

Minutes

Minutes of the Thames Valley Police and Crime Panel held on Friday 9 September 2016, in Diamond Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury Bucks HP19 8FF, commencing at 11.00 am and concluding at 1.20 pm.

Members Present

Councillor Julia Adey (Wycombe District Council), Councillor Margaret Burke (Milton Keynes Council), Councillor Derek Sharp (Royal Borough of Windsor and Maidenhead), Councillor Tony Ilott (Cherwell District Council), Councillor Robert Courts (West Oxfordshire District Council), Councillor Emily Culverhouse (Chiltern District Council), Julia Girling (Independent Member), Councillor Kieron Mallon (Oxfordshire County Council), Curtis-James Marshall (Independent Member), Councillor Chris McCarthy, Councillor Barrie Patman (Wokingham Borough Council), Councillor Dee Sinclair (Oxford City Council) and Councillor Quentin Webb (West Berkshire Council)

Officers Present

Clare Gray

Others Present

Andy Boyd (Thames Valley Police), Gary Brewer (Oxfordshire & Buckinghamshire Gypsy & Traveller Services), Francis Habgood (Thames Valley Police), Paul Hammond (Office of the PCC), Paul Hendry (West Berkshire Council), Lindsay Jopling (Office of the Police and Crime Commissioner) and Anthony Stansfeld (PCC)

Apologies

Councillor Patricia Birchley (Buckinghamshire County Council), Councillor Trevor Egleton (South Bucks District Council), Councillor Angela Macpherson (Aylesbury Vale District Council), Councillor Iain McCracken (Bracknell Forest Council), Councillor Tony Page (Reading Borough Council), Councillor Paul Sohal (Slough Borough Council) and Councillor Ian White (South Oxfordshire District Council)

55. Declarations of Interest

There were no declarations of interest.

56. Minutes

The Minutes of the Meeting held on 17 June 2016 were agreed as a correct record.

Cllr Burke reported that she still had not received a written response on her question relating to dog theft.

Action: OPCC

57. Public Question Time

There were no public questions.

58. PCC Annual Report

The Panel welcomed the PCC's fourth Annual Report and congratulated him on the Report particularly emphasising the following points:-

- Thames Valley Police has had 5 successive years of budget cuts. In 2015/16, £12.8m was removed from the budget, bringing the total budget reduction since 2011/12 to £70m. Despite these budget cuts, the performance of TVP has remained high as can be evidenced by HMIC reports.
- The provision of Community Safety Funding grants totalling £3.1m being provided to County and Unitary Councils across Thames Valley to fund crime prevention and community safety activities that support the Plan.
- The use of body worn video equipment which has increased the number of guilty pleas. There will be the use of approximately 1100 units across the Force which should ensure that every police officer on patrol should be able to have access to this equipment. Smart phones were also currently being rolled out.
- Members expressed concern that crime reduction in some areas may not necessarily be related to good performance but possibly because the profile of crime was changing such as household burglary. The PCC referred to an article he had written which he hoped would be published shortly (a copy was requested) on concerns around the increasing incidence and impact of cyber crime. He referred to Portsmouth University research which states that £190 billion is lost because of cyber crime which makes a huge dent in national finances, some of these proceeds of crime going abroad. The Panel welcomed the proposal for the need to introduce a 'National Agency' to address cyber crime and would like to be updated on this area.

<http://uopnews.port.ac.uk/2016/05/25/fraud-costing-uk-economy-193bn-a-year/>

Action: OPCC

Panel Members raised the following issues on discussion of the Annual Report:-

- Cllr Culverhouse asked about visible presence of officers on the beat – the PCC reported that there was a slight decrease of officers which was being supplemented by improved technology and an increase in the use of special constables. The use of IT should mean that police officers will spend less time undertaking administrative tasks at the police station which will help improve visibility. However, police visibility still remains a concern of Panel Members.
- In terms of targeting areas of high crime and working in partnership the PCC referred to the fact that CCTV was a valuable aid and crime deterrent. Members noted his concerns about any council cuts to CCTV budgets and that the Force would be unable to support additional funding in this area which could lead to a rise in crime being undetected. It was up to the political governance of each council to decide how much resources were allocated to the monitoring of CCTV. The Chief Constable however informed Members of a recent meeting with Local Authority Chief Executives where further improvements to CCTV was discussed which should help reduce revenue expenditure (any information on these improvements would be welcomed by Councils).

Action: OPCC

- Cllr Webb expressed concern about the fact that the PCC had still not appointed a Deputy PCC or 'Assistant PCCs', bearing in mind the size of the Thames Valley and that he was now attending national working groups. They also promoted consideration of the PCC employing a part time driver to ensure that he used his time more effectively when attending meetings across the Thames Valley. Panel Members asked for timescales for considering any changes to his Office.

Action:OPCC

- Whilst Members support the use of Restorative Justice Ms Girling expressed concern whether this was providing value for money, particularly when £270,000 had been spent on 25 completed cases whilst

£780,000 had been spent on victim support for 1459 face to face visits. The provision of Restorative Justice was also not a mandatory requirement. The Panel noted that the PCC was aware of the issue of relative cost and value for money of the various support services commissioned for victims and that the OPCC was keeping an eye on outcomes and effectiveness as part of its routine contract management performance monitoring arrangements, in readiness for when the current victims services contracts come up for renewal. Members would appreciate an update on this at the relevant time.

Action: OPCC

- Cllr Burke commented that it would be helpful to have more performance information particularly comparisons on previous years. The Panel noted that the number of performance indicators in the PCC Police and Crime Plan 2013-2017 and the Force's Annual Delivery Plan were deliberately limited in response to the previous Home Secretary's concerns that the previous culture of performance targets had distorted policing priorities, which should be simply focused on cutting crime. However, the Panel would welcome clearer service outcomes in the new Plan rather than just providing information on how much funding has been spent in different areas.
- Ms Girling referred to a 2014 article which related to the Crown Prosecution Service being criticised for discontinuing a case particularly on cost considerations. The PCC commented that he did not think the balance was quite right yet but it was a difficult area particularly with historical cases now being addressed where there was sufficient evidence.
- Cllr Sinclair referred to 'single crewing'. The Chief Constable reported that there was a 'safer crewing policy' and that a risk assessment was undertaken by the Duty Manager about whether there should be single or double crewing for specific operations.

RESOLVED

The Panel used its powers in accordance with Section 28 of the Act to review, report and make recommendations regarding the Police and Crime Commissioner's 2015/2016 Annual Report and the Scrutiny Officer would send a formal response to the OPCC on the PCC Annual Report based on the comments above.

59. Themed Item - Unauthorised encampments

The aim of this item is to look at how the police and local authorities are working together to respond effectively to unauthorised encampments including consistent interpretation of legislation/guidance.

External witnesses included Gary Brewer from Oxfordshire and Buckinghamshire Gypsy and Traveller Services and Paul Hendry, Countryside Manager from West Berkshire Council.

Gary Brewer provided Members with the following background information:-

- He managed 13 permanent sites for Bucks/Oxfordshire, Brent and Ealing with 3 site officers. He collected money for rent and utilities. However, he did inform Members that Buckinghamshire had recently made a decision, due to limited resources, to sell their permanent sites and provide their own service.
- He clarified the difference between unauthorised development and unauthorised encampments.
- He had a very good relationship with the police force but some areas were better than others in responding to unauthorised encampments and also experienced different issues.
- Resources had been cut generally in dealing with gypsies and travellers in terms of police and council funding. The Community Law Partnership works with gypsies and travellers on cases taken to court to challenge Councils where they had not applied the correct legislation.
- The Government's policies on Gypsy and Traveller accommodation and enforcement are set within a framework of rights and responsibilities in which everyone's rights must be equally respected but where, at the same time, equal standards of behaviour are expected from all.
- There could be civil action relating to trespass from the landowner or a crime if there were six or more vehicles on the land, where there has been verbal or physical aggression to the landowner (including family and employees) or where damage has been caused to the land.

- Where there are more than 20 caravans, it is useful to visit the site with the police and utilise their powers.
- If an unauthorised encampment is on private land it is primarily the landowner's responsibility to deal with the eviction. The Council will offer advice on the eviction process if asked by the landowner. Landowners can use common law rights to recover land and may use bailiffs to carry out the eviction.

Paul Hendry provided Members with the following background information:-

- He had no responsibility for settled communities or traveller sites and the primary focus of his role was to liaise with and evict gypsies and travellers from unauthorised encampments.
- West Berkshire has not in the past had many problems with unauthorised encampments but there has been a big increase this year. They have developed a close working relationship with the police force and will be re-examining their protocols in this area.
- It is important to provide good information to the public on when they should call the Council and also when the Council and the police are able to use their powers.

The Vice-Chairman Cllr Mallon referred to the need to ensure that there is a consistent approach to unauthorised encampments across the Thames Valley and that the Police Force are being consistent in their application of the unauthorised encampment policy and the interpretation of legislation which could be achieved through officer training.

The PCC commented that he thought that the legislation in this regard was not as strong as it could be. He referred to a past example where an unauthorised encampment was set up on a bank holiday weekend and travellers were allowed to stay by the landowner for a few days. Unfortunately they left three weeks later leaving hazardous waste behind which was extremely expensive for the landowner to clear.

The Chief Superintendent Andy Boyd, who was responsible for Neighbourhood Policing which included unauthorised encampments, also commented that the legislation could be stronger but they were required to work within that framework. It was a difficult task to be consistent across the Thames Valley because each situation was different – there were different circumstances, different welfare needs and different solutions to each encampment issue which also depended on the impact on the local community. Work with Local Authorities varied as the Police Force had to liaise with Unitary Authorities in Berkshire, Milton Keynes and Oxfordshire and Bucks were jointly managed by Oxfordshire County Council. Collectively the police and local authorities communicate with the local community to clarify what the complaints are in relation to unauthorised encampments to know how best to approach each situation. This had to be balanced with the travelling community particularly if they had young children on the encampment. If a Section 61 notice (Criminal Justice and Public Order Act - can only be used by the police) was served any police action would be dependent on the individual circumstances such as danger to public safety or damage to land and any action would have to be reasonable and proportionate. There would need to be two or more persons trespassing on the land before the power could be used. The Chief Superintendent Andy Boyd commented that he was very happy to work with Authorities across the Thames Valley to work towards a more consistent approach and policy.

Action: Police Force/contacts for Gypsy and Traveller Services in Thames Valley Local Authorities

Cllr Mallon reported that elected Members had a part to play in how each Local Authority took a lead on this area with their officers.

Gary Brewer also referred to Section 62A of the Criminal Justice and Public Order Act which could only be used where an alternative site is available and can only be used by the police. Local Authorities could submit bids for funding to provide transit sites but not all Local Authorities have submitted bids. Chief Superintendent Andy Boyd reported that there did not need to be evidence of damage or abuse for Section 62A to be used and if alternative facilities were available travellers would be asked to move to this site.

Jean Pimley, Enforcement Officer from West Berkshire Council also referred to Section 137 of the Highways Act where it is the duty of the highway authority to protect the rights of the public regarding the use and enjoyment

of the highway and to prevent the obstruction of the highway. This allows the authority to seek an injunction in relation to protests on the highway that restrict public use or create an obstruction. Chief Superintendent Andy Boyd reported that where the road was blocked or the pavement was blocked so that pedestrians had to walk on the road then there was a clear case to ask the travellers to move. The Enforcement Officer expressed concern that the public said they were using the 101 police non-emergency number and the police had commented that no crime had been reported through this system. Chief Superintendent Andy Boyd reported that if they had phoned 101 and their concerns could be recorded as a crime then it would generate a recorded crime number, which would include damage and abusive behaviour.

During discussion the following points were noted:-

- Decisions should be taken by senior level inspectors in the police force on unauthorised encampments. The level of decision making varied across the Thames Valley. Some Local Area Commanders took a tougher stance on unauthorised encampments than others.
- Cllr Burke referred to the setting up of rough sleeper encampments and what action was being taken to address this issue. Chief Superintendent Andy Boyd reported that this related to people who were homeless for a different number of reasons and the Force had recently undertaken a significant piece of work on this area which included signposting homeless people to appropriate help such as the local housing authority. He would send a copy of this policy to the Scrutiny Officer to circulate to the Panel.
Action: Chief Superintendent
- Julia Girling asked what the process was if travellers moved a few miles down the road from their previous site. In response it was noted that the Council Officer would have to start the process again as there may be different issues to take account of in relation to that particular site. Panel Members also noted that the return of unauthorised campers and/or their vehicles to the same location within three months carries criminal sanctions. Following a further question it was noted that Local Authorities liaise with neighbouring authorities where possible if they believed that travellers were moving to their area. Gary Brewer reported that when he visited a site he would look over the whole area, noting the details of every vehicle and would pass this information on to neighbouring Councils who he thought may be impacted. The Chief Superintendent reported that travellers were not obliged to tell the police where they were moving to but they do ask the travellers questions to see what information they are able to obtain and they would also inform the relevant Authorities. Cllr Webb reported that these issues were discussed at their Community Safety Partnership meetings and they would also liaise with the Berkshire unitary authorities and other neighbouring Councils.
- Cllr Sinclair reported that it was difficult to be consistent because of land ownership issues and there was a high threshold to enact Section 61 of the Act e.g land owned by the City Council, County Council, private landowner etc and it therefore was difficult for the public to understand the different approaches that would need to be taken depending on the circumstances. It was important for Authorities to put information on their websites so it was clearer to the public what action could be taken and when.
- Cllr Sinclair then commented on the approach taken by the Police and Local Authorities when liaising with travellers who had set up unauthorised encampments and that traveller services were at odds with enforcement. Gary Brewer reported that they have a good positive attitude when liaising with travellers and take into account their welfare needs. In terms of the level of response this would depend on each individual situation but they would always try and work with the travellers to resolve the situation. They also worked closely with Council Waste Teams to ensure that the site was cleared once they had left. If any illegal dumping had taken place they would need evidence of this and Council Officers would take photographs of the site as soon as the authorised encampment took place. Officers would take a 'firm but friendly' approach.

The Vice Chairman Kieron Mallon commented that the PCC should liaise closely with Local Authorities and Community Safety Partnerships so that the Thames Valley could work together to ensure that a consistent approach was taken where possible.

The PCC referred to the recent suggestion from the Chief Superintendent, that he work with relevant Local Authority contacts across the Thames Valley to ensure that policies for unauthorised encampments were consistent, where possible. This could cover, for example, that any decision making in relation to unauthorised encampments should be undertaken at Local Area Commander level.

Action: Andy Boyd/Gary Brewer/Paul Hendry (in first instance)

RECOMMENDED

That the PCC provides reassurance that the application of the unauthorised encampment policy and the interpretation of legislation are being consistently applied by liaising with Local Area Commanders across the Force and Local Authorities across the Thames Valley.

60. Six month finance and performance report

Panel Members noted the six monthly report on finance and performance monitoring.

The PCC commented that the total savings made since 2011/12 was £87m which was a significant amount of money particularly bearing in mind that £1million accounted for 20 police officers. Savings had been made through collaboration and streamlining property. He made reference to the changes in the Medium Term Capital Plan and that the Force were now looking at an opportunity to buy a property it currently leases and thereby reduce annual revenue costs.

During discussion the following questions were raised:-

- Cllr Webb asked what impact the departure of the interim Head of ICT was having on the delivery of key ICT infrastructure and business systems which need to deliver significant business benefits and efficiency savings. In response it was noted that there was another interim Head of ICT in place and his contract had just been extended with full support from the Senior Management Team.
- One of the targets in the OPCC Strategic Delivery Plan was to develop a Business Plan for the possible transfer of governance responsibility for the Thames Valley Fire and Rescue Services to the PCC. The PCC reported that there was a push by Government to promote further collaboration between the emergency services. With the possibility of the transfer of governance responsibility for fire and rescue services to PCCs, the aim would be to facilitate this further collaboration between, and possibly integration of services. The PCC reported that he could see benefits in the police service working with the Fire Service but felt that it would be difficult to integrate services with the Ambulance Service as they were operationally very different.
- The PCC expressed concern that two Fire Authorities were currently looking at replacing their Chief Fire Officer which would cost a lot of money particularly if those posts were no longer required if a new structure was put in place to rationalise services across the Thames Valley. Panel Members agreed that this was a retrograde step and supported the PCC's view that these Chief Officers should not be replaced at this current time. The possible transfer of governance responsibility should be included in the Panel Work Programme.

Action: Scrutiny Officer

- Cllr Burke asked whether the PCC was happy that enough was being done to mitigate the current overspend in their budgets? The PCC reported that they had always achieved a balanced budget so far. The Chief Constable reported that assumptions were always made at the start of the year and that as the year had progressed the Force had not lost as many police officers as they originally thought. However the intake had been reduced to take account of this and there were reserves in place to reduce the forecast overspend.

The Panel noted the report.

61. Topical Issues

Armed Response

One of the topical issues for discussion was armed response. Members noted that from the last HMIC PEEL assessment that the leadership has strong oversight of the Force's ability to respond to national threats, such as terrorism, serious cyber-crime and child sexual abuse. Its own arrangements for ensuring it can meet its national obligations in this regard (such as planning, testing and exercising) are assessed as 'good'.

During discussion the following questions were asked:-

- Cllr Sinclair asked about the recent emergency exercise undertaken by Thames Valley Police. The Chief Constable reported that the Special Forces undertake regular exercises to ensure that the Force is prepared to respond to any major threats. This should also provide reassurance to the public. Panel Members noted that Local Authorities were not included in this exercise because of firearms. However, other emergency exercises were carried out with Local Authorities.

<http://www.thamesvalley.police.uk/newsevents/newsevents-presseleases/newsevents-presseleases-tem.htm?id=340864>

- The Chief Constable reported that they would be increasing the capability of specialised armed officers over the next couple of years and that there would be 50% uplift in armed response.
- Cllr Sinclair asked the PCC about his view of the use of Tasers. The PCC said he supported the use of Tasers as they saved people's lives. Truncheons which were used previously could inflict more damage than Tasers. Furthermore, the use of Tasers offered more protection from harm to police officers as it reduces the need for close-quarters contact with a person being apprehended. The Chief Constable referred to a recent radio interview where he had commented that Tasers should be issued to all officers but obviously officers needed to be fully trained. He referred to the awful incident in West Mercia where a man had died of a heart attack after a Taser had been used. A risk assessment needed to be undertaken on the use of Tasers. For each police shift there would be an officer who was trained in the use of Tasers. Cllr Burke asked for detailed information on any harm that had been caused by Tasers. The Chief Constable reported that this information was freely available on the internet. She then asked whether the Taser was put away in a locked cabinet, particularly in police vehicles. The Chief Constable confirmed this.
- Mr Marshall asked whether Special Constables would have to use Tasers. The Chief Constable reported that nationally it was agreed that Special Constables should not be issued with Tasers or firearms. He informed Panel Members that the number of times that Tasers were used (approx. six times in 2016) were few and that the threat of a Taser often had the desired effect of calming a person down.

Community Safety Fund

The Chief Executive of the OPCC reported that they were looking at the recent consultation exercise undertaken to review options for the Community Safety Fund. They would write to Local Authorities in October/November with their preferred option so that Councils could factor any changes into preparation for next year's budget. Some Authorities had commented that they wanted to keep the status quo and that funding be distributed to individual Local Authorities. Other Authorities could see the benefit of having more centralised commissioning.

Neighbourhood Policing

Reference was made to the recent research carried out by Cambridge University which showed that police officers on the beat really prevent crime. The Chief Constable reported that the service delivery returns from neighbourhood policing far outstrip the value of investment. The Force were just finalising their Neighbourhood Policing infrastructure and were discussing how integrated teams would look with Local Authority Chief Executive's.

The Panel noted the report.

62. Report of the Complaints Sub-Committee

The Panel noted the report of the Complaints Sub Committee regarding the alleged failure of the OPCC to respond to emails directed to the PCC's email address. This was due to technical issues relating to the spam filter. The complaint was upheld with recommendation that adjustments be made to the PCC's public email address (which the OPCC have already proactively implemented). The Complaints Sub-Committee also asked for a copy of the OPCC Complaints Procedure once it has been finalised and also that all documents pertaining to a complaint referred to the Sub-Committee should be given to Members in the first instance. The Chief Executive of the OPCC reported that a further letter of apology would be sent to the complainant.

The Panel noted the report.

63. Police and Crime Plan Working Group

Panel Members noted the report which recommended setting up a Task and Finish Group to look at the draft Police and Crime Plan.

The following Panel Members volunteered to attend the Task and Finish Group:-

Julia Adey
Barrie Patman
Quentin Webb

There were two further vacancies.

RESOLVED

That the Panel agreed to set up a Task and Finish Group which will have responsibility for leading the Panel's response to the draft Police and Crime Plan for 2017-2021.

64. Update on Panel recommendations

A written response on past Panel recommendations would be included in the agenda for 21 October meeting.

65. Work Programme

To add the following to the Work Programme:-

The possible transfer of governance responsibility for the Thames Valley Fire and Rescue Services to the PCC.

The Panel also asked the PCC to provide the Panel with a briefing paper once the Policing and Crime Bill became new legislation so that they could understand the impact that this would have on his Office.

Action: OPCC

66. Date and Time of Next Meeting

21 October 2016 at 11am at Aylesbury Vale District Council

CHAIRMAN