an update on his work around Mental Health. An important development was the adoption of a Joint Mental Health Strategy between Kent Police and Kent & Medway Partnership Trust (KMPT), which involved oversight meetings involving the Commissioner, Kent Police, KMPT and Clinical Commissioning Groups (CCGs), at which he would appropriately challenge activity. In addition, Street Triage had been embedded in Thanet and had recently started in Medway.
2. The Commissioner advised the Panel that he had awarded funding to various community groups across the county from his Mental Health and Policing Fund, including Talk It Out in Deal, to provide a mental health café during the week that facilitates and encourages independence through peer based support. He had also provided funding to Dads Unlimited in Ashford, the Folkestone Sports Centre Trust and Youth Ngage in Gravesham.
3. The Commissioner explained that he had also provided funding to enable Community Wardens to receive Mental Health first aid training so they can better support vulnerable people. He said in total around £150k had been allocated, in addition to £80k set aside for Kent Police projects within the Force Control Room, the Medway Safe Haven Bus and the Tonbridge and Maidstone mental health crisis cafes.
4. The Commissioner explained that elements of the Policing and Crime Act had been introduced in April 2017, but secondary legislation was expected in the autumn to ban the use of police cells for the detention of children in mental health crisis, and detention of adults only in the most extreme circumstances. The Commissioner said that he was working with Police Superintendents and others, who had raised concerns around unintended consequences of the Bail Act reforms, particularly in relation to the impact on Police when no appropriate place of safety can be identified. The Commissioner advised the Panel that he was working with the Deputy Chief Constable of Cambridgeshire Police on a regional project called Mental Health East, which mirrored the geographic area for the Eastern Region Collaboration area; Cambridgeshire, Bedfordshire, Hertfordshire, Norfolk, Suffolk, Essex and Kent. This project was focused on developing improved crisis management processes alongside the mental health concordat by

learning from each other. This project was being supported by all relevant Commissioners and their respective Forces.

5. Responding to questions from Panel Members, the Commissioner explained that his work with CCGs was progressing, with his focus being on encouraging them to take more of a partnership approach around commissioning plans in relation to mental health and taking into account the demands on other agencies. The Commissioner advised that there were challenges involved in this engagement but they were being worked on.
6. Responding to questions, the Commissioner advised that the issue of policing activity linked with mental health was difficult to quantify in terms of success. However, he highlighted some key points, noting that s136 detentions were up but that the improved pathways now in place meant that fewer ended up in police custody due to positive work undertaken by the Commissioner and KMPT. He also noted that searching for missing persons was another major demand on police time, 14% of all police time nationally based on 2012 estimates, with an estimated 20% of this involving mental health issues. Linked with this was the issue of absconders from care and hospital settings where mental health was a significant factor and the Commissioner advised that he was working hard to ensure other agencies that should be taking responsibility for dealing with these issues were meeting their obligations.
7. Responding to questions on Street Triage, the Commissioner explained that it was too early to comment on numbers and their impact overall; Medway had only started very recently. However, the Thanet scheme had seen a number of people receiving the right care and whereas in the past, the police response might have resulted in a double crewed car attending followed by a mental health nurse, it's now one officer and the nurse attending at the same time. He added that arguably it had therefore allowed the police response to mental health incidents to reduce slightly, but it remained too early to comment in more detail.
8. Responding to questions regarding when a more detailed progress update could be provided, the Commissioner explained that a significant part of his and Force's initial work around mental health was scoping the full impact on the service and how other factors may affect police demand and appropriate response plans. He explained that monitoring reports were expected at the end of 2017, noting that it was likely that the monitoring would show that many other organisations were now benefiting from the new approaches which he hoped would support future partnership working. The Commissioner recognised that previous street triage programmes had been tried and discontinued but suggested that monitoring data could be published in the future. He explained that his Mental Health and Policing Board would be the venue for ongoing scrutiny of this topic.
9. The Commissioner advised the Panel that while there had been an increase in funding from government for mental health, he was not confident that it had previously been spent on the right things in the right places; notably the frontline had not been sufficiently resourced. He highlighted that this had definitely had an impact on police demand as the Force had been picking up work that should have been done by mental health focused services. He explained that he was hoping to address this issue, in part through his role as deputy lead for mental health at the Association of Police and Crime Commissioners (APCC). The Commissioner

also highlighted how he is holding the CCGs and other partners to account for delivering their core work so that it does not unfairly impact on the police, noting the importance of the Funding Score Cards which have to be published by CCGs, which allow assessment of whether important services are in fact being commissioned. The Commissioner noted an example of the good work that has arisen from these assessments, such as additional help for victims of child sexual assault, which the previous Commissioner, Ann Barnes, had funded. The Commissioner explained that while this was not really for Commissioners to fund, it was important and valuable work that may not happen without PCC funding, so he had continued to provide support, including securing funding from the CCGs to help reduce the waiting times for people requiring this type of support.

RESOLVED that the Commissioner's update on mental health be noted.

228. Update on PCC's expenditure to support the Police and Crime Plan *(Item B2)*

1. The Commissioner introduced the report detailing expenditure in relation to supporting his Police and Crime Plan. He explained that the report was aimed at bringing additional transparency to his work and what actions were being taken to implement the plan.
2. The Commissioner outlined the key points in the report;
 - £19,750 contribution to APCC represented good value due to the excellent support provided to portfolio leads on ensuring improvements and compliance across a range of issues nationally. The Commissioner advised that he was the national lead for Performance and the deputy lead for mental health.
 - £25,000 for interim Restorative Justice (RJ) service – the Commissioner highlighted some of the benefits of appropriate use of RJ in terms of focusing on victims and the outcomes they want as well as helping make offenders understand the impact they have had on victims' lives. He added that £200k had been set aside in this, and future financial years, for a new service which will commence 1 October 2017.
 - £12k across several specific victim services and engagement activities including Swale Action to End Domestic Abuse (SATEDA) and Medway Domestic Abuse support.
3. Responding to questions and comments, the Commissioner explained that he always tried to provide the requested amounts of funding via applications to his various funding pots, clarifying that he did apply a 'hold back' policy where year on year underspend was identified to ensure money was not wasted. The Commissioner explained that the money for victim services was from the Ministry of Justice and involved a significant amount of governance and due process, which was necessary to ensure value for money but his office tried to make the processes as efficient as possible. He also highlighted work going on to address the complex nature of domestic abuse, including further recognition around the difficulties involved with raising awareness of and improving support for male victims of abuse.
4. The Commissioner noted comments by the Panel in relation to issues relating to demand for refuge places and action by CCGs around recognising the importance

of managing domestic abuse and recognising where it may be linked to mental health issues. **The Commissioner agreed to look into these points and to provide further information.**

5. Responding to questions, the Commissioner explained that through his hold to account function, he was aware that in terms of the youth clinics there had been a misunderstanding around restorative justice as opposed to proportionate justice which resulted in the clinics being used for a different purpose to that intended; that had now stopped. He advised that the new contract would provide much more clarity to both the providers and Kent Police and deliver positive outcomes. He also reassured that Panel that significant monitoring of these programmes took place to ensure that they were achieving value for money.
6. Members asked whether the amount given to SATEDA and Medway Domestic Abuse support was sufficient and the Commissioner explained that he usually gave the sum requested but **he would check to see if that was the case.**

RESOLVED that the Commissioner's update on expenditure be noted.

229. PCC's Annual Report 2016/17

(Item B3)

1. The Commissioner introduced the Annual Report, highlighting the excellent work done by his office in supporting the transition from the previous Commissioner and the work done to implement his Safer in Kent Plan. He thanked all staff, past and present, for their support during his first year in office. He also thanked the Panel for its ongoing contribution, welcoming its support and challenge.
2. The Commissioner drew the Panel's attention to several areas of progress. In particular he noted the increase in police officer numbers, the first increase for several years. He also advised the Panel that the Force had recruited additional firearms officers and was now near to the planned number. The Commissioner also told the Panel that he was pleased to report his support for maintaining the number of PCSO's at 300 and that the Volunteer Police Cadet Scheme had been established.
3. The Commissioner drew attention to the funding he had provided to support people with mental health issues in order to decrease demand on the police. He pointed out that he had provided funding to help the Force clear a backlog of applications for firearms licenses.
4. The Commissioner drew the Panel's attention to his duty to challenge the Force where necessary and said that he had challenged the Force on its use of reserves and had refused to agree to some projects where the business case was not convincing enough.
5. The Commissioner also said that he had improved engagement with Councils, MP's and Ministers across the political spectrum.

6. The Panel was pleased to note the establishment of the Volunteer Police Cadet Scheme and asked for a full report in due course. While expressing support for the maintenance of PCSO numbers the Panel sought an assurance that they would be deployed in the communities and that each PCSO would remain in a particular area for as long as possible. The Panel noted the Commissioner's support for PCSOs and comment that he will continue to press the Chief Constable to retain their visibility within local communities.
7. Panel members said that some of their constituents took the view that there was little point in reporting incidents to the police as they did not do anything. The Commissioner said that his Plan makes it clear that crime is important no matter where it takes place, and crime and ASB remain key priorities for Kent Police. He added that resources were stretched but that reporting was always important as it could affect funding.
8. The Panel drew the Commissioner's attention to his priority of "cutting crime" and asked if it was being achieved. The Commissioner acknowledged that recorded crime had increased and that although certain categories of crime had decreased violent crime was up and new categories, notably cybercrime, had been introduced into the figures.
9. The Panel asked whether there was a hierarchy of priorities in the Commissioner's Plan as he had, on separate occasions, highlighted various priorities as being the most important. The Panel noted the Commissioner's view that he had 3 guiding principles set out in his "Plan on a Page" and that all his priorities related to these principles.
10. The Panel noted expenditure on Smartphones for officers (£2m) and asked whether the money could have been better spent elsewhere. The Commissioner advised that this was capital expenditure which could not be spent on revenue matters but also said use of the smartphones would save each officer about one and a half hours per shift in reduced paperwork.
11. The Panel drew the Commissioner's attention to his priority of focussing on front-line policing but noted that his report did not mention the 101 number which, the Panel felt, was part of the front-line service. The Panel noted the Commissioner's view that the 101 service was not as good as it should be. The Commissioner explained that the public are becoming more vigilant which had increased 999 demand, and answering 999 calls had to be the priority. He said the Force is undertaking work in relation to staffing and will also be implementing online crime reporting before the end of the year.
12. The Panel drew attention to the reference in the report to enhanced public engagement and asked what additional information the Commissioner had gained from this consultation. The Commissioner advised the Panel that it had improved the quality of information he received and that it enabled more people to speak to

him directly, when they might not have been so willing to engage with the police directly and gave use of the 101 number and child grooming as examples.

13. The Panel asked about the effectiveness of body worn cameras. The Commissioner advised that there was evidence that they had led to a decline in frivolous complaints, earlier guilty pleas, and in some circumstances allowed crimes to progress where the victim did not support a prosecution. **The Panel asked for a fuller report at a later date.**

RESOLVED that the Panel note the Commissioner's Annual Report and that the Panel publish a report, approved by the Chairman and Vice-Chairman, in response as per the legislative requirements.

230. HMIC Reports on Crime Data Integrity and Vulnerability

(Item B4)

1. The Chairman outlined the key issues in relation to HMIC rating Kent Police as inadequate in crime recording accuracy, highlighting that it represented a significant concern. He also noted that historically, Ann Barnes, the previous Commissioner, had taken appropriate steps to address the crime recording issue.
2. The Commissioner recognised the significance of this issue and welcomed the challenge from the Panel. He noted that the HMIC report had shown the Force to be inadequate in this regard, with an accuracy level of just below 84%. The Commissioner explained that following the recent HMIC report, he had challenged the Chief Constable on what actions had been taken and was demanding that improvements be made.
3. He noted the previous work undertaken following Ann Barnes' invitation to HMIC to review Kent Police's crime recording processes following revelations about poor practice, which the Commissioner stated he believed to be related to a now expunged police culture of suppressing crime numbers due to the historic numerical targets applied in most Forces. New leadership and a change in culture led to the follow up review by HMIC finding that Kent Police had swiftly improved up to a 96% level of accuracy which was then the best in the country. However, he advised the Panel that it was not clear what had happened following 2014 that had led to the significant drop in accuracy to the current level. The Commissioner explained that he believed that once the new culture was embedded, it was likely that the process issues had not been sufficiently addressed and because of this, the relevant audit and monitoring processes were not appropriately updated and improved to ensure that a reduction in accuracy did not take place in the future. The Commissioner reassured the Panel that the Chief Constable had taken action to address this, including delivering improvements to the audit and monitoring process and had advised that current accuracy levels had risen to 94% since the issue began being addressed in March 2017.
4. However, the Commissioner highlighted that despite the results of the inspection showing crime data inaccuracy, he had been reassured that the Force's focus on victims and their vulnerability meant that victims had still received a good service and appropriate support in terms of safeguarding. He commented that he was confident that the historic culture of suppressing crime figures was not present

and that this had been a matter of poor process, which had been addressed swiftly.

5. Responding to questions, Adrian Harper, OPCC Chief of Staff, explained that crimes were recorded within 24 hours of reporting and were based on the account provided by the victim. He advised that when further information came to light, in some instances it would be appropriate to 'cancel' the recording of the crime but he reassured the Panel that there were safeguards and processes in place to ensure this could not be misused, for instance only the Deputy Chief Constable could authorise the cancelling of a crime report of rape.
6. Responding to questions, the Commissioner reiterated the point that it appeared that the failure to update internal audit processes within the Force had allowed the slip in crime accuracy to go unnoticed. He confirmed that this would be taken into account in future work on data integrity. **The Commissioner also agreed to report back on diversity data collected as per the recommendations from HMIC.**
7. The Commissioner agreed with the Panel that the issue was important and needed to be addressed, reassuring them that this would be done. He also commented that both he and the Chief Constable had been frustrated when the issue came to light as it was unfortunate that issues arising from poor process would damage public confidence in the police despite a lack of intentional bad practice. The Commissioner did highlight to the Panel that despite the data integrity problem, the overall PEEL assessment of Kent Police had been very positive. This was noted and recognised by the Panel.

RESOLVED that the Commissioner's update on the crime data integrity issues be noted and that the Commissioner report back further on diversity data

231. Record of Decision - Project Athena Deed of Variation

(Item C1)

RESOLVED that the Commissioner's decision to approve the Deed of variation for the Athena system be noted.

232. Questions to the commissioner

(Item)

Question 1

Traveller Incursions and the Police Response:

- Why did Kent Police not enforce S61 when all three criteria were met?
- Does Kent Police have sufficient resources to carry out this enforcement?
- Is there a contradiction between human rights and S61 of the Criminal Act, could this be explained?
- Why is there inconsistency in the approached taken by metropolitan police, it is my understanding S62 is enforced without question?

(Brian Luker)

1. The Commissioner noted that the question was predominantly focused on operational matters, which were in the remit of the Chief Constable rather than a Commissioner. However, he recognised that this was an issue that caused significant concern in communities and wished to give some reassurance as to the processes in place for Police decision making regarding unlawful encampments. The Commissioner provided a detailed overview to the Panel, based on correspondence from Deputy Chief Constable Paul Brandon:
 - Kent Police recognises the need to support local authorities in their lead role of managing unlawful encampments.
 - A number of Districts have a local Memorandum of Understanding between the Police and local authority on how unlawful encampments are to be managed. This recognises the nuances pertinent to each District, identifies clear lines of communication and provides clarity about who will perform what function. It is important that these MOUs are kept under regular review.
 - Kent Police have recently developed an operational guide for Duty Inspectors, who are key decision makers in respect of when and if Police powers are to be invoked. The purpose of the guide is to ensure consistency in this decision making. The guide includes a decision log and is subject to ongoing review for the duration of the unlawful encampment, to take account of changing information and intelligence.
 - The Department for Communities and Local Government looked at the issues in 2015 and were clear that there were sufficient powers for local authorities and the police to take action. Ministers also reminded local councils of the need to act swiftly to stop unauthorised encampments starting in the first place.
 - Ownership of the land is the first determination where there are unlawful occupations.
 - Once the status or ownership of the land is established, then the powers of that appropriate agency can be used.
 - Local authorities have been provided with strong powers to deal with unauthorised encampments. These include Town and Country Planning Act 1990, Public Health Act 1936, Highways Act 1980, Civil Procedure Rules, local bylaws under the Local Government Act 1972 and section 77 of the Criminal Justice and Police Act 1994 to quote a few. Local authorities also have a welfare obligation in relation to those individuals who are part of the unlawful encampment.
 - The police have powers to direct unauthorised trespasses on land to leave. Sections 61 and 62 of the Criminal Justice and Public Order Act 1994 give police discretionary powers to direct trespassers to leave and remove any property or vehicles they have with them. This power applies where the senior police officer reasonably believes that two or more people are trespassing on land with the purpose of residing there and that the occupier has taken reasonable steps to ask them to leave.
 - An important fact is that the occupier of the land has to have already taken some steps. In addition, police powers were expanded in section 62 to direct both trespassers and travellers to leave the land and remove any vehicles where there is a suitable pitch available elsewhere in the local authority area.
 - It is for the land owners in the first instance to seek to deal with the unlawful encampments using the provisions provided to them through statute which will of course include civil actions through the Courts.

2. In addition to providing the operational update, the Commissioner advised the Panel that he had attended meetings with council leaders where the issue was discussed. He commented that Assistant Chief Constable Jo Shiner was preparing an update on the matter which would be discussed at a future Council Leaders and Chief Executives meeting. He also recognised that there were issues around district councils lacking the resources to take appropriate action around protecting open spaces but advised they raise this with the county authority to access support.
3. The Commissioner reassured the Panel that he had noted their concerns and would take them into account when conducting work regarding reviews of powers and guidance.

Question 2

At previous Police and Crime Panel meetings the Commissioner has outlined his extensive communications and engagement activities. One of these is the public Performance and Delivery Board (previously the Governance Board), which I attended on 7 June 2017 and found very interesting.

I would like to know how effective the Commissioner finds this Board and what plans he has to engage the public further with this Board. It would be useful to know what other PCCs do to engage the public in the governance/holding the Chief Constable to account for the delivery of the police's priorities and activities and where we can share best practice.

(Elaine Bolton)

4. The Commissioner advised the Panel that he felt the change from the Governance Board to the Performance and Delivery Board was an improvement. He explained that he was investigating making meetings more accessible by holding them in the evenings and away from Police premises. He explained that he was reviewing practices by other Commissioners and would clarify his plans in due course. The Commissioner advised the Panel that in addition to his formal meetings for holding the Force to account, he also had regular briefings and meetings with the Chief Constable and other Chief Officers on a range of issues.
5. Responding to a supplementary question, the Commissioner recognised that public attendance at the formal meetings was very low but he noted that this was not unusual, referencing local authority meetings across Kent as an example.

RESOLVED that the Commissioner's responses to questions be noted.

233. Complaints Against the Police and Crime Commissioner (Item E1)

1. Mike Campbell, Panel Policy Officer, provided an overview of recent complaints activity, advising the panel that 5 complaints had been received and one had been progressed to consideration by the Panel's Complaints sub-panel, which decided on that occasion to partially uphold the complaint.

2. Mr Campbell advised the Panel that an updated complaints policy had been developed through merging the existing policy with its supporting process and guidance documents. He advised that there were no substantive changes to the policy and confirmed that timescales for processing complaints were included within the policy.

234. Future work programme
(Item E2)

RESOLVED that the future work programme be noted.

235. Minutes of the Commissioner's Governance Board held on 1 March 2017
(Item F1)

RESOLVED that the Governance Board minutes be noted.

236. Minutes of the Commissioner's Performance Delivery Board held on 7 June 2017
(Item F2)

RESOLVED that the Performance and Delivery Board minutes be noted.

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From: Matthew Scott, Kent Police and Crime Commissioner
To: Kent and Medway Police and Crime Panel
Subject: Statement of Accounts 2016/17
Date: 28 September 2017



BACKGROUND:

1. The Statement of Accounts is a statutory document that is produced annually. It presents financial performance in a legally defined way in line with The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice. As the Chief Constable (CC) and the Police and Crime Commissioner (PCC) are both classified as corporations sole they both have to produce their own set of accounts. The CC accounts show the financial resources used for operational purposes during the year. The PCC accounts incorporate the CC's accounts and are the financial statements for the Group.
2. Each year further refinements and changes are made to the content, presentation and timing of the accounts. The statutory deadline for the publication of the accounts is being brought forward to 31st July from next year and with this in mind we have brought our own internal deadlines forward. This year the aim was to publish the draft accounts by 30th June and we published our accounts on 9th June 2017 ahead of schedule. In fact all of the work was completed by the end of May, but it was felt the format and presentation of the accounts needed updating and therefore further checking was required before publication.
3. The narrative foreword has been expanded and provides more detail on the figures included in the financial statements. It was recognised that as the accounts had become more technical they had become less comprehensible. The foreword is intended to provide context to the accounts and be easily digested without having technical accounting knowledge. A reader should be able to glean significant information from the narrative foreword without having to delve into the full accounting statements. The biggest change this year is around the introduction of the Expenditure and Funding Analysis which aims to bridge the gap between the management accounts and the financial statements.
4. For 2016/17 the format and presentation of the accounts has been changed. It now includes more charts and pictures and is provided in a much more readable and inviting format.
5. This report highlights key facts from the accounts and provides Panel Members with the audit opinion. As the full set of accounts runs to over 200 pages, the narrative foreword is attached for information. The Group Statement of Accounts can be found [here](#).

HIGHLIGHTS:

6. For 2016/17 the revenue budget shows an underspend of £0.5m. This underspend has been transferred to reserves to be used to support the delivery of future capital or revenue investment. This, alongside the planned transfer to reserves of £6.1m during the year, means that Kent Police have contributed £6.6m to reserves from the revenue budget in 2016/17. This planned transfer to reserves was agreed early in the financial year and was due to a number of changes being identified between the budget in February 2016 and the start of the new financial year. This included the early delivery of savings, receipt of an unexpected grant from the Home Office and changes in tax base figures.
7. The PCC also contributed £0.8m to reserves from the OPCC budget. This was due to a number of vacancies being carried within the office. This funding was used to support special projects during the year, such as the Volunteer Police Cadet Scheme, support for Kent Search and Rescue, a Business Crime Co-ordinator and the Sexual Assault Referral Centre amongst others.
8. The financial statements are prepared on a fully IFRS (International Financial Reporting Standards) compliant basis. The revenue expenditure is included within the Comprehensive Income and Expenditure Statement (CIES). For 2016/17, the CIES shows an apparent deficit of £429.6m for the year compared to a surplus of £468.3m in the previous year. This reflects the change or loss in the measurement of the net defined benefit liability in our pension accounts as per our independent actuarial assessment.

9. It should be noted that these are not real surpluses or deficits that impact on the council tax payer or usable reserves. Rather, in accounting terms, they mainly reflect the impact of year on year changes in the calculation of long term pension costs as assessed under IFRS. The apparent deficit for 2016/17 on that basis reflects a change in the key actuarial discount rates and future performance when calculating pension liabilities. It is a useful reminder of the volatility in the surplus/deficit position under IFRS year to year.
10. The capital budget for 2016/17 showed slippage of £5.8m. This was due to a number of projects, both locally and nationally, that did not commence during the year.
11. Due to the planned transfer to reserves and the capital slippage, usable reserves as at the end of March 2017 stood at £61.5m. This is approximately £1m less than the previous year and some £9m more than predicted in February 2017 as part of the budget process.
12. Improved financial monitoring processes have been implemented for 2017/18 to ensure that predicted forecasts for the end of the year are more accurate and realistic and that information is provided in a timely manner.

AUDIT RESULTS:

13. The accounts were audited by Ernst and Young, our External Auditor. They are appointed to examine our accounts and provide an opinion on the accounts themselves, and on our arrangements to secure economy, efficiency and effectiveness (value for money).
14. In the opinion of the auditors our financial statements 'give a true and fair view of the financial position of the PCC for Kent and the Group.... and its expenditure and income for the year' and that they have been prepared properly in accordance with the Code of Practice.
15. The auditors also gave the opinion that 'in all significant aspects the PCC and CC put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources'.
16. Therefore the auditors signed off our Statement of Accounts with an unqualified opinion on 31 July 2017. This was in line with our timetable and some 8 weeks ahead of the national deadline of 30 September.

FUTURE PLANS:

17. The production of the accounts ahead of schedule and with an unqualified opinion, alongside the quality of our working papers, has led the auditors to suggest an earlier closedown of the 2017/18 Statement of Accounts. It is proposed that the accounts are completed by the end of April 2018.
18. This is a hugely ambitious timetable and plans are being put in place to assess the viability of this timetable. Whilst it is extremely positive that the auditors have faith in our ability to produce the accounts earlier, we have stated that this will only occur provided it does not impact on quality.

**Group Accounts for the
Police and Crime
Commissioner for Kent
and the Chief Constable
for Kent Police**

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**Audited Statement of
Accounts 2016/17**





Message from Rob Phillips, Chief Finance Officer to the PCC

This narrative report brings together the most significant features of the Statement of Accounts providing some context and commentary on the financial performance over the last year.

I arrived as the PCC's CFO towards the end of 2016. What I found was a new PCC with a clear vision of what he wanted to achieve, matched by a Force performing extremely well and looking to meet the new demands on policing. All this was underpinned by strong financial management and keen understanding of future financial challenges.

The PCC set out his ambition in his six point plan which was incorporated into his Safer in Kent plan; a vision for the next four years. This document was heavily consulted on with over 1,600 responses being received with strong support for the priorities contained in the original six point plan. This plan can be found here <https://www.kent-pcc.gov.uk/what-we-do/safer-in-kent-plan>.

The PCC set aside over £2m for community safety projects and other local projects including supporting the establishment of the Kent Volunteer Police Cadets and setting up a Mental Health and Policing Fund for working with partners to tackle mental health issues.

The PCC has commissioned a number of services for victims ensuring that the most vulnerable members of our society receive the help they need to cope and recover from whatever crime they have experienced and made sure that support is there for both male and female victims of domestic abuse and violence.

The Commissioner has been and will continue to lobby government for a fairer settlement for Kent and has been successful in bringing additional government funding to help reduce the demand on Kent Police for calls involving mental health.

I hope you enjoy reading the accounts and that the narrative foreword proves helpful in understanding the context in which we spend our funding and the links between how we manage our expenditure during the year and the statutory accounting processes.

Organisational and Accounting Structure

It would probably help to start with a brief summary of how the organisations and therefore the accounts are structured. The Police Reform and Social Responsibility Act 2011 replaced Police Authorities with elected Police and Crime Commissioners in November 2012 and created two corporations sole, the Office of the Police and Crime Commissioner and the Chief Constable. The Police and Crime Commissioner is ultimately responsible for the combined group account of both entities.

This Statement of Accounts records the expenditure and income of the Group for the financial year 2016/17 for the Police and Crime Commissioner for Kent and also the combined accounts for the Police and Crime Commissioner and the Chief Constable. The Chief Constable has his own set of accounts.

The accounts have been prepared in accordance with the appropriate Codes of Practice published by the Chartered Institute of Public Finance and Accountancy (CIPFA). The accounts have also been produced in accordance with International Financial Reporting Standards (IFRS) and the latest CIPFA LAAP Bulletins.

The main financial statements comprise:

- Comprehensive Income and Expenditure Statement
- Movement in Reserves Statement
- Balance Sheet
- Cash flow Statement

In addition to these primary statements there are a number of notes which help explain the figures, including a set of accounting policies showing the approach the Police and Crime Commissioner for Kent has taken in compiling the accounts.

The Accounts begin with this Narrative Report followed by the Auditor's Report on page 20. The statement of the responsibilities of the PCC and their Chief Finance Officer in relation to the management and reporting arrangements for the PCC for Kent's resources (page 24). The PCC and Chief Constable for Kent have a combined 'Annual Governance Statement', which covers all of the organisation's key governance processes and safeguards, this is shown starting on page 25. The Summary of Accounting Policies are outlined in note 30 (page 119).

An Introduction to Kent

Kent Police serves a population of approximately 1.8 million people across a large geographic area consisting of multiple towns (some bordering London), rural areas and coastal towns spread around its 343-mile coastline. The county consists of a mixture of wealthy communities coexisting alongside areas of acute deprivation. Ambitious development plans exist; the new Ebbsfleet garden city will see the development of 15,000 new homes and London Paramount is developing a theme park estimated to attract 40,000 visitors per day.

As the UK's gateway to Europe, approximately 34 million passengers move through Kent annually. Freight vehicle movements alone averages 10,000 per day along the second largest motorway network in the UK. With the addition of managing significant freight as a result of any industrial action in France, this is a significant policing commitment.

Kent's proximity to Europe presents additional policing requirements; transient organised criminality including terrorism, drugs importation, people trafficking, slavery, economic migrants and asylum seekers are key challenges for Kent. Cross-border activity presents further demand; particularly London-based gangs establishing themselves in several Kent towns.

Kent Police has a mature collaboration arrangement with Essex Police to provide joint serious crime investigation and support services. We also work closely with our partners at a county, unitary and district level, tackling adult and child safeguarding including child sexual exploitation and have established Community Safety Partnerships responding to local crime and disorder.

In 2016/17 the force dealt with 891,078 calls for service. Kent Police has a strength of 3,247 full-time equivalent officers; supported by 2,318,00 full time equivalent staff (this includes all police community support officers, police staff employees, special constables and volunteers). Below is a breakdown of strength by staff group:

Staff Group	Strength as at 31st March 2017			BME
	Male	Female	Total	
Police	2,356	891	3247	97
Staff	795	1,236	2031	56
PCSO	143	144	287	4
Total	3,294	2,271	5,565	157

Key Financial Information for 2016/17 Revenue Budget

In the Spending Review on the 25 November 2015 the Chancellor announced that the total budget for policing would be protected in real terms and that local force budgets would be protected in cash terms. Both assertions required the Police and Crime Commissioner (PCC) to set the maximum precept increase allowed in each of the next four years. In line with previous year's settlements the Policing Minister announced that there would be a cash cut to formula grant of 0.6% for each PCC.

The budget for 2016/17 was set in February 2016 and monitored closely during the year with regular reports to the Joint Audit Committee. The revenue budget shows the day to day expenditure of running Kent Police and the PCC office.

The final position on the revenue budget for the Group is shown below in Table 1:

Table 1: Revenue Outturn 2016/17

Directorate	Budget	Net Expenditure	(Over) /
	£'000's	£'000's	Underspend for 2016/17 £'000's
Central Ops	43,519	42,195	1,324
Chief's Office	1,639	2,343	(704)
DCC Portfolio	6,615	6,338	277
Divisions	121,068	115,668	5,400
Serious Crime Directorate	26,278	24,756	1,522
Support Services	49,680	50,349	(669)
Local Policing & Partnerships	18,873	18,292	581
Corporate Charges	1,000	8,239	(7,239)
Transfer to / (from) reserves	6,100	6,100	0
PCC	3,624	3,624	0
Net Expenditure	278,396	277,904	492

The Kent Police revenue budget for 2016/17 shows an underspend of £0.5m. This underspend will be a transfer to reserves and be used to support the delivery of future capital / revenue investment. This alongside the planned transfer to reserves of £6.1m in year means that Kent Police have contributed £6.6m to reserves from the revenue budget during 2016/17. A full list of the £6.1m transfer to reserves is shown in the section below.

Table 1 represents the management accounting balance, i.e. it reflects the impact on the local council tax payer, at the end of the year. It excludes the notional costs shown in the accounts to comply with International Financial Reporting Standards (IFRS). The Comprehensive Income and Expenditure Statement (CIES) includes these notional costs, such as pensions and depreciation, as well as the management accounting information. In effect, the CIES shows the accounting cost in the year of providing services in accordance with generally accepted accounting practices, rather than the amount to be funded from taxation. This distinction is very important in interpreting the overall position.

On a fully IFRS compliant basis, the CIES show the net cost of services at £307m, some £7m more than the previous year. The main reasons for this increase was a rise in pay costs of £6.5m, due in the main to an increase in National Insurance employers contributions from 10.4% to 13.8% of £4.8m on top of the 1% annual pay award. Depreciation and other capital charges also increased by £2.3m, compared to the previous year.

The overall operating deficit for the year is £95.1m compared to £97.8m in the previous year, explained mainly by the two key variations already mentioned. The total CIES is a deficit of £429.6m due primarily to a £897.9m change (loss) in the re-measurement of the net defined benefit liability as per the independent actuarial assessment.

The new Expenditure and Funding Analysis page 51 reconciles the differences between the management accounting information above and the CIES by showing annual expenditure used and funded from resources by police bodies with those resources consumed or earned in accordance with the generally accepted accounting practice.

Planned Transfer to Reserves

During 2016/17 the Force had £6.1m of planned transfers to reserves. These were largely savings delivered ahead of time and the process agreed at the start of the financial year was to transfer these direct to reserves during the year. As outlined in our 2017/18 budget report in February £4.3m of this was identified and ear marked for the introduction of a new policing model.

A breakdown of the £6.1m is shown below:

Table 2: Budgeted Transfers to Reserves in 2016/17

	£'000's
Overtime (transferred to Bank Holiday overtime Reserve)	714
Transport Savings delivered early	886
PCSOs	1,249
Early Achievement of savings through 2015/16 Business Cases	250
Firearms Officers	1,200
C/fwd of savings plus 16/17 unexpected tax base increase	1,817
Total	6,116

The overtime reflects that the number of bank holidays fluctuates from year to year. In order to manage the budget a specific Bank Holiday Overtime Reserve was created. As there were fewer Bank Holidays in 2016/17 than usual then funding is transferred into the reserve to cover expenditure in years when there are a greater number of bank holidays.

Transport Services were successful in a range of cost saving initiatives in 2015/16 and they subsequently over-achieved their savings target. This over-achievement was transferred to reserves in 2016/17 with a corresponding reduction in the 2017/18 budget.

The budget for the PCSOs was reduced in line with our required strength for the Chief Constable's new policing model.

There were additional savings made over and above those planned in 2015/16 to balance the 2016/17 budget. These savings were from 2015/16 business cases and were transferred to reserves in line with the financial policy and the 2017/18 budgets have been reduced accordingly.

The recruitment and training of additional firearms officers remains ongoing. The Home Office provided a grant to all Forces in 2016/17 to support the training and equipping of the Firearms Officer uplift. Although the funding was not required in 2016/17 this will be required in future years.

There were additional savings achieved in 2015/16 over and above that required to balance the budget alongside an unexpected increase in the Council Tax Base since the budget was approved in February 2016.

Police and Crime Commissioner Expenditure

The PCC net budget in Table 1 above consists of the costs of the OPCC and the grants that the Commissioner provides to support projects across Kent.

The following provides a breakdown of that expenditure:

Table 3: OPCC Budget and Expenditure breakdown

	Budget £'000's	Spend £'000's	Variance £'000's
OPCC	1,535	820	715
Grants	2,089	1,999	90
Transfer to reserves	0	805	(805)
Total	3,624	3,624	0

The expenditure includes a transfer to reserves of £0.8m. This represents in-year unallocated funding due to vacancies within the OPCC and is transferred to reserves. This funding is then used to support a number of special projects during the year for both the PCC and the Force.

Projects funded during 2016/17 include:

- Supporting the Volunteer Police Cadet scheme
- Support to the Force regarding a Rape and Sexual Referral strategy
- Contribution towards the capital costs of the new Sexual Assault Referral Centre (SARC)
- Support for the Countryeye App
- Support for new equipment for Kent Search and Rescue.

Capital Budget

Capital expenditure is expenditure on our assets such as our property, vehicles and our IT infrastructure which have a longer term life.

The final position on the capital budget for the Group is shown below in Table 4:

Table 4: Capital Budget 2016/17

Provisioning Department	Revised Budget 2016-17 £'000's	Actual Expenditure 2016-17 £'000's	Variance 2016-17 £'000's	Comments
IT Department	9,397	5,371	(4,026)	Main variances- £1.6m under-spend on ICCS Emergency Services Network and £0.5m relating to Mobile First technology - these costs are re-profiled to 17/18
Estate Department	2,920	1,326	(1,594)	A number of Capital projects programmed for 2016/17 were deferred until next year (Air conditioning, Land for Transport department, Site security, etc).
Transport	2,147	1,725	(422)	A number of scheduled replacement vehicles will now be delivered in 2017/18
Innovation Fund	163	400	237	
ANPR Department	665	365	(300)	Project expenditure delayed by the Home Office
SB Projects	77	9	(68)	
Plant and Equipment	590	322	(268)	
Investment Reserve	(618)	0	618	
Totals	15,341	9,518	(5,823)	

The table shows a capital slippage of £5.8m. This is due to a number of projects both locally and nationally that did not commence during the year. A number of projects in year did not complete during the financial year and this slippage will be carried over into 2017/18.

The table above focusses on the capital investment taken during the year to create and improve the Commissioner's assets. Assets along with liabilities and reserves form part of the Balance sheet (see page 43). The Balance Sheet shows the value as at the end of the year of the assets and liabilities recognised by the Police and Crime Commissioner for Kent.

An abbreviated balance sheet is shown below in Table 5:

Table 5: Summary Balance Sheet 2016/17

	31 st March 2016	31 st March 2017
	£'000's	£'000's
Long Term Assets	207,394	222,006
Current Assets	103,275	90,953
Current Liabilities	(38,980)	(27,250)
Long Term Liabilities	(3,025,081)	(3,468,696)
Net Assets	(2,753,392)	(3,182,987)
Usable Reserves	62,519	61,528
Unusable Reserves	(2,815,911)	(3,244,515)
Total Reserves	(2,753,392)	(3,182,987)

Total long term assets at 31 March 2017 stand at £222.0m, an increase of £14.6m on the previous year. The bulk of this is explained by revaluation increases on those properties valued at depreciated replacement cost which have increased by £16.7m. Capital expenditure for the year was £9.5m.

Net current assets (i.e., current assets less current liabilities) stand at £63.7m, compared to £64.3m the previous year. Net worth/assets stands at a deficit of £3.2billion primarily because of the actuarial assessment of long term pension liabilities as at 31 March 2017 of £3.4billion. This is some £0.5billion more than the previous year and means that net assets overall are some £0.5billion less than the previous year.

Reserves

As shown above the net assets (assets less liabilities) are matched by the reserves. Reserves are reported in two categories. The first category of reserves are usable reserves, i.e. those reserves that the Police and Crime Commissioner may use to provide services, subject to the need to maintain a prudent level of reserves and any statutory limitations on their use (for example the Capital Receipts Reserve that may only be used to fund capital expenditure or repay debt). These are the reserves that we use during the year to fund investment opportunities or the capital programme. Any underspend at the end of the year is transferred into usable reserves.

Table 6: Usable Reserves

Usable Reserves	31st March 2016 £'000's	31st March 2017 £'000's
General Fund	5,640	5,640
Risk		
Localisation of Council Tax Benefit Reserve	700	700
Public Order & Major Investigation Reserve	2,000	2,000
Grant Cut Volatility Reserve	4,000	4,000
Insurance	3,098	3,098
Compass House Renewals Fund	200	200
Change		
Invest to save	1,919	1,919
Redundancy, Relocation & Regulation A20	6,000	6,000
Policing Opportunity		
Policy Opportunities	5,883	5,883
Investment Reserve	18,312	20,720
Capital Reserve	13,035	7,071
Capital Contributions Unapplied Reserves	247	915
POCA Incentivisation	781	858
Other	704	2,524
Total	62,519	61,528

Usable reserves stand at £61.5m, a decrease of £1.0m on the previous year. A reduction in capital reserves is offset against a planned transfer to reserves of £6.1m made in 2016/17. This is due to Kent Police's strategic ambition to achieve savings in the year before they are required. These transfers to reserves will be utilised over the medium term primarily to support the investment programme for service improvement and modernisation.

The second category of reserves is that which the Police and Crime Commissioner is not able to use to provide services, the unusable reserves. This category includes reserves that hold unrealised gains and losses (for example the Revaluation Reserve), where amounts would only become available to provide services if the assets are sold; pensions reserves and reserves that hold timing differences shown in the Movement in Reserves Statement line 'Adjustments between accounting basis and funding basis under regulations'.

Pensions

The value of net pension liabilities in the Group Balance Sheet is £3.5billion. This consists of £3.3billion for Police Officers and £0.2billion for Police Staff. The Police Officer pension scheme is an unfunded scheme meaning there are no assets built up to meet the pension liabilities and cash has to be generated to meet pension payments as they fall due. Both Police Officers and the employer make contributions to the Police Pension Fund. Any difference between the pension income and the actual pensions paid out is reimbursed by the Home Office through a top up grant.

All Police Staff are eligible to join the Local Government Pension Scheme (LGPS) administered by Kent County Council. Both the staff and the employer make contributions to the Scheme; however, the LGPS is a fully funded scheme meaning contributions are invested to help fund future liabilities. The amount the employer pays is determined by a valuation which takes place every three years.

The latest triennial valuation took place in 2016 which resulted in an increase in the employer's pension contribution to 13.2% from 11.6% due to expected future liabilities on the Fund. The Pension Fund is currently in a strong position with no pension deficit to take into account. This allows the increase in contributions to be staged over the next 3 year period. This will result in an additional £1m contribution per annum by 2019/20.

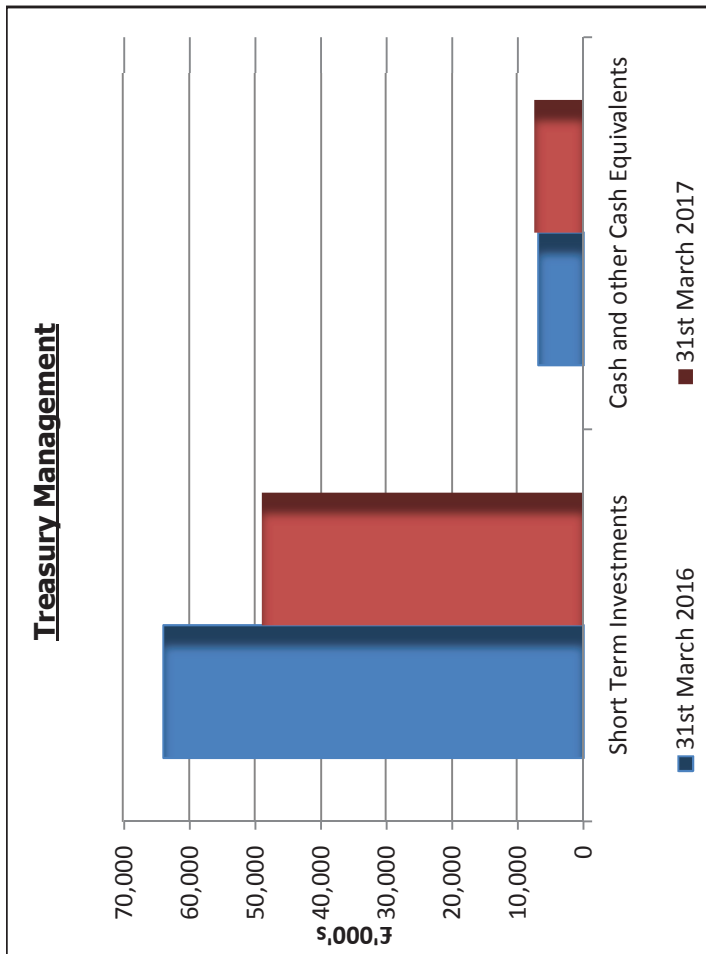
Officers' Remuneration

In 2016/17 Kent Police had 417 employees who earned over £50,000 compared to 385 in 2015/16. The increase in numbers has been driven by those earning between £50,000 and £60,000. Senior pay has seen a reduction in the number of employees earning over £100,000 from 7 in 2015/16 to 5 in 2016/17. Full details of officer's remuneration can be found in Note 5 in the Statement of Accounts.

Treasury Management

The PCC approves a treasury management strategy at the beginning of each financial year and receives regular reports on performance during the year. The day to day management of our treasury management activities is undertaken by Kent County Council and we receive advice from Arlingclose, our treasury management advisors. We value the security of our investments above the return we get on our investments. With interest rates currently at an all time low our ability to generate returns in extremely secure investments is minimal. For 2016/17 our average interest rate return was 0.5%

Table 7: Treasury management



Total cash and cash equivalents, including short term investments as at 31st March 2017 are £56.4 million. The factors that impact on our cash flow during the year are:

- The acquisition and disposal of our assets
- Unapplied grants and contributions
- The level of our reserves

Aside from the PFI contracts, the PCC has no external debt due to a longstanding policy of internal borrowing (i.e. using reserves) to fund capital expenditure.

Performance and Value for Money

Kent Police are subject to a formal inspection regime undertaken by Her Majesty's Inspector of Constabulary (HMIC). This regime is a vital part of the assurance that the PCC seeks in holding the force to account for Value for Money (VfM). As well as specific national studies, the HMIC regime covers an annual assessment of three main themes for each Force (referred to as the PEEL inspection): efficiency, effectiveness and legitimacy. The efficiency element includes an assessment of the financial sustainability of the Force over the short and medium term. For the review in 2017, Kent Police were graded as 'good', 'good' and 'outstanding' respectively. Kent was the only force in the country to secure 'outstanding' for legitimacy two years running and within the efficiency element secured an 'outstanding' grade for understanding current and likely future demands.

In addition, the HMIC also publish key VfM statistics for all police forces annually. This is another key source of assurance. Kent is shown to be relatively efficient compared to other Forces on most measures.

The Force have shown a consistent pattern of sensible forward planning and disciplined accelerated delivery of savings requirements but within a framework of clear service vision and use of technology and innovation to minimise front line impact.

Risk

The PCC and the Chief Constable have risk registers both at a strategic and operational level. The strategic register is reviewed and challenged by the Joint Audit Committee on a regular basis. The key risks for both are identified within the Annual Governance Statement contained within these accounts. Information Technology is identified as a key risk as the Force have an ambitious capital programme planned for IT in 2017/18 which includes local and national and regional projects such as ESN (Emergency Service Network) and Athena.

There is still some uncertainty around the further devolution of victims' services to the PCCs office and what this means in terms of services to be provided and the capacity of both financial and non-financial resources within the PCCs office to deliver them.

The Force has put in place plans for a new policing model entitled 'New Horizons'. The delivery of this project will provide the Police with a model to tackle new and emerging crimes whilst dealing effectively with the more traditional elements of policing.

Underpinning these risks is the ongoing uncertainty over police funding. We have been receiving one year settlements from central government which makes future planning difficult. This alongside a potential change to the Police Funding Formula provides a challenging medium term environment in which to plan our services.

The most recent audit painted a positive picture of increasing 'risk maturity'. The PCC and Chief Constable registers from part of the established management processes within respective operations and are used as a key driver for improvement. They form the basis of the Internal Audit programme delivered by our internal auditors and reported to the Joint Audit Committee.

Medium Term Challenge

A new Police and Crime Plan the 'Safer in Kent: the Community Safety and Criminal Justice Plan' was developed and approved by the Commissioner and this sets out the Commissioner's key priorities and objectives for the medium term. Key strategies and initiatives currently being planned in the short to medium term include:

- The implementation of a new policing model.
- Continued investment in our culture and our people.
- Continued investment in mobile technology.
- Investment in new business systems in collaboration with seven other forces.
- Investment in demand management initiatives.
- The development and delivery of estates transformation.
- Maximising collaborative and efficiency opportunities.

In the Autumn Statement on the 23 November 2016 the Chancellor announced that the departmental spending totals outlined in 2015's comprehensive spending review would be honoured. This reiterated that the budget for policing would be protected in real terms and that local force budgets would be protected in cash terms. Both of these statements required each Police and Crime Commissioner (PCC) to set the maximum precept increase allowed in each year of the spending review period.

On the 15 December, the Policing Minister announced the draft general grant allocation for each force area for 2017/18. It stated that each PCC would receive the same reduction of 1.3% to their settlement (formula funding plus grants). Funding for one year only was announced with no details of funding assumptions beyond 2017/18.

Early in 2016/17 the Policing Minister announced their intention to develop a new funding formula for the Police settlement with potential implementation in 2018/19. The funding formula review increases the uncertainty over future funding levels in policing. Any gains or losses are likely to be phased over a period of time although the mechanism for achieving this is still unclear.

The Chief Constable set out his plan to the Commissioner on how Kent Police can meet the challenges facing Policing now and in the future. This includes investment of new, and the realignment of, existing resources into the following areas; mental health; investigation of domestic abuse, child and adult abuse and sexual offences; vulnerable investigation; community safety units; CID; a missing and child exploitation bureau and a wanted person's bureau. The Chief Constable has confirmed to the Commissioner that this new model will not be to the detriment of neighbourhood policing.

Kent Police have delivered savings ahead of time and £12m savings for 2017/18 have already been delivered. A further £25.9m of savings is required by 2020/21. A prudent use of reserves in 2017/18 and 2018/19 has been agreed to smooth the impact of savings over the medium term. Any further top slicing of grant and/or increased cost pressures would add to this gap. Furthermore, as previously mentioned, this gap does not take into account the possible impact of the Funding Formula Review.

Table 8: Summary of Medium Term Plan, 2017/18 to 2020/21

	Proposed Budget 2017/18	Forecast 2018/19	Forecast 2019/20	Forecast 2020/21
	£'m	£'m	£'m	£'m
Pay	250.7	257.1	262.6	267.8
Overtime	5.3	4.9	5.1	5.3
Premises Related	20.9	21.4	21.9	22.4
Transport	6.5	6.7	6.9	7.1
Other non-pay costs including IT, supplies etc.	28.9	30.8	31.3	31.9
Cost of the OPCC	1.5	1.5	1.5	1.5
Commissioning and Victim Services	4.2	4.2	4.2	4.2
Accumulated Savings Required	0.0	-9.8	-19.7	-25.9
Local Income/ Reserves and grants	-37.0	-35.8	-32.3	-32.3
Total Net Spending	281.0	281.0	281.5	282.0
General Policy and Legacy Council Tax grants	183.8	181.4	179.0	176.6
Estimated Council Tax Surplus	1.6	1.2	1.1	1.0
Council Tax Precept	95.6	98.4	101.4	104.4
Total Net Financing	281.0	281.0	281.5	282.0

The previous table outlines our revenue medium term plan and we have a corresponding medium term plan for our capital expenditure.

Table 9: Capital Programme 2017/18 to 2020/21

	2017/18	2018/19	2019/20	2020/21	Total
	£'m	£'m	£'m	£'m	£'m
Information Technology	15.0	7.7	2.7	1.0	26.3
Estates	3.5	1.3	0.8	0.5	6.1
Vehicle	2.2	1.6	1.6	1.6	7.0
ANPR	0.4	0.4	0.5	0.4	1.7
Other	2.8	0.9	0.9	1.0	5.6
Total	23.9	11.9	6.5	4.5	46.7

Police and Crime Commissioner Achievements

The Police and Crime Commissioner receives a grant from the Ministry of Justice for the provision of services to victims. This funding is used to provide a wide range of services to enable victims to cope and recover. Over £1m of this is for our core Victims Services provided by Victim Support. During the year Victim Support received 85,612 referrals to their service. These referrals came not only from Kent Police but British Transport Police, Action Frauds and self-referrals amongst others. Over 59,000 victims were contacted and of those who received support from Victim Support 99.65% were satisfied with the service received.

Almost £120k was provided for specialist counselling services for victims of sexual abuse with another £150k provided for supporting services that are targeted largely on children and young people who are victims of sexual abuse.

The Commissioner is a keen advocate for tackling mental health issues and the impact it has on policing. As well as the establishment of the Mental Health and Wellbeing fund mentioned earlier there are a number of other mental health related achievements:

- Set up a Mental Health and Policing Oversight Board to hold Kent Police and providers to account.
- Supported Kent Police and the NHS in bringing back mental health street triage.
- Extended the project where mental health counsellors help with calls in our control room.
- Contributed to two new mental health wellbeing cafes for out of hours support.

Work was begun on commissioning a new Restorative Justice Service for Kent for those victims and offenders for whom it is an appropriate to help them either cope and recover from the crime or to stop them reoffending. This is due to go live in the autumn of 2017.

Conclusion

Kent Police as a group including the PCC's office has a strong track record of robust financial management. The PCC has provided a clear vision for the future underpinned by a thorough understanding of the financial environment. The Chief Constable has introduced a new policing model, in line with the Commissioner's Safer in Kent police and crime plan which is being funded through the prudent use of reserves and savings that have been delivered early.

For the HMIC review, Kent Police were graded as 'good', 'good' and 'outstanding' for Effectiveness, Efficiency and Legitimacy respectively. Kent was the only force in the country to secure 'outstanding' for legitimacy two years running and within the efficiency element secured an 'outstanding' grade for understanding current and likely future demands.

The Commissioner continues to support those who have been victims of crime and is a keen advocate for tackling mental health issues and the impact on policing.

The MTFP identifies a savings gap of £25.9m to 2021. The Force have recognised this and continue to ensure that they plan delivery of savings ahead of time to help achieve the savings target and support delivery in future years.

The Commissioner has a healthy level of reserves which will be used judiciously in future years to support the police and crime commissioner's priorities and avoid unnecessary borrowing to fund the capital programme.

The capital programme approved by the Commissioner is ambitious, but is key to unlocking further potential efficiencies and new ways of working. This will aid the Force in dealing with new and emerging crimes as well as maintaining support for more traditional crimes.

The financial environment is undoubtedly challenging and the outlook uncertain, but I am confident that the PCC and Chief Constable, the respective leadership teams and all those who work for Kent Police and Kent OPCC will continue to provide an outstanding service whilst maintaining robust financial management.

Acknowledgements

Before I finish I would like to thank Paul Curtis, the Force Chief Finance Officer and particularly, Sonia Virdee, the Chief Accountant and the Force Finance team for producing the accounts you are about to read. It would not have been possible without them and I express my gratitude for all their hard work and support through the year.

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From: Matthew Scott, Kent Police and Crime Commissioner
To: Kent and Medway Police and Crime Panel
Subject: Policing & Crime Act 2017 - new responsibilities for Police and Crime Commissioners
Date: 28 September 2017



INTRODUCTION:

1. The Policing and Crime Act 2017 received Royal Assent on 31 January. The Act includes provisions on:
 - Emergency services, including a duty to collaborate and opportunity for Police and Crime Commissioners (PCCs) to take on fire and rescue governance, where a local case is made.
 - Police powers, including changes to the complaints and disciplinary arrangements and whistleblowing and enhanced powers for Her Majesty's Inspectorate of Constabulary (HMIC).
 - Operational policing, including changes to pre-charge bail and amendments to the Police and Criminal Evidence Act 1984 (PACE) and Mental Health Act 1983.
 - Workforce issues, introducing more powers for police staff and volunteers, and a power for the Home Secretary to specify the rank structure in police regulations. It also updates the core purpose of the Police Federation.
 - Other matters, including deputy PCCs, firearms, alcohol licensing, financial sanctions, the National Crime Agency, pardons for certain abolished offences and amendments to forced marriage and child sexual exploitation legislation.
2. The provisions are being introduced in stages via a series of commencement orders and, at the time of writing, many have not yet been enacted.
3. At the request of the Panel, this paper focuses on two specific provisions relating to PCCs, namely:
 - the opportunity to take on fire and rescue governance; and
 - changes to the police complaints arrangements.

FIRE AND RESCUE GOVERNANCE:

4. The Government believes that closer collaboration between the emergency services can deliver significant savings and benefits for the public, as well as help each service better meet the demands and challenges they face.
5. The Act introduces a raft of measures to enable the emergency services to meet this ambition, including a new statutory duty on the police, fire and rescue and ambulance service to keep opportunities to collaborate under review and a requirement to collaborate with one another where it is in the interests of either their efficiency or effectiveness.
6. It also included provisions that enable a PCC to take on responsibility for the governance of fire and rescue in their area. However, they are locally enabling; recognising that local leaders are best placed to identify what will work best in their areas. Therefore, the government has not mandated what action PCCs should take; instead there are four options.

Option 1 - Do nothing

Continue with governance currently in place and take on the duty to collaborate within existing arrangements.

Option 2 - Representation model

Enables PCCs to request membership on their local Fire & Rescue Authority (FRA) including voting rights for issues in relation to the fire and rescue service.

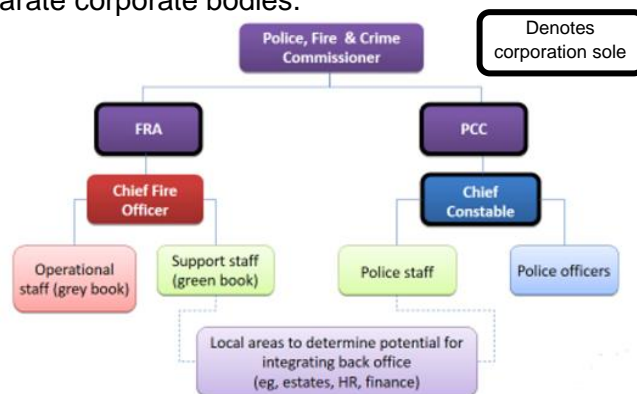
- A FRA is required to consider any request from a PCC and publish the reasons for its decision to either agree or refuse the request.
- Where the FRA is a county council, the Act has made amendments to local government legislation to enable this procedure to be followed. However, in the case of a combined FRA (such as in Kent), the Government has yet to amend relevant legislation.

7. Where a PCC wishes to take on responsibility for fire and rescue, as per the remaining options, they will occupy two separate corporations sole. They retain their existing functions and duties as a PCC, but additionally become the FRA for the area - the two offices will not be merged into one. A PCC who is additionally an FRA will be known as the Police, Fire and Crime Commissioner (PFCC). The role of the Panel will also be extended to scrutinise a PCC's fire functions and will be known as the Police, Fire and Crime Panel (PFCCP).

Option 3 - Governance model

Enables PCCs to take responsibility for the governance of their local fire and rescue service and employment of its staff, but keep police and fire as separate corporate bodies.

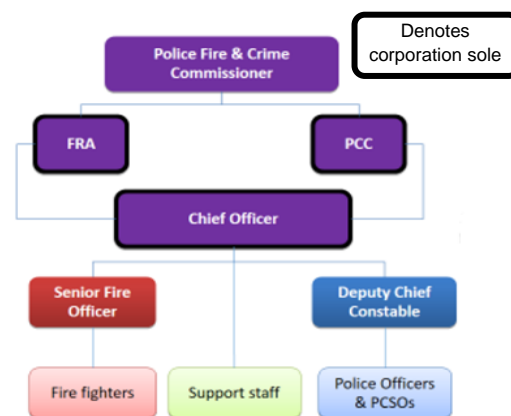
- The existing FRA is abolished and its functions transferred to the PFCC, along with fire and rescue personnel, property, rights and liabilities.
- The PFCC is the employer of all fire and rescue staff, but in practice would put in place a chief fire officer (or equivalent) with operational responsibility for the fire and rescue service.
- The chief constable would continue to employ all police staff.



Option 4 - Single Employer model

Enables PCCs to take on governance of fire and rescue and bring policing and fire together under one body, under the employment of one chief officer.

- The existing FRA is abolished and its functions transferred to the PFCC.
- The PFCC appoints a chief officer as the head of both the police and fire and rescue service and who employs both police and fire personnel.
- In practice, the chief officer may appoint a senior fire officer to lead fire operations and a deputy chief constable to lead police operations.
- The chief officer would be accountable to the PFCC for both fire and policing.



8. Under both the Governance and Single Employer models, there will continue to be two separate precepts and two separate central funding streams for policing and fire. The police and fire precepts and funding streams will be paid to the PFCC separately and will form two separate budgets in order to provide clarity and transparency in funding.
9. Should a PCC wish to pursue either the Governance or the Single Employer model, they must consult each relevant authority and local residents before preparing and submitting a business case to the Secretary of State setting out how it is in the interests of economy, efficiency and effectiveness, or public safety. Where the Secretary of State is satisfied, an order will be laid before Parliament giving effect to the chosen model of governance.
10. To date, eight PCCs nationally have proposed a change of governance in their fire and rescue service/s, with most currently preparing a local business case. Essex PCC, Roger Hirst, was the first to take the decision, and will officially become the PFCC in October 2017.
11. The majority of PCCs have decided to request a seat on the FRA or to make no changes at all.

KENT FIRE & RESCUE SERVICE:

12. The PCC has carefully considered his position in relation to the governance of Kent Fire and Rescue Service (KFRS) and, at this time, has decided to opt for the Representation model (option 2).

13. At their Annual Meeting on 15 June 2017, Kent and Medway Fire and Rescue Authority accepted the PCC's request to be appointed as an additional Member of the Authority as soon as it is permitted by legislation. In the meantime, the PCC has been invited to attend and participate in all its meetings on an informal non-voting basis.
14. Primarily the PCC's decision is based on the breadth and success of existing collaboration arrangements between Kent Police and KFRS that have improved interoperability whilst delivering the best and most efficient service.
15. Collaboration initiatives include a joint Control Room. Kent Police and KFRS were the first in the UK to share a control room and work on a truly multi-agency mobilising system providing real-time information on incident location and resources. This cost-effective solution allows the sharing of essential information, particularly during major emergencies, in order to improve interoperability and rapidly mobilise resources.
16. Other collaborative work streams include the Kent Resilience Team and the Kent Community Safety Team; Search and Rescue Collaboration Board; M25 joint response plans and demand reduction work in the use of predictive policing and geographical taskings for hotspots/red routes. There are also joint initiatives for learning and development that include areas such as training in health and safety, driving, multi-agency debriefs, Strategic Command Courses and shared training venues and facilities.
17. KFRS has the UK's first purpose built interactive road safety centre aimed at reducing the number of young people killed or seriously injured. Kent Police are integrated into this project, providing education and joint campaigns concerned with road safety.
18. The Joint Emergency Service Interoperability Principles (JESIP) are well embedded into collaborative arrangements with the development of a joint Incident Command Vehicle, joint use of a 'drone' and use of KFRS to assist in building entry for emergency calls, thereby reducing demand.
19. In addition, the Director of Corporate Services, Kent Police and Director of Operations, KFRS now chair the Emergency Services Collaboration Strategic Board. This is aimed at developing work streams further, ensuring the new statutory responsibility to collaborate is adhered to and maximising efficiency and effectiveness. South East Coast Ambulance Service will be integrated into this work stream. The Board will focus on existing, new and conceptual initiatives with an annual forum to brief the PCC, Chief Constable, KFRS Chief Executive and KCC lead.
20. In addition, the PCC will of course continue to receive regular updates on emergency services collaboration at his weekly one-to-one meetings with the Chief Constable and via the Performance and Delivery Board.

POLICE COMPLAINTS:

21. The Act introduces significant changes to the police complaints system, building on the previous years' reforms. It substantially increases a PCC's role in the complaints system, both in terms of the actual handling of complaints, and also how the Chief Constable is held to account for performance in complaints management. It also introduces a number of other changes, including reform of the Independent Police Complaints Commission (IPCC).
22. In relation to the enhanced role of PCCs, the Act introduces an explicit statutory duty to hold Chief Constables to account for complaint matters, requiring a more in depth focus and analysis of information provided by forces, and of their processes and outcomes. Locally, the PCC and the Office of the PCC (OPCC) already have in place well-established mechanisms, including:
 - A monthly file audit of both complaints and misconduct cases, with the findings (and subsequent responses) provided to the PCC, his senior officers, and the leadership of the Professional Standards Department (PSD) - the Force department that handles complaints and conduct matters.
 - Monthly meetings between the Head of PSD and the relevant officers in the OPCC.
 - Regular reviews of Force data and IPCC figures.
 - Complaints and related matters being reported at the joint PCC and Force Audit Committee and the PCC's Performance and Delivery Board.

Therefore, the PCC and the OPCC are well placed to develop this further, should it be necessary.

23. The Government has also legislated, for the first time, to give elements of operational complaints handling to an outside body, in this case PCCs. The main legal requirement is that all PCCs will take over the appellate function currently carried out by force PSDs. Currently, if someone is unhappy with the outcome of their complaint, and that matter is not defined as serious under the legislation, they appeal back to the police force. This is perceived, understandably, as not being an independent review and does not give the public confidence in complaints handling, and arguably affects confidence in policing generally. Therefore, PCCs will take on this function; it is deemed it will give greater independence, allow PCCs to have more effective oversight and scrutiny of force action, and provide increased public confidence. This is referred to as Model 1 and is mandatory.
24. There is also the option under the Act, based on a combination of other PCCs' work and a desire on the part of the Government to allow a localised approach to PCC involvement in the complaints process, for other functions of force PSDs to be taken on by OPCCs. Model 2 would see PCCs being the recording body, and also attempt to resolve very low level matters outside of the formal processes; Model 3 would, in addition to this, make PCCs responsible for keeping complainants updated and providing the final outcome.
25. However, it is extremely important to keep in mind that Chief Constables will retain responsibility for the resolution/investigation of complaints. The heart of the complaints system will remain with Kent Police, whichever model is chosen, and therefore whilst the PCC will significantly increase his involvement and oversight, the Force will retain operational independence.
26. This is not the only change to the police complaints system however; the whole system has been transformed, from how complaints are recorded, to how they are handled, and the responsibilities of the various bodies involved.
27. In summary, the definition of a complaint has been broadened to 'any expression of dissatisfaction with a police force'; it no longer has to relate to the conduct of an officer. All complaints must now be recorded, unless it is a low level issue where the complainant is content to have the matter informally resolved (and a record must be kept of this). Previously, some complaints could be 'non-recorded' or 'disapplied' if they met certain criteria. Police forces will no longer have to follow rigid processes to resolve a complaint, using obscure terminology; the only requirement is that the resolution is 'reasonable and proportionate' and that the complainant is kept updated. The number of points within the system where an individual can appeal has been reduced from five, down to one. Finally, as of January 2018, the IPCC will become the Independent Office for Police Conduct. It will have a Director General, and will be able to initiate investigations, rather than just rely on referrals, and will continue to build its focus on handling 'serious and sensitive' cases, following its expansion.
28. The next step is for PCCs to decide which model they wish to adopt. All PCCs will take on the appellate function and have to increase the level of oversight of complaints handling; the main decision is whether they wish to adopt either Model 2 or 3 (as above). Any decision will have an impact in relation to staffing and finance that will increase depending on the extent of a PCC's involvement in the complaints system.
29. It will also draw PCCs and OPCCs into an element of operational policing, that by its nature is conflict driven, and this will increase the level of contact from the public and change its nature. It is likely to increase the number of complaints against PCCs and their staff, if complainants are not satisfied with how their case has been handled, or if they are not content with the result.
30. Locally, the PCC is currently considering a business case and will be making a decision imminently.
31. It is likely that PCCs taking on the appellate function will only have a limited impact on Panels. Although they must resolve complaints about the PCC, this only relates to his personal conduct, and not the actions of OPCCs in handling appeals.

From: Matthew Scott, Kent Police and Crime Commissioner
To: Kent and Medway Police and Crime Panel
Subject: Making Offenders Pay – progress update
Date: 28 September 2017



INTRODUCTION:

1. In the '[Safer in Kent](#)' Plan the Police and Crime Commissioner (PCC) committed to making offenders pay for the harm that they cause, stating 'an important principle of criminal justice is to ensure that those who cause harm give back to victims and the community they have hurt'.
2. This paper provides an overview of some of the activities, led by the Chief Constable and the PCC, that support this commitment.

PROCEEDS OF CRIME ACT 2002:

3. Simply put, the primary aim of the Proceeds of Crime Act 2002 (POCA) is to close loop-holes and deprive criminals of the use of their assets, recover the proceeds of crime and to show that crime doesn't pay. It also contains the principal money laundering legislation in the UK.

Confiscation

4. Confiscation Orders are available where a defendant has been:
 - convicted of an offence in Crown Court; or
 - committed to Crown Court for sentence; or
 - committed to Crown Court under S.70 of POCA for specific consideration of a Confiscation Order.
 However, POCA will only be applied if it is requested by the prosecuting counsel or the court itself considers it appropriate to proceed.
5. The prosecution need to identify how much benefit the defendant has obtained from their criminality and what assets they now have available to repay it. Once this is ascertained the court can make a Confiscation Order setting the amount to be repaid. As well as a Confiscation Order the court can make a Compensation Order to ensure that the compensation for any victims is paid from the confiscated funds.

Cash seizure

6. POCA also introduced new powers and procedures to seize cash which is suspected to be 'recoverable property'. Recoverable property refers to property that has been obtained from unlawful conduct or it is suspected that the cash is intended for use in unlawful conduct. The power to seize cash under POCA is a civil power; however cases are heard in the Magistrates Court.
7. Once cash has been seized, a separate cash detention investigation is run parallel to the criminal investigation to ascertain the provenance of the money. If the defendant can provide evidence that the provenance is legitimate then the money can be returned. However, if no such evidence is provided or evidence is provided but believed to be inaccurate, then a forfeiture hearing can be scheduled at the Magistrates Court who can make a Forfeiture Order.

Home Office Asset Recovery Incentivisation Scheme

8. Where recovered funds belong to an identified victim then the money is returned to the victim via a Compensation Order. Where there is no victim (e.g. in a drug supply investigation) then the recovered funds from Confiscation Orders are disseminated to frontline agencies via the Home Office Incentivisation Scheme.
9. The Home Office retain 50% of the funds and the remaining 50% is split three ways, with 18.75% going to the relevant police force, 18.75% to the Crown Prosecution Service (CPS) and 12.5% to pay for the enforcement of POCA orders via enforcement courts.

10. Cash seizures are also disseminated through the same scheme, however in the case of Forfeiture Orders the split is 50% to the Home Office and 50% to the relevant police force. The reason for this is that there is no CPS involvement as it is a civil process and there is no enforcement required as the cash is already in the possession of the court. The police also have to pay court costs in relation to cash detention hearings.
11. Kent Police has always been extremely proactive in relation to the implementation of POCA and for the past 2 years has been in the top 10 forces. Those regularly above Kent are predominantly the large urban forces including the Metropolitan Police, Greater Manchester Police, West Midlands and Merseyside.
12. The requirement of the Incentivisation Scheme is that all money obtained must be used to fund either a force Asset Recovery team, crime reduction initiatives aimed at economic crime, or community projects (e.g. youth groups, community safety literature). Since 2016 Kent Police have used the funds obtained from the Incentivisation Scheme to fund their Financial Investigation Unit. This unit not only deals with confiscations and forfeitures under POCA but completes vital work to assist all officers and staff with financial enquiries required for investigations, high risk missing person enquiries and the restraint of victim's money pending Compensation Orders.
13. In order to ensure the Force is able to continue to fund the unit going forward, it has put aside sufficient revenue to fund the unit for two years should it be unable to achieve the required cost via the Incentivisation Scheme. The Force is now in the position that any funds obtained over and above the cost of the unit can be used to fund other initiatives within the criteria set by the Home Office. This year Kent Police has £59,059.44 to fund such initiatives. At this time no decision has been made as to how this money will be utilised, but options are being explored.
14. Over the past five years, Kent Police has received £4,127,838.76 from the Incentivisation Scheme; the result of taking over £12,900,000 from criminals committing offences in Kent.

OPERATION MORRIS:

15. Operation Morris is the Force scheme aimed at lawfully depriving offenders of their proceeds of crime and also as a means of disrupting criminal activity. It centres on the criminal use of vehicles and it takes the form of two processes:
 16. Deprivation: Where a vehicle has been used for a criminal purpose, such as drug dealing, it can be subject of a Deprivation Order which can be granted under Section 143 of the Powers of Criminal Courts (Sentencing) Act 2000. Deprivation Orders solely apply to vehicles and if granted by the court means that the vehicle becomes the property of the police to be disposed of through the usual police property processes e.g. auction, scrapping or put to other use.
 17. Due to the costs incurred from vehicle recovery and storage it is preferable to seek Deprivation Orders as soon as possible in order to maximise the value of a vehicle and to reduce costs.
 18. Confiscation: If the criteria are met for a confiscation under POCA (see above) then the vehicle is included as an asset. This can take up to 3 years for the process to be completed and therefore, where the only asset is the vehicle, a Deprivation Order is the preferred option.
19. The PCC is keen to re-invest Operation Morris money into local communities that offenders have potentially harmed, and to date has committed £65k as follows:
 - £25,000 one-off grant for Kent Police to fund training and capital costs for organisations which volunteer with the Force. Without the extensive support of groups like South East 4x4 Response and a great number of other charities and volunteers, who do not formally wear a police logo, there would be extra costs and resources that Kent Police would need to find.
 - £25,000 one-off grant to Speedwatch, specifically to fund new equipment for their volunteers, who do fantastic work monitoring the roads.
 - Set aside £15,000 to be awarded to projects under his [Communities Together Fund](#). The maximum grant available per project is £750 and the fund is open to local volunteer, community and charity groups, as well as social enterprises. Previous recipients include:

- Young Lives Foundation – Children in Care Council's football equipment;
- Bridge Parish Council – Bridge Country Fayre;
- Cobham Community Stores – Stock and overhead costs for volunteer run community shop;
- St Mary the Virgin Parish Church, Swanley – Gift and Games day;
- Bekesbourne Recreation Ground Charity – Venue heating for coffee mornings attended by isolated residents.

RESTORATIVE JUSTICE:

20. When a crime has been committed or an incident has occurred, Restorative Justice (RJ) offers an opportunity for the victim, the offender and sometimes members of the community to come together to discuss how to repair the harm caused.
21. RJ can be a very powerful tool. It puts victims at the heart of the justice process by giving them the chance to meet or communicate with the offender to explain the real impact of their crime, get answers and possibly receive an apology. However, it also gives offenders the chance to understand what they have done, take responsibility for their actions and consider ways to make amends for their behaviour.
22. Participation is always voluntary and RJ can take the form of victim-offender mediation, either through direct contact between the offender and victim or indirect communication involving third parties.
23. RJ is used by Kent Police in certain circumstances; it can be used on its own or along with other criminal justice processes (e.g. a court appearance, sanction upon a caution). It can also be used at any point during the criminal justice process, provided both the victim(s) and offender(s) are willing.
24. PCCs are responsible for commissioning RJ schemes in their force area. In Kent, the PCC has recently commissioned Restorative Solutions to provide the service, in partnership with SALUS, from 1 October 2017. The intention is that the new service will:
- reduce the harm caused to individuals and communities as a result of crime;
 - support victims' long term recovery;
 - support offenders to understand the effect of their actions; and
 - restore confidence in the criminal justice system.
25. In the long term it is hoped the scheme will reduce crime rates. Evidence shows that offenders who have to face up to their victims are less likely to commit more crimes.

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From: Matthew Scott, Kent Police and Crime Commissioner
To: Kent and Medway Police and Crime Panel
Subject: Powers of Kent Police Community Support Officers
Date: 28 September 2017



INTRODUCTION:

1. Police Community Support Officers (PCSOs) were introduced under the Police Reform Act 2002. Their fundamental role is to contribute to the policing of neighbourhoods through visible patrol with the purpose of reassuring the public, dealing with low level anti-social behaviour, being accessible to communities and working at a local level with partner agencies.
2. Section 38 of the Police Reform Act 2002 allows Chief Constables to designate powers to their PCSOs in order to fulfil this core function.
3. In 2007 a national standard list of 19 powers was introduced by the Home Office and, once trained, all PCSOs are designated with these powers. At the same time, a list of 22 discretionary powers was introduced with Chief Constables given the choice of designating all or some depending upon the operational requirement.
4. In 2014 a further set of 22 discretionary powers was introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. The total number of powers available for a PCSO is 63.

NATIONAL CONTEXT:

5. The national picture is mixed; all PCSOs have the standard list, whilst discretionary powers vary from force to force. Some forces have made the PCSO role confrontational and therefore given the powers of detention and arrest, whilst other forces have restricted the powers to support a non-confrontational, visible community engagement role. The College of Policing National Operational Handbook (June 2015) does not offer any particular view stating it is down to each Chief Constable to decide which powers to designate.

STANDARD POWERS:

6. All Kent PCSOs are designated the national standard list of powers once they complete their 8 week induction training. In summary these powers address low level anti-social behaviour by giving the power to require a name and address, issue a Fixed Penalty Notice (FPN), or surrender alcohol, tobacco or unconcealed drugs. Other powers deal with abandoned vehicles and vehicles being used in an anti-social manner.

DISCRETIONARY POWERS:

7. From the discretionary powers introduced by the Home Office in 2007, the Chief Constable designated a number including:
 - To deal with begging.¹
 - To search a person for alcohol or tobacco (this has to be done with consent).
 - To disperse groups and remove persons aged under 16 to their place of residence.
 - To issue a FPN for dog fouling, graffiti and fly-posting.
8. From the list of discretionary powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014, the Chief Constable designated two. They allow PCSOs to issue a FPN for breaching a Community Protection Notice and for breaching a Public Space Protection Order.

¹ Two elements: 1) to ask a person to stop; 2) to detain a person who refuses to stop. Kent PCSOs do not have the power to detain.

9. In addition, and to support Kent Police's new operational model that went live on 12 September 2017, the Chief Constable has recently designated a further four discretionary powers:
- To require name and address for certain licensing offences including selling/obtaining alcohol for person who is drunk, selling alcohol to children and sending a child to obtain alcohol.
 - To remove truant or excluded pupils found in a specified area to designated premises or to the school from which absent.
 - To close licensed premises consistently selling alcohol to children.
 - To disperse persons from a specified area under a Dispersal Order, and confiscate any items that could be used to commit antisocial behaviour, crime or disorder.
- These have been authorised and staff training is underway.

10. The Chief Constable has also agreed a further power 'to issue a FPN for parking in a restricted area outside a school', however this has been delayed as the Force will be utilising Local Authority legislation which is currently being reviewed by both Medway Unitary and Kent County Council legal departments. Once an agreed status has been reached to the satisfaction of Kent Police's Legal Services this power will be enacted. An anticipated date is December 2017, but the Force is working hard to try and reduce this time frame.

11. Appendix A provides an overview of current Kent PCSO powers.

POWERS NOT GRANTED:

12. The College of Policing state that a Chief Constable should only designate powers to their PCSOs in order to support the function they are employed to carry out.
13. The Chief Constable for Kent wants the PCSO role to remain non-confrontational; engaging with the community, being visible and not being used in place of police officers. The list of powers granted reflects this.
14. In summary, powers not granted from the discretionary list are in relation to detaining a person for up to 30 minutes, searching and seizing property without consent, dealing with anti-social cycling and the inconsiderate use of a vehicle.

Kent Police Community Support Officer powers

Standard Powers

- To issue a FPN for cycling on a footpath.
- To issue a local authority FPN for littering.
- To require name and address of person:
 - where has reason to believe that a relevant offence, or a relevant licensing offence has been committed;
 - where has reason to believe an offence involving injury, alarm or distress to another person or loss/damage to another person's property has been committed;
- To require name and address where has reason to believe a person is, or has been, acting in an anti-social manner.
- To require name and address of a person who fails to follow the direction of a police officer or PCSO under sections 35 and 37 of the Road Traffic Act 1988.
- To require persons drinking in designated places to stop drinking and to surrender open containers of alcohol.
- To require persons aged under 18 to surrender alcohol and to give their name and address.
- To seize and dispose of tobacco from a person aged under 16.
- To seize unconcealed drugs or drugs found when dealing with alcohol or tobacco related offences, and require the person's name and address, if reasonably believes in unlawful possession of them.
- To enter and search any premises for purpose of saving life and limb or preventing serious damage to property.
- To stop and seize a vehicle which has reason to believe is being used to cause alarm and distress under section 59 of the Police Reform Act 2002.
- To order the removal of abandoned vehicles.
- To stop a cycle when reason to believe person has committed the offence of riding on a footpath.
- To control traffic for purposes other than escorting a load of exceptional dimensions.
- To stop vehicles for the purpose of a road check as authorised by a police superintendent.
- To place and maintain traffic signs under section 67 of the Road Traffic Regulation Act 1984.
- To enforce and maintain cordoned areas under section 36 of the Terrorism Act 2000.
- To stop and search vehicles and pedestrians under the Terrorism Act 2000 when in the company and under the supervision of a constable.
- To photograph a person who has been arrested, detained or given a FPN away from the police station.

Discretionary Powers

- To issue penalty notices for disorder in relation to:
 - consumption of alcohol by a person aged under 18, or allowing such consumption;
 - buying or attempting to buy alcohol by a person aged under 18;
 - drinking in a designated public place;
 - breach of fireworks curfew;
 - throwing a firework.
- To issue a local authority FPN for:
 - dog fouling;
 - offences under dog control orders;
 - graffiti and fly posting.
- To deal with begging.
- To disperse groups and remove persons aged under 16 to their place of residence.
- To issue a FPN for:
 - breach of a Community Protection Notice;
 - breach of a Public Space Protection Order.
- To search for alcohol and tobacco.
- To enforce certain licensing offences by requiring name and address for:
 - sale of alcohol to a person who is drunk;
 - obtaining alcohol for a person who is drunk;
 - sale of alcohol to children;
 - purchase of alcohol by or on behalf of children;
 - consumption of alcohol by children;
 - sending of a child to obtain alcohol.

Where these offences apply specifically to clubs they are not licensing offences.
- To disperse persons from a specified area, and confiscate any items that could be used to commit antisocial behaviour, crime or disorder.
- To serve closure notice for licensed premises persistently selling to children.
- To remove a person aged 16 or under who is caught truanting or an excluded pupil found in a specified area, to designated premises or to the school from which the truant is absent.

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Record of Decision

ORIGINATOR: Chief of Staff

REFERENCE: OPCC.D.016.17

TITLE: Governance of Kent Fire & Rescue Service

OPEN **CONFIDENTIAL**

Reason if Confidential:

EXECUTIVE SUMMARY

The Policing and Crime Act 2017 received Royal Assent on 31 January 2017. In addition to a range of other provisions, the Act introduces a new statutory duty on the emergency services to collaborate and provisions that enable a Police and Crime Commissioner (PCC) to take on responsibility for the governance of fire and rescue services in their area.

Recognising that local leaders are best placed to identify what will work best in their area, the government has not mandated what governance of fire and rescue should look like, but instead provided PCCs with four options:

- Do nothing - continue with governance currently in place and take on duty to collaborate within existing arrangements.
- Representation model - enables PCCs to request membership on their local Fire & Rescue Authority (FRA) including voting rights for issues in relation to the fire and rescue service.
- Governance model - enables PCCs to take responsibility for the governance of their local fire and rescue service and employment of its staff, but keep police and fire as separate corporate bodies.
- Single Employer model - enables PCCs to take on governance of fire and rescue and bring policing and fire together under one body, under the employment of one chief officer.

In terms of the Representation model, where the FRA is a county council, the Act has also amended local government legislation to enable PCCs to become voting members. However, in the case of a combined FRA (such as in Kent), the Government has yet to amend relevant legislation.

Under both the Governance and Single Employer models, there continues to be two separate precepts and two separate central funding streams for policing and fire. In addition, a PCC must prepare and submit a local business case to the Secretary of State setting out how it is in the interests of economy, efficiency and effectiveness, or public safety.

RECOMMENDATION

DECISION

To request appointment as an additional Member on the Kent and Medway Fire and Rescue Authority, including voting rights (recognising that relevant legislation is yet to be amended).

Chief Finance Officer:

Comments: N/A

Signature: **Date:**

Chief of Staff:

Comments: N/A

Signature: **Date:**

POLICE AND CRIME COMMISSIONER FOR KENT

Comments:
 At a meeting on 13 March 2017 with the Chairman of the Authority and the KFRS Chief Executive and Director of Finance, informal discussions on the Representation model were conducted. This developed into a formal request being made to the Kent and Medway Fire and Rescue Authority.
 At their Annual Meeting on 15 June 2017, the Authority accepted my request to be appointed as an additional Member as soon as it is permitted by legislation.
 In the meantime, I have been invited to attend and participate in all meetings on an informal non-voting basis.

Signature:  **Date:**15/06/2017.....

BACKGROUND DOCUMENTS: The Policing and Crime Act 2017

<u>IMPACT ASSESSMENT:</u>	
Police and Crime Plan <i>(please indicate which objectives decision/recommendation supports)</i>	Supports delivery of the Safer in Kent plan by helping to address community issues through improved communication and increased opportunities for Blue Light services to work together for the benefit of the areas they serve.
Has an Equality Impact Assessment been completed?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>(If yes, please include within background documents)</i>
Will the decision have a differential/adverse impact on any particular diversity strand? <i>(e.g. age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, pregnancy/maternity)</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> The decision is administrative in nature. Therefore, it does not have a differential/adverse impact on any particular strand of diversity.



Record of Decision

ORIGINATOR: Chief of Staff

REFERENCE: OPCC.D.017.17

TITLE: Procurement of Restorative Justice Service

OPEN **CONFIDENTIAL**

Reason if Confidential:

EXECUTIVE SUMMARY

Police & Crime Commissioners (PCCs) have devolved responsibility from the Ministry of Justice (MoJ) for the commissioning of local services to support victims of crime, who may or may not have reported to the police, to help them cope and recover from their experience. As part of this responsibility PCCs can commission victim initiated and pre-sentence restorative justice (RJ) services.

In 2013, the Kent Criminal Justice Board (KCJB) commissioned an end to end RJ service, which was funded by a number of statutory services such as the PCC, Youth Offending and National Probation Service. The service ceased on 30 September 2016 and as part of the PCCs commitment to provide effective support to victims and to reduce re-offending it was decided to grant fund two services to deliver RJ opportunities in Kent. The reason for pursuing interim grant funded services was to enable an evidence based specification for the longer term service to be developed. The development of the specification was also supported through consultation with the public and partner agencies.

The new RJ service needs to commence on 1 October 2017, in line with the interim grant agreements that are due to end on 30 September 2017.

The RJ service was formally procured under the Official Journal of the European Union (OJEU) process, with the invitation to tender being released to the market on 20 April 2017. The tenders were evaluated by a panel consisting of the Office of the PCC, Kent Police and the KCJB, with follow up interviews also being held.

Following this process, Restorative Solutions CIC has been identified as the preferred service provider.

RECOMMENDATION

The PCC is recommended to award the contract to Restorative Solutions CIC following a competitive tender process.

DECISION

To award Restorative Solutions CIC with a 3 year contract, with the option to extend for a further 3 years on an annual basis, and commence mobilisation activities to enable the service to go-live on 1 October 2017.

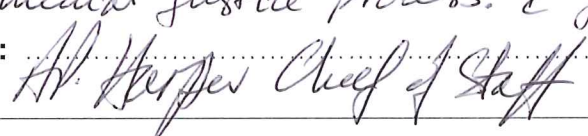
Chief Finance Officer:

Comments: A full and open procurement process has been undertaken and Restorative Solutions were identified as the best service provider. This should enable us to have an effective RS service that will help victims and offenders in their respective recoveries.

Signature:  **Date:** 19/9/17.....

Chief of Staff: DECISION MADE 4-8-2017

Comments: A transparent commissioning process was conducted through this office. Restorative Solutions were the best provider identified. This is an important element of the criminal justice process. I fully support this decision.

Signature:  **Date:** 18/9/2017.....

POLICE AND CRIME COMMISSIONER FOR KENT

Comments:

Signature:  **Date:** 18/09/2017.....

BACKGROUND DOCUMENTS: Consultation results - Public & Partner; Invitation to Tender

IMPACT ASSESSMENT:

Police and Crime Plan
(please indicate which objectives decision/recommendation supports)

Supports delivery of the Safer in Kent plan by providing services that support the delivery of victim-led restorative justice opportunities in order to support their recovery and reduce re-offending.

Has an Equality Impact Assessment been completed?

Yes No *(If yes, please include within background documents)*

Will the decision have a differential/adverse impact on any particular diversity strand?
(e.g. age, disability, gender reassignment, race, religion/belief, sex, sexual orientation, marriage/civil partnership, pregnancy/maternity)

Yes No
The service will be offered by Kent Police in certain circumstances - on its own or along with other criminal justice processes - where both the victim(s) and offender(s) are willing to participate. Therefore, it does not have a differential/adverse impact on any particular strand of diversity.

Police and Crime Panel Forward work programme (as at 20 September 2017)**15th November 2017**

Subject	Reason for report	Author
Update on PCC's expenditure to support the police and Crime Plan	Proposed by PCC	PCC
"Opportunities for the Future" - progress report	Requested by Chairman	PCC
Mental Health - verbal update	Proposed by PCC	PCC
Emergency Services network update	Requested by Panel (Feb 2017)	PCC

8th February 2018

Progress in delivering the Safer in Kent plan	Requested by Panel (Feb 2017)	PCC
Refreshed Safer in Kent plan 2017/20	Statutory requirement	PCC
Budget and precept proposal 2018/19	Statutory requirement	PCC
Panel Annual report	Requested by Chairman	Panel officers

25th April 2018

Mental Health update	Proposed by PCC	PCC
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July 2018

Election of Chairman and Vice-Chairman	Annual requirement	N/A
Complaints against the PCC and policy review	Requested by Panel	Panel officers

PCC's Annual report 2017/18	Statutory requirement	PCC
Update on PCC's expenditure to support the police and Crime Plan	Proposed by PCC	PCC
Mental Health - verbal update	Proposed by PCC	PCC

Standard item at each meeting

Questions to the Commissioner

Items to note at each meeting

Commissioner's decisions

Performance and Delivery Board minutes