

## KENT COUNTY COUNCIL

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### 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, 28 September 2017.

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

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

##### **237. Minutes of the Police and Crime Panel held on 20 July 2017**

*(Item 4)*

1. The Chairman offered the congratulations of the Panel to the Commissioner on the birth of his daughter.
2. The Chairman noted that the Commissioner had helpfully provided an update on items for further action. A Member thanked the Commissioner for the updates and requested that further information be provided in relation to Her Majesty's Inspectorate of Constabulary's report into Crime Data Integrity, as the Force continued to engage on the Area for Improvement relating to diversity information.

RESOLVED that the minutes of the meeting on 20 July 2017 were an accurate record and that they be signed by the Chairman.

##### **238. Police and Crime Commissioner's Statement of Accounts 2016/17 - Statutory Requirement**

*(Item B1)*

1. The Commissioner introduced the Statement of Accounts for 2016/17. He expressed thanks to all staff at the Office of the Police and Crime Commissioner (OPCC), in particular his Chief of Staff and Chief Finance Officer; Adrian Harper and Rob Phillips. He also highlighted the helpful contribution of Paul Curtis, the Chief Constable's Chief Finance Officer and Sonia Virdee, Kent Police's Chief Accountant.
2. The Commissioner explained that the impact of flat cash settlements was still being felt, with ongoing requirements to find savings and efficiencies. He noted the significant impact of reduced public sector funding across a range of organisations, some of which had faced more difficult situations than the Police

but he commented that this did not diminish the challenge policing was facing. He reassured the Panel that the Force had done well in this respect, noting that HMIC had praised Kent Police's financial management. The Commissioner commented that work already done by the Force to address financial challenges meant that Kent Police's finances were in a relatively strong position, and combined with the council tax increase last year, there had been sufficient funding to support increasing Police Officer numbers (3181 up to 3260). The strong financial situation also allowed for the protection of PCSO numbers and for future planning around maintaining them as it was expected that some may leave their post to become Police Officers.

3. The Commissioner explained that the Auditors reviewing the accounts had provided an 'unqualified opinion', which was a positive endorsement of the state of the financial management.
4. The Commissioner advised the Panel that he was lobbying government in relation to the ongoing inflationary pressures and recent pay rise for Police Officers, his view being that the increase should be funded by central government and not a savings pressure on Forces.
5. Mr Phillips, the PCC's Chief Finance Officer, provided an overview of the accounts report, explaining that it represented an attempt to make the financial information more accessible, including more context and explanation. He advised the Panel that the Kent Police Finance team had been able to complete all the accounts earlier in the year and he was hopeful the information could be reviewed and approved earlier in future years, which was positive as the statutory deadline was expected to be brought forwards.
6. A Member asked about the £5m worth of capital spend 'slippage'; the Commissioner explained that most of this was in relation to national projects such as the Airwaves radio replacement.
7. A Member congratulated the Commissioner and his team on achieving an unqualified opinion from the auditors but noted the potential risk around actively seeking to advance deadlines in terms of finalising the accounts. Mr Phillips reassured the Panel that the recommendation to advance the deadlines from their auditors had been taken as a compliment on the efficiency of the finance team, but it would not happen at the expense of accuracy.
8. A Member asked about the appropriate level of spendable reserves. The Commissioner explained that the majority of the reserves were earmarked for large spend capital projects, with the end reserve level expected to be back to around £6m. He commented that £6m would fund Kent Police for around 7 or 8 days in the event of an emergency, so the amount was not unnecessary or excessive. Mr Phillips advised that Kent Police maintains a 2% level of reserves as standard and that this was low compared to most other Forces who usually held between 3% & 5%.
9. In response to questions regarding staffing levels, the Commissioner explained that the figures did not include volunteers. He also recognised the limited representation, particularly in terms of ethnicity but advised the Panel that

additional work was being undertaken in relation to positive action for recruitment and broader diversity activity.

10. In response to questions about the efficiency of Kent Police and the percentage of revenue for the Commissioner's office, the Commissioner advised that HMIC had commented positively on Kent Police's efficiency, with 'relatively efficient' showing them in a good light when compared to other Forces. The Commissioner also clarified that the OPCC represented 1.3% of Kent Police revenue, which was in line with other Forces. He also highlighted that he has committed to transferring any underspend from the OPCC to the main policing budget.
11. Responding to questions about vacancies being carried at the OPCC, the Commissioner explained that the vacancies had been filled and that while the associated underspends could no longer be invested directly into projects, work was being undertaken to identify other efficiencies in the office which could contribute to future projects. He reassured the Panel that projects funded by the previous underspends had normally been time-limited and would therefore not suffer from a lack of ongoing funding due to the vacancies having been filled.
12. Responding to questions about financial monitoring, the Commissioner reassured the Panel that work to improve processes had been continuous. Mr Phillips explained that recent improvements highlighted in the report represented new attempts to increase transparency and more clearly explain some of the important details contained within all the data. He advised that the improvements were worth noting but they did not represent such a change as to be cause for concern regarding previous monitoring activity.
13. In response to a question about the pay increase for Police Officers, the Commissioner explained that the 1% pay rise was forecast and was included within the budget but that the additional 1% bonus would come from identified underspends and the use of reserves. He also advised the Panel that the Chief Constable intended to apply the same increase to Police Staff. The Commissioner stated this was a £2.1m additional spend and commented that work was underway to find the money in future years, but he was keen to challenge the increase being only 1%, which he felt did not represent the worth of Police Officers.

RESOLVED that the Statement of Accounts for 2016/17 be noted.

### **239. Police and Crime Act 2017 - new responsibilities for Police and Crime Commissioners**

*(Item B2)*

1. The Chairman and the Commissioner agreed that the two main updates for this item in relation to new powers for Police and Crime Commissioners arising from the Police and Crime Act, be provided separately.

#### Fire & Rescue Governance

2. The Commissioner noted that the changes to Fire and Rescue service governance was one of the more controversial elements of the Act because it

allowed Police and Crime Commissioners, providing that they have Home Office approval and public support, to consider a range of different approaches including becoming a single employer of both Police and Fire services or abolishing and replacing the Fire Authority. The Commissioner had, in consultation with the Fire Authority, taken the decision to join as a Member at this time, with a view to working collaboratively across joint goals and improving both services. The Commissioner advised the Panel that the Essex Police and Crime Commissioner was due to be the first to become a Police, Fire and Crime Commissioner, taking on the full governance responsibilities for both. The Commissioner explained that he had advised his Essex colleague that it would be important to ensure that any subsequent changes did not negatively impact on the existing collaboration between Kent and Essex Police. The Commissioner re-iterated his support for the Representation model, joining the Fire Authority as a Member.

3. Responding to questions, the Commissioner recognised that joint working with the Ambulance service was not as developed as the collaboration between Police and Fire services but explained that the Ambulance Service was becoming more involved in collaboration, with some positive steps already being made such as consideration of shared estate use. He advised the Panel that he was due to meet the Chief Executive Officer of the South East Coast Ambulance service in November to explore further collaborative opportunities. The Commissioner commented that there were additional challenges involved in working with the Ambulance service, compared with the existing collaboration with the fire service such as not having co-terminus service borders.
4. Responding to questions, the Commissioner reassured the Panel that he was confident that his chosen approach of joining the Fire Authority was appropriate as it focused on co-operation and discussion on shared priorities and future improvement which was how he preferred to fulfil his role as Commissioner.
5. The Chairman highlighted the important role of the Kent Community Safety Team in the ongoing joint work between relevant partners, which the Commissioner agreed with and noted.

### Complaints

6. The Commissioner explained that the government had offered PCCs a choice on how to manage police complaints in the future, rather than imposing one model. One of the elements was mandatory, but the other two models were optional and allowed a PCC to go further. The PCC explained that his office had prepared a business case, but he had not taken a decision as yet and so would welcome the Panel's views on which model would be most appropriate. He advised the Panel that further guidance was expected from government but that this would not be available until secondary legislation could be introduced, which was not expected before late October 2017.
7. Members commented on the significant resource implications of the additional work involved in some of the models, advising the Commissioner to await further guidance from government to help in assessing viability.
8. Responding to questions regarding the impact of complaint handling on the Commissioner's public representative role, the Commissioner agreed that there

was a risk involved in taking a greater role in managing police complaints and that this would be an important factor in his considerations about which model to pursue.

9. Members commented on the expected increase in Police complaints, with the definition being broadened out to include corporate or strategic complaints, rather than those solely about the conduct of individual police officers. Mr Harper reassured the Panel that responsibility for investigating complaints would remain with the Chief Constable but it was accepted that the additional work involved in complaint appeals and recording functions would have an impact on the Office of the Police and Crime Commissioner.

RESOLVED that the Panel note the update on new responsibilities for Police and Crime Commissioners arising from the Police and Crime Act 2017.

#### **240. Making Offenders Pay - progress update**

*(Item B3)*

1. The Commissioner advised the Panel that 'Making Offenders Pay' was a new commitment within his Police and Crime Plan. He outlined a range of activities, including use of the Proceeds of Crime Act to seize property and funds used in crime (£12m had been seized so far, of which Kent Police had kept £4m as it was split across various agencies). The Commissioner also outlined Operation Morris which involved seizing vehicles that were involved in crime and selling them. The Commissioner advised that he had re-invested the money, with £25k going to Kent Police to support volunteering; £25k to Speedwatch, specifically to develop the scheme; and £15k for the Communities Together Fund (which provides numerous grants to community groups).
2. The Commissioner explained that Restorative Justice formed a key part of making offenders pay, and is supported by the Victims Funding he receives from the Ministry of Justice. He advised that a new Restorative Justice provider had been appointed from 1 October - Restorative Solutions and he was keen the service was used appropriately to hold offenders to account. The Commissioner commented that the important role of Restorative Justice had been recognised at a workshop with Kent Police, Restorative Solutions, his Office and other agencies but it was not a substitute for other criminal justice sanctions.
3. The Commissioner advised the Panel that some PCCs were lobbying government for additional powers in relation to criminal justice for PCCs. He advised the Panel that in light of some of the concerns around Probation and 'Community Payback', one opportunity could be Police and Crime Commissioners working together to commission rehabilitation programmes. Responding to questions on PCC powers, the Commissioner explained that PCCs did not have a 'general power of competence' which limited their authority in relation to estates and capital spending. He advised that the Home Office had encouraged PCCs to try doing more things but that the freedom in some areas had to be balanced against their capacity and how some of the responsibilities across different areas may not be easily compatible.
4. Responding to questions, the Commissioner advised that Proceeds of Crime Act funds were re-invested directly in the police. He clarified that the Communities

Together Fund was open to anyone that wanted to provide some community benefit. The Commissioner confirmed that Town Councils could apply for this funding if they had community safety projects or schemes that would benefit the community.

5. Responding to a question about the money raised through fines, the Commissioner advised the Panel that HM Treasury collected all funds raised by fines issued by the Police.
6. In response to a question about publicity around the Proceeds of Crime Act, the Commissioner explained that success stories were shared on social media. He also highlighted that funds were raised through the sale of lost and stolen property.

RESOLVED that the Panel note the report on 'Making Offenders Pay'.

#### **241. Mental Health - verbal update**

*(Item B4)*

1. The Commissioner provided an update on the Community Street Triage scheme being run by Kent Police, in collaboration with the Kent and Medway Partnership Trust and local CCGs who were paying for mental health nurses involved in the scheme. The schemes were now being run in Thanet and Medway. He advised that referral numbers remained low at present so further work was being undertaken to examine demand to determine if some changes to the operating times could improve effectiveness.
2. The Commissioner explained that the Mental Health and Policing Oversight Board was progressing well, reviewing the delivery of the joint Kent Police and KMPT Mental Health Strategy. This met in April and was due to meet again in October.
3. The Commissioner explained that some Police and Crime Act 2017 changes, such as preventing the detention of children in Police cells under mental health legislation, had not yet been implemented via the necessary secondary legislation. He commented that s.136 detentions had increased in Kent but the number of people held in custody was down.
4. The Commissioner advised the Panel that as part of the New Horizon change programme in Kent Police, a new Mental Health team had been set up to revolutionise the Police approach to how mental health issues are handled. He commented that other Forces were already enquiring with Kent for guidance on how to mirror this good work.
5. The Commissioner advised the Panel that his 'Mental Health East' project with the Deputy Chief Constable of Cambridge Police was continuing as part of the Eastern Region collaboration.
6. The Commissioner also highlighted that he was committed to ensuring appropriate support was available to Police Officers and staff. He commented on a £150k grant from the Police Dependents Trust to help develop leaders for the Live Well, Feel Well programme.

RESOLVED that the Panel note the Mental Health Update.

## **242. Powers of Kent Police Community Support Officers**

*(Item B5)*

1. The Commissioner introduced the report, advising the Panel that the Chief Constable had decided to grant some additional powers to Kent Police Community Support Officers. To provide context, the Commissioner explained that all PCSOs had certain standard powers that were universal across all Forces but that Chief Constables had discretion to grant a range of other powers.
2. The Commissioner advised that four new powers were being granted:
  - To require name and address for certain licensing offences.
  - To remove truant or excluded pupils found in a specific area to designated premises.
  - To close licensed premises consistently selling alcohol to children.
  - To disperse persons from a specified area under a Dispersal Order.
3. He also explained that the power to issue a penalty notice for parking in a restricted area outside a school was currently subject to discussion with Kent County Council and Medway Council's legal departments, but it was anticipated that the power would be granted in December.
4. The Commissioner outlined the views of the Chief Constable in that PCSOs should remain non-confrontational and the decision on additional discretionary powers reflected that.
5. Members welcomed the new powers but also commented that it was difficult to make effective distinctions between confrontational and non-confrontational powers, when it could be argued that all enforcement powers were confrontational by definition. In relation to these operational concerns, a Member highlighted the benefits of attending the Performance and Delivery Boards to observe the discussions between the Commissioner and the Chief Constable.
6. Responding to questions about public feedback in relation to PCSOs, the Commissioner explained that he had received positive feedback that PCSOs were the eyes and ears of the police, but he recognised concerns that there could be an over-reliance on PCSOs for all community policing, thereby not involving Police Officers enough.
7. Members commented on operational concerns about arrest guidance for PCSOs / Police Staff. The Commissioner agreed to flag up the concern to the Chief Constable.
8. Members commented positively on their local PCSOs and also highlighted the need to maintain numbers.

RESOLVED that the report on new PCSO powers be noted.

## **243. Governance of Kent Fire and Rescue Service - Record of Decision**

*(Item C1)*

RESOLVED that the Commissioner's decision be noted.

#### **244. Procurement of Restorative Justice Service - Record of Decision**

*(Item C2)*

RESOLVED that the Commissioner's decision be noted.

#### **245. Questions to the Commissioner**

*(Item )*

Question 1

Can the Commissioner explain to the Panel how he ensures that the Chief Constable is not retaining digital photographs of individuals who are not convicted of a crime?

(Gurvinder Sandher)

1. The Commissioner responded, explaining that digital imaging was a fast moving technology and there was no doubt that it had the potential to offer great benefits to the police, but full consideration must be given to how the resultant images will be handled. As a result, the Home Secretary issued a code of practice on the Management of Police Information in 2005, with guidance on how it should be applied to custody photographs coming into effect in 2006, and a second edition in 2010.
2. In 2012, the High Court ruled that the Metropolitan Police Service had breached the human rights of a woman and boy they arrested, by keeping their custody pictures after taking no further action against them. In light of this ruling, in 2017 the Home Secretary ordered police forces to delete on request millions of images of innocent people unlawfully retained on the Police National Database. It was acknowledged that to insist police forces assess all 19 million custody images and delete those who have not been convicted of an offence was impractical.
3. The Chief Constable had assured the Commissioner that all information, including digital images of people, was managed in accordance with the Management of Police Information Guidance. In addition, in terms of evidential imagery, such as BWV footage, that all persons not involved in an incident were edited in order to protect their identity.
4. Of course, as well as the Management of Police Information Guidance, digital photographs fall within the scope of Data Protection legislation and the remit of the Information Commissioner's Office.
5. To date, the Commissioner had not had concerns expressed to his Office, but the issue has been raised with the Chief Constable who had provided assurances that Kent Police operate within the guidance. However, should an issue arise, the Commissioner had the ability to raise matters with the Chief Constable directly at their weekly one-to-one meetings, or in public at the Performance and Delivery Board.



6. In response to the Vice-Chair's supplementary question, the Commissioner confirmed the policy was that relevant images would be deleted upon request.

#### Question 2

In a recent visit to Swale to share with the Leader and Chief Executive the vision and practical realities of the New Horizons Project the Chief Constable took time to explain in detail his continued support for CCTV across the County, in particular, as an investigative tool. With Council budgets ever more under pressure, many Local Authorities are considering significant cut backs in their CCTV capability. This year the PCC has withdrawn financial support for CCTV, yet it clearly remains a priority for the public of Kent and also the Chief Constable, given that he appears to be at odds with public opinion will the PCC reconsider his funding decision, even if only in allowing Local Authorities to allocate some of his Crime Prevention Grant to this purpose?

(Alan Horton)

7. The Commissioner explained that Councils could use community safety funding provided by his Office for CCTV, but with it not being a core function of the police, no additional funding would be provided. He advised that it was for each local authority to review and assess its own CCTV needs and fund accordingly.
8. Responding to Mr Horton's supplementary question regarding appropriate strategic options to make best use of CCTV footage, the Commissioner explained that Kent Police was in the process of developing Digital Asset Management services that will enable the public to upload digital evidence and make life a little easier all round.

#### Question 3

With mounting pressure on the police to stop potentially radicalised persons from carrying out attacks, and requirements to provide more firearms officers, would it not be prudent to bolster the number of local officers in order to build a better picture, gather more community intelligence and possibly prevent a person from carrying out such attacks? In short, would it not be better to place more resources at the lower end of the scale to address prevention, than at the expensive end and paying for more firearms officers?

(Fay Gooch)

9. The Commissioner advised that there were elements of the question that he agreed with and parts that he disagreed with. He advised that the national threat assessment had highlighted the need for additional firearms officers, relevant direction had come from the Home Office and the Precept increase had been permitted to fund this. However, he recognised that community policing did represent a very important way to tackle radicalisation and contribute towards preventing terrorism related incidents from occurring. The Commissioner advised the Panel that the New Horizon Policing model being rolled out in Kent Police, which was focused on protecting vulnerable people, was the right approach to

support the type of community policing being suggested and he would continue to hold the Chief Constable to account for visible neighbourhood policing.

RESOLVED that the Panel note the Commissioner's responses to questions.

**246. Future work programme**

*(Item E1)*

RESOLVED that the future work programme be noted.