

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.