

<b>For Consideration</b>	
<b>Public/Non Public*</b>	<b>Public</b>
<b>Report to:</b>	<b>Police and Crime Panel</b>
<b>Date of Meeting:</b>	<b>7<sup>th</sup> December 2015</b>
<b>Report of:</b>	<b>Paddy Tipping Police and Crime Commissioner</b>
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<b>Agenda Item:</b>	<b>5</b>

## **POLICE AND CRIME COMMISSIONER'S UPDATE REPORT – TO SEPTEMBER 2015**

### **1. PURPOSE OF THE REPORT**

- 1.1 This report presents the Police and Crime Panel (Panel) with the Police and Crime Commissioner's (Commissioner) update report.
- 1.2 In accordance with section 13 of the Police Reform and Social Responsibility (PR&SR) Act 2011 and subject to certain restrictions, the Commissioner must provide the Panel with any information which the Panel may reasonably require in order to carry out its functions. The Commissioner may also provide the Panel with any other information which he thinks appropriate.
- 1.3 This report provides the Panel with an overview of current performance, since the last report in November 2015.
- 1.4 This report has been revised to reflect the information sought by Panel Members i.e. to reduce the size of the report by making reference to information held elsewhere rather than include it in the report, but to focus on the exceptional performance and place a greater emphasis on reasons for exceptional performance and what the Force did or is doing to address the problems. Furthermore, the Panel wish to know more about views and actions of the Commissioner and his office. However, Members are reminded that the Policing Protocol<sup>a</sup> makes it clear that the Commissioner, "*must not fetter the operational independence of the Police Force and the Chief Constable who leads it*".
- 1.5 It should be emphasised that the action taken by the Chief Constable may be the result of discussions held with the Commissioner during weekly meetings. The Commissioner is briefed weekly on all exceptional performance by his office staff which is then discussed with the Chief Constable the same week.

<sup>a</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/117474/policing-protocol-order.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/117474/policing-protocol-order.pdf)

## **2. RECOMMENDATIONS**

- 2.1 The Panel to note the contents of this revised update report, consider and discuss the issues and seek assurances from the Commissioner on any issues Members have concerns with.
- 2.2 The Panel to feedback to the Commissioner on the format of this revised update report.

## **3. REASONS FOR RECOMMENDATIONS**

- 3.1 To provide the Panel with information so that they can review the steps the Commissioner is taking to fulfil his pledges and provide sufficient information to enable the Panel to fulfil its statutory role.

## **4. Summary of Key Points**

### **POLICING AND CRIME PLAN – (2015-18)**

- 4.1 Performance against refreshed targets and measures across all seven themes is contained in the Performance section of the Commissioner's web site to September 2015.<sup>b</sup> This is the fourth report to the Panel in respect of the Commissioner's third Police and Crime Plan.
- 4.2 The Commissioner's report has been simplified to focus on reporting by exception. In this respect, this section of the report relates exclusively to some performance currently rated red i.e. significantly worse than the target (>5% difference) or blue, significantly better than the target (>5% difference).
- 4.3 In addition, following a recent meeting with Panel Members, further amendments to the format of the Commissioner's update report have been made to provide more detail where performance is graded red or blue to explain to Panel Members what has driven the change and if red what action the Force is taking to address the issue. In addition, Panel Members have requested trend information.
- 4.4 The table below shows a breakdown of the RAGB status the Force has assigned to the 33 sub-measures reported in its Performance and Insight report to September 2015.
- 4.5 It can be seen that 22 (67%) of these measures are Amber, Green or Blue (the same as the last two Panel reports) indicating that the majority of measures are close, better or significantly better than the target. 24% (8) of measures reported are Red and significantly worse than target (this is the same as the previous Panel report). However, 9% (3) of measures are not graded due to unavailability of data following the move to the Multi Force Shared Services (MFSS) Oracle system.

<sup>b</sup>

<http://www.nottinghamshire.pcc.police.uk/Document-Library/Public-Information/Performance/2015/Performance-Insight-Report-to-September-2015.pdf>

KEY to Performance Comparators					
Performance Against Target		Aug-15	% of Total	Sep-15	% of Total
1	Significantly better than Target >5% difference	5	15%	6	18%
1	Better than Target	13	39%	11	33%
1	Close to achieving Target (within 5%)	4	12%	5	15%
1	Significantly worse than Target >5% difference	8	24%	8	24%
1	Data Issues prevent grading	3	9%	3	9%
<b>Total</b>		<b>33</b>	<b>100%</b>	<b>33</b>	<b>100%</b>

- 4.6 The table below provides an overview of the measures currently graded blue 1 and details the change from previous months to show the trend as requested.

Objective / Target – RAGB Status Blue 1	Jul-15	Aug-15	Sept-15
A reduction in the number of non-crime related mental health patients detained in custody suites	-86.5%	-76.7%	-
An increase in the Early Guilty Plea rate compared to 2014-15 – Magistrates Court	+8.0%	+7.9%	+6.8%
A 10% increase in the number of POCA orders compared to 2014-15	-1.2%	+65.6%	+48.4%
To monitor the number of production and supply drug offences	+33.5%	+20.3%	+9.7%
To be better than the national average for Early Guilty Plea rate for the Crown and Magistrates' Courts – Crown Court	+4.9%	+0.7%	+6.0%
Reduce percentage of ineffective trials due to prosecution team reasons compared to 2014-15 – Crown Court	-8.2%	-6.8%	+7.2%

- 4.7 Of the six measures currently graded blue, three have improved and three are worse than the previous Panel report.

- 4.8 The table below provides an overview of the measures currently graded red 1 and details the change from previous months to show the trend as requested.

Objective / Target RAGB Status Red 1	July-15	Aug-15	Sept-15
A reduction in the number of repeat victims of domestic violence compared to 2014-15	+10.1%	+11.5%	+5.4%
A reduction in the number of repeat victims of hate crime compared to 2014-15	+110.0%	+50.0%	+38.5%
To monitor the percentage of Grade 1 and 2 incidents attended within the prescribed timescale	Grade 2 65.5%	Grade 2 65.1%	Grade 2 65.0%
A reduction in All Crime compared to 2014-15	+6.4%	+5.8%	+4.1%

A reduction in Victim-Based Crime compared to 2014-15	+9.4%	+6.7%	+4.9%
To monitor the detection rate for All Crime	-5.8%	-5.3%	-4.1%
To make £11.0m saving by March 2016	-£0.7m	-£0.8m	-£1.2m
Overall spend v budget	-£1.2m	-£2.8m	-£2.7m
2015/16 budget - £191.2m	-1.7%	-3.3%	-2.8%

- 4.9 In summary, four of the eight measures graded red, have improved since the last Panel report.
- 4.10 Following the last Panel meeting Members requested that the Commissioner's update report should explain the reasons for improved performance and lessons learned for blue graded measures and reasons/drivers for poor performance and an explanation as to what action is being taken to address underperformance in respect of red graded measures. The Force has provided the following responses to these questions.

## **5. Blue Rated Measures (1 significantly better than Target >5% difference)**

### **A reduction in the number of non-crime related mental health patients detained in custody suites - Improved Performance and Reason/Lessons Learned**

- 5.1 Improved Performance and Reason/Lessons Learned
- 5.1.1 There were 69 (-76.7%) less people with mental health presented to custody as a first place of safety year-to-date to August 2015. Overall, there was a 27.7% reduction in the number of mental health patient detainees in custody and s136 suites.
- 5.1.2 This significant improvement in performance is a direct result of the introduction of the Street Triage Team which has previously been reported on. In addition the Force has carried out a review and revision of processes in accordance with national guidance, and has a joint protocol with partners which includes a Service Level Agreement with the East Midlands Ambulance Service, and a coordinated approach with the two nominated places of safety (Highbury Hospital and Millbrook).

### **An increase in the Early Guilty Plea rate compared to 2014-15 – Magistrates Court - Improved Performance and Reason/Lessons Learned**

- 5.1.3 The Early Guilty Plea rate recorded in the Crown Court year-to-date to September 2015 was 42.0%, which is an improvement on the same period last year, and an improvement on the previous month (39.5%). The rate was also considerably above the national average rate of 33.3%. The Magistrates' Courts Early Guilty Plea rate has considerably improved from 67.7% in the same period last year, to 73.0%. This places Magistrates' Courts Early Guilty Plea rate above the national average of 72.6%.

- 5.1.4 The improvement in the early guilty pleas in both the Magistrates and Crown Court can be attributed to the early reported success of Transforming Summary Justice (TSJ)<sup>c</sup>.
- 5.1.5 The Force undertook a considerable amount of communication and awareness of National File Standards (NFS) as part of the roll out of TSJ led by senior Criminal Justice managers. File quality is discussed at Regional Prosecution Team Performance Meetings (PTPM) between Police and the Crown Prosecution Service (CPS). There continues to be senior officer/staff commitment to provision of a quality assured Police file. File quality audits are carried out looking at dip samples of individual case files at least every 2 months (Crown and Magistrates) - this involves District Crown Prosecutors for CPS, Police Criminal Justice Staff and Divisional officers at Inspector level or above. This has identified issues and quality both on a general level but also with individual officers which is fed back for additional learning.
- 5.1.6 There is a noticeable increase in the number of cases where anticipated guilty plea is correctly identified at point of charge and the necessary file build (to national standards) is supplied for the dedicated first hearing.
- 5.1.7 Initial details of the prosecution case (IDPC) is prepared and served on the Court and defence 5 days before the hearing allowing them to be better prepare for the initial hearing and the defence to enter their plea.
- 5.1.8 All parties from CPS and HMCTS (HM Courts & Tribunals Service) have been trained in TSJ. Generally feedback in relation to prosecutors, legal advisers and benches / DJs (District Judges) is positive which leads to a better managed Court process.
- 5.1.9 A joint agency, including defence representatives continues to meet regularly to consider how TSJ is operating and to look at performance and to ensure that the Force can address the issues that arise and the impact.

**A 10% increase in the number of POCA<sup>d</sup> orders compared to 2014-15 - Improved Performance and Reason/Lessons Learned**

- 5.1.10 There were 45 additional Confiscation and Forfeiture Orders compared to last year, placing the Force 25.9% above target. The overall value of POCA orders has increased by 0.8% or £4,719, with the average value now at £4,309 compared to £6,343 last year.
- 5.1.11 In 2012 a complete review of how financial investigation was conducted in Nottinghamshire was carried out. A series of high profile changes took place which changed both the process and officer understanding of the legislation. A comprehensive training programme was launched which not only included all officers on the front line but a bespoke course was developed for managers to ensure they know for what POCA could be used for.
- 5.2 Key to this programme was buy-in from senior managers, and a number of courses were personally opened by the Chief Constable. In addition to this the

<sup>c</sup> [https://www.cps.gov.uk/publications/agencies/transforming\\_summary\\_justice\\_may\\_2015.html](https://www.cps.gov.uk/publications/agencies/transforming_summary_justice_may_2015.html)

<sup>d</sup> POCA – means money received following Proceeds of Crime Act orders

whole process by which opportunities for POCA work were identified changed. Officers no longer waited until they were in a charging position to determine whether the legislation could be invoked and instead an automated system of identifying opportunities at the time the offence was reported was brought in. This allowed early intervention by financial investigators and the ability to gather evidence at the time of arrest. Templates and assistance were offered to officers during the period of their investigation rather than at time of charge.

**To monitor the number of production and supply drug offences -  
Improved Performance and Reason and Lessons Learned**

- 5.2.1 There were 34 additional supply and production drug offences recorded year-to-date. In comparison there was a considerable reduction in possession offences (-19.7%), which could be attributable to the increased use of 'legal highs'.
- 5.2.2 The work of the Cannabis Dismantling Team has been maximised to improve effectiveness. Operation Promote has the primary aim tackling drug fuelled violence in the night time economy. Training and leadership at all levels has led to significant improvements in Stop and Searches conducted in relation to Cannabis possession – although there are less searches conducted currently in volume terms, the Force is confident in its effective and legitimate use of stop search powers.

**To be better than the national average for Early Guilty Plea rate for the  
Crown and Magistrates' Courts – Improved Performance and Reason/  
Lessons Learned (Crown Court)**

- 5.2.3 The Early Guilty Plea rate recorded in the Crown Court year-to-date to August 2015 was 39.5%, which is an improvement on the same period last year, and an improvement on the previous month (38.4%). The rate was also considerably above the national average rate of 33.5%.
- 5.2.4 The Magistrates' Courts Early Guilty Plea rate has considerably improved from 67.3% in the same period last year, to 74.1%. This places Magistrates' Courts Early Guilty Plea rate above the national average of 73.1%. The success of Transforming Summary Justice reported at section 5.6.1 above has contributed to the improved performance.

**Reduce percentage of ineffective trials due to prosecution team reasons  
compared to 2014-15 – Improved Performance and Reason/Lessons  
Learned (Crown Court)**

- 5.2.5 The Ineffective Trial Rate in the Crown Court fell from 15.9% last year to 8.7%. There has however been a slight deterioration in the Effective Trial Rate from 49.0% last year-to-date to 48.9% this year-to-date.
- 5.2.6 The success of Transforming Summary Justice reported above has contributed to the improved performance.

<b>6. Red Rated Measures (1 significantly worse than Target &gt;5% difference)</b>
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**A reduction in the number of repeat victims of domestic violence compared to 2014-15 - Reason for Performance and Action being taken**

- 6.1 More recent data (to the end of October) reveals that the number of repeat victims of domestic violence has increased by 3 offences year-to-date, which is a noticeable improvement on the position reported previously, with a -1.0% decrease in the County, and a 2.0% increase in the City. The proportion of domestic abuse incidents and crimes has reduced when compared to the previous year (40.8%), although actual numbers have increased from 1,508 to 1,537 repeat offences. The proportion falls to 22.1% when incidents are removed, suggesting that the Force is dealing with these proactively prior to an incident becoming a crime. However, the volume of domestic abuse crimes has fallen since August.
- 6.1.1 A (brief) summary of actions currently being taken to respond to this challenge are:
- More repeat offenders are being arrested
  - Month on month data shows a reducing trend in numbers of repeat victims
  - The Force continues to record a strong arrest rate of 85%
  - There are good local procedures around the MARAC<sup>e</sup> in both the City and County
  - MARAC information is now available on the Force database (BATS)<sup>f</sup>.
- 6.1.2 The high conviction rate for these offences should be noted, and by working with CPS, the Force is hoping to drive further improvement by progressing victimless prosecutions.<sup>g</sup>

**A reduction in the number of repeat victims of hate crime compared to 2014-15 - Reason for Performance and Action being taken**

- 6.1.3 There were 15 additional repeat hate crimes recorded year-to-date, 12 of which are on the City. The performance figures do reflect such an increase, with the proportion of repeat victims being maintained in the reported figures. More than a third of the increase (38.5%) in repeat victimisation is actually accounted for by four victims reporting multiple incidents on the same day, rather than a more general increase in repeat victimisation.
- 6.1.4 The Commissioner set an objective in his Police and Crime Plan to “*Encourage the increased reporting and identification of Hate Crime*”. Therefore, both Commissioner and Chief Constable consider that the 16% increase in reported hate crime is a very positive achievement, suggesting increased confidence in victims’ propensity to report hate crime.

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<sup>e</sup> A Multi Agency Risk Assessment Conference (MARAC)

<sup>f</sup> BATS - Briefing and Tasking System

<sup>g</sup> Victimless Prosecution refers to the collation of evidence by prosecutors in domestic violence cases to convict abusers without the cooperation of an alleged victim.

- 6.1.5 Whilst there is an objective to increase hate crime reports there is another measure to reduce the level of repeat victimisation. The Commissioner accepts that there is a possibility that an increase in confidence may lead to further reports of hate crime, however, the Commissioner's view is that all possible interventions should be taken to prevent and deter further offences.<sup>h</sup>
- 6.1.6 A (brief) summary of actions currently being taken to respond to this challenge are:
- The Commissioner has funded a Hate Crime Manager post for two years.
  - The Force Management Information Unit highlights repeat victims to divisional commanders and these are referred for review by the Force Hate Crime Manager.
  - In the City, all hate crimes are referred to the City Council's Community Protection Team for possible use of new antisocial behaviour legislation, particularly in context of repeat victimisation and offending.
  - The risk assessment process is being reviewed so that risk around repeat victimisation is more accurately defined and leads into targeted activity.
  - Multi-agency processes, such as Vulnerable Person Panels (VPP), are being reviewed to ensure that repeat victimisation is appropriately addressed collectively.
  - Community Safety Partnerships (CSPs) are being supported to develop more effective analytical products to support case-working processes that will prioritise repeat victimisation.
  - The Safer Nottinghamshire Board's (SNB) analytical product has been developed to include tasking information around repeat victimisation.<sup>i</sup>
  - A referral process to Remedi is being developed to deliver additional options for addressing offending behaviour and the impact on victims through restorative justice.
  - A behaviour management programme is being developed through the SNB and Holocaust Centre to address offending behaviour.
  - A hate crime scrutiny proposal has been developed that will specifically address repeat victimisation for organisational learning and accountability.
  - In the City a hate crime performance meeting has been instigated to address live cases which will include a focus on repeat victimisation.

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<sup>h</sup> *In theory, an effective intervention will prevent or deter further offences being committed. Therefore, any subsequent repeat offences have failed in this respect.*

<sup>i</sup> *Note: This is now raised as a risk due to the recruitment freeze on a replacement Partnership Analyst.*



**To monitor the percentage of Grade 1 and 2 incidents attended within the prescribed timescale<sup>j</sup> - Reason for Performance and Action being taken (Grade 2 Incidents)**

- 6.1.7 In terms of Grade 1 incidents, the Force attended 82.2% of Urban areas and 77.7% of Rural areas within the specified times. However, 65.0% of Grade 2 incidents were attended within 60 minutes falling short of the 80% target.
- 6.1.8 Since 2013, calls for service have increased and therefore the overall number of incidents has also increased. Crime reports have increased also especially sexual crime and child sexual exploitation (CSE) which demands significantly more Police time. This means that officers are carrying a higher workload and on occasions demand for service is higher than available resources. Despite this, it is encouraging that Grade 1 incidents are still achieving target as these incidents carry a higher threat, harm and risk to people.
- 6.1.9 With increasingly diminishing resources and more incidents requiring greater intensity and Police time, managing demand is becoming increasingly critical for Police and partners.
- 6.1.10 The Commissioner has included a strategic activity in his Police and Crime Plan to 'Adopt an integrated partnership approach to preventing demand for public, private and third sector.' There is now an agreed Partnership Prevention Programme Plan. Some prevention principals and enablers have been agreed. The plan will over the next years 2015/16 concentrate on the following themes:
- Locality working in areas of high demand;
  - Business crime and Town Centres;
  - Community Safety and protection;
  - Mental health, children and young people.
- 6.1.11 The Force's Delivering the Future (DTF) programme is addressing this performance conundrum by dealing with increasingly more incidents at the first point of contact (i.e. over the phone). Also, appropriate resources are targeted to the right crime or incidents which are graded so that attendance only occurs when there is value or necessity in doing so.

**A reduction in All Crime compared to 2014-15 - Reason for Performance and Action being taken**

- 6.1.12 The results of a recent internal compliance audit reveal that the Force is recording crimes at a compliance rate of 98%, which is a significant improvement on a previous position and allows confidence that crime is being recorded ethically and in line with NCRS (National Crime Recording Standard). This does mean that the Force is recording a higher number of crimes than previously, with this effect apparent in recorded crime performance this year. In addition, new offences of Malicious Communications, under the Harassment offence group, are now counted as recorded crimes.

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<sup>j</sup> Historically the targets for attendance to incidents have been as follows: 85% attendance to Grade 1 incidents in Urban areas within 15 minutes and Rural areas within 20 minutes; and, 80% attendance to Grade 2 incidents within 60 minutes.

- 6.1.13 The upward trend continues to improve, with the current YTD increase smaller than it has been previously, bringing the Force in line with the forecasted year-end 0.3% increase.
- 6.1.14 Both divisions are showing improved performance with the County now recording a 6.8% increase, and the City continuing to record a reduction now at -2.4%. As reported previously the bulk of the increase relates to Violence Against the Person (+14.6%, +1,411 offences), which now makes up over a quarter of all crime (25.2% compared to 22.6% last year).
- 6.1.15 On the other hand, Burglary Dwelling continues to show strong performance (-20.4%), as does Robbery (-17.1%).
- 6.1.16 As already stated, the increase in total crime can be attributed to compliance with the national recording standard (NCRS) and new crime categories introduced in April this year. It is important that this standard is maintained as future HMIC inspections into crime recording will be unannounced. The current 98% compliance rate will place the Force in good standing for future inspections.
- 6.1.17 The Force has a dedicated Public Protection Department headed by a superintendent who has oversight on sexual crime especially CSE. The Force also has established a Violence Gold Group to review all aspects of violence including night time economy (NTE) issues and considers trends, comparisons with other Forces and takes actions as appropriate.
- 6.1.18 Performance and trends are analysed and responded to daily on division and, in addition, performance is reviewed monthly at the Operational Policing Review meetings and at Force level at the Force Performance Board chaired by the Assistant Chief Constable.
- 6.1.19 The Commissioner's office is represented at these meetings and any issues of concern are reported to the Commissioner during his weekly briefings. The key issues of increased crime recording especially violent crime and increases in sexual crime, especially CSE, are frequently discussed at the Commissioner's weekly meetings with the Chief Constable. The Force has launched a Sexual Offences Coordinating Group chaired by the ACC to deal with the increase in recorded sexual offences.

#### **A reduction in Victim-Based Crime compared to 2014-15 - Reason for Performance and Action being taken**

- 6.1.20 Victim-Based crimes accounts for 90.1% of All Crime recorded by the Force, which is slightly higher than the proportion recorded last year (89.5%). Again, County division recorded the larger increase (7.8%, or 1,720 offences), whilst City Division is recording a reduction of 2.2% or 360 offences.
- 6.1.21 Improved compliance rates have had the greatest impact on violence and sexual offences, which has driven the increase in victim based crime, as per the explanation given above.

### **To monitor the detection rate for All Crime - Reason for Performance and Action being taken**

- 6.1.22 The detection rate for All Crime fell from 30.5% last year to 26.8%. It should be noted that this is, an improvement on the previous month which will improve further when the 231 detections awaiting approval are added (27.3%). Previous analysis has suggested falling numbers of arrests may have impacted directly on overall detections, but changes to the counting rules, 24 hour interventions and new offence classifications may also be contributory factors.
- 6.1.23 It is worth noting that the volume of detections recorded has remained relatively stable this year, and it is suggested that the reduction in detection rate is as a result of the increased volume of crimes recorded, rather than a loss in the volume of detections achieved.
- 6.1.24 The increased safeguarding demands have caused the Force to place greater emphasis on prioritising threat, harm and risk in the way in which resources are deployed. In this respect, administrative crime detections which are not in the interests of the victim or justice are no longer being pursued e.g. offences taken into consideration.
- 6.1.25 The Force records a number of crimes for which it may not be proportionate to invest resources in to achieving a positive outcome, particularly when taking a threat harm and risk approach. An example of this would be the new notifiable malicious communications offences, for which the rate of positive outcomes is low.
- 6.1.26 However, the Force has identified a number of 'common mistakes' which may result in detections being lost, although it should be noted that the number is by no means significant. In order to ensure effective and appropriate use of detections the Force is delivering a programme of briefings with accompanying training materials, and is also reviewing and refining forms used to record out of Court disposals to support this process.

### **To make £11.0m saving by March 2016 - Reason for Performance and Action being taken**

- 6.1.27 The Government's grant has reduced significantly and in order to balance the budget, savings of £11.0m need to be made in 2015-16. To date £2.104m efficiencies have been achieved against a target of £3.327m. Work is currently underway to review the shortfall in the efficiency programme by project and what actions are required to recover the position.
- 6.1.28 In August 2015, a decision was taken in principle for the Force to form a Strategic Alliance with Leicestershire and Northamptonshire. The Force is also working closely with other Forces. Between the three Forces there is around a £0.5billion budget, which offers huge opportunities to protect communities and tackle the challenges ahead. A Chief Superintendent will support the work of Delivering the Future and the Strategic Alliance, on behalf of Nottinghamshire, with Deputy Chief Constable leading overall as the dedicated Chief Officer.
- 6.1.29 There is a lot of work to undertake over the next few months but working together will give the Alliance the chance to deliver a more effective and

efficient policing model across three Forces. This will require a new operating model and significant changes to the way the Force currently does business.

### **Overall spend v budget 2015/16 budget - Reason for Performance and Action being taken (£191.2m)**

- 6.1.30 Expenditure to date was £2.7m worse than budget. This was largely due to the shortfall in the efficiency programme which impacts numerous lines of expenditure (as above) where work is underway to address the shortfall.
- 6.1.31 Police officer overtime was higher than budgeted due to various operations such as speed awareness, although some overtime relates to mutual aid. The charge for the MFSS<sup>k</sup> which was omitted from the original budget; the timing of income recognition for externally funded projects; and a redundant stock charge for uniforms.
- 6.1.32 The Force scrutinises expenditure at its Force Executive Board (FEB) and the Local Performance Board where remedial action and control measures are introduced. Unexpected major incidents have a significant adverse impact on this measure.
- 6.2 The Commissioner has regular meetings with the Chief Constable specifically to review the budget and hold the Chief Constable to account and consider options to improve performance and efficiency.

<b>7. Monitor the Proportion of Rural Crime Compared to 2014-15</b>
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- 7.1.1 This measure has not been RAGB graded. There were 4,601 offences defined as Rural Crimes<sup>l</sup> recorded year-to-date to September 2015 which is a 1% increase in the proportion of All Crime compared to the previous year. This is the same as reported in the last Panel report.
- 7.1.2 Volume wise there has been a 13% (or 531 additional offences) increase year-to-date. In the previous Panel report the figure was 15.8% so this is an improvement.

### **Holding the Chief Constable to Account**

- 7.2 The Commissioner's staff is represented at the key Divisional, Partnership and Force Local Performance board meetings in order to obtain assurance that the Force and Partners are aware of the current performance threats, and are taking appropriate action to address the emerging challenges. Should there be any issues of concern these are relayed to the Commissioner who holds the Chief Constable to account on a weekly basis.

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<sup>k</sup> Multi Force Shared Services (MFSS) Oracle system

<sup>l</sup> Rural Crime Force Definition: Rural crimes include all crimes occurring in rural areas in addition to those offences defined as rural (i.e. theft of livestock).

- 7.3 In addition, from time to time the Commissioner meets with both Divisional Commanders to gain a deeper understanding of threats, harm and risk to performance.
- 7.4 At a previous Panel meeting Members asked if the Commissioner would include a specific example of where he had held the Chief Constable to account on an issue. The Commissioner would emphasise that he has a regular weekly agended meetings with the Chief Constable. Furthermore, Force performance is always discussed. Frequently the budget and investigations on historic child sex offending are on the agenda.
- 7.5 At the November Panel meeting a case study was prepared to illustrate how an issue of concern which came to light through the assurance process (i.e. shop theft) was followed through. Panel Members have asked if a similar case study could be prepared for each meeting. For this meeting, a case study has been prepared in respect of the Victim's Code (see **Appendix A**).

### **Activities of the Commissioner and Deputy Commissioner**

- 7.6 The Commissioner and Deputy Commissioner continue to take steps to obtain assurances that the Chief Constable has not only identified the key threats to performance but more importantly that swift remedial and appropriate action is being taken to tackle the problems especially in the Priority Plus Areas in the County and High Impact Wards in the City. Key activities are reported on the Commissioner's web site.<sup>m</sup>

## **DECISIONS**

- 7.7 The Commissioner has the sole legal authority to make a decision as the result of a discussion or based on information provided to him by the public, partner organisations, Members of staff from the Nottinghamshire Office of the Police and Crime Commissioner (NOPCC) or Chief Constable. The Commissioner's web site provides details of all significant public interest decisions.<sup>n</sup>
- 7.8 At a recent meeting with Panel Members it was requested that the Commissioner provide a list of all forthcoming decisions rather than those already made. In this respect, **Appendix B** contains a Forward Plan of Key Decisions for the OPCC and the Force.

<b>8. IPCC Investigation into the discharge of a Police firearm at a demonstration at Nottinghamshire Police Headquarters</b>
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- 8.1 At the Panel Pre- Agenda meeting on 20<sup>th</sup> November 2015 Panel Members asked that a case study be provided on the recent publication of the Independent Police Complaints Commission (IPCC) Investigation into the discharge of a Police firearm at a demonstration at Nottinghamshire Police Headquarters last year.

<sup>m</sup> <http://www.nottinghamshire.pcc.police.uk/News-and-Events/Latest-News.aspx>

<sup>n</sup> <http://www.nottinghamshire.pcc.police.uk/Public-Information/Decisions/Decisions.aspx>

- 8.2 The incident happened at an event for young competition winners and their families on 30 October, 2014. During an open-air demonstration by authorised firearms officers a live assault rifle was discharged into the ground. The girl received an injury to her lip, caused by the bullet casing.
- 8.3 The investigation found no protocols or policies were in place, prior to the incident, which dealt with the use of firearms, live or otherwise, at public events. In addition, evidence showed no risk assessment was undertaken, concerning the use of firearms, ahead of the demonstration.
- 8.4 The report states that operational AFOs (authorised firearms officers) must have their firearms loaded, making the requirement for the weapons to be unloaded and safe for a community engagement event impossible. Therefore, it would be safer to use non-operational AFOs and training weapons only at such events in the future.
- 8.5 The investigation also found a case to answer for gross misconduct for the officer who fired the weapon for failing to ensure it was safe. After consultation with the Force, the IPCC Commissioner decided that the officer should face a gross incompetency hearing.
- 8.6 Following the hearing held by Nottinghamshire Police last month, the officer has been redeployed to a divisional role with no firearm or Taser duties. Another officer, involved in the incident, has since left the firearms department. A third officer has been recommended to undergo further training in the planning of public events.
- 8.7 IPCC Commissioner Derrick Campbell said:
- “The seriousness of this matter cannot be underestimated. It is through good fortune that no one was more seriously injured. The officer’s actions, while not deliberate, posed a genuine risk to those present. A number of sensible, logical recommendations have been made which the Force has accepted, including replacing live firearms with training weapons at future public events.”*
- 8.8 Nottinghamshire Police apologised at the time of the incident to the parents and children who attended.
- 8.9 The report can be downloaded from the IPCC web site.<sup>9</sup>
- 8.10 Due to the short time frame of this request by the Panel, there has been insufficient time to prepare a written case study of this incident; however the Chief Constable will be in a position to provide a verbal update to answer the following areas of interest to the Panel:
- 1) The action the Force has taken in response to the IPCC report recommendations especially, the protocols and policies put in place, risk assessments to be undertaken, the use of non-operational AFOs and training weapons only at such public events.

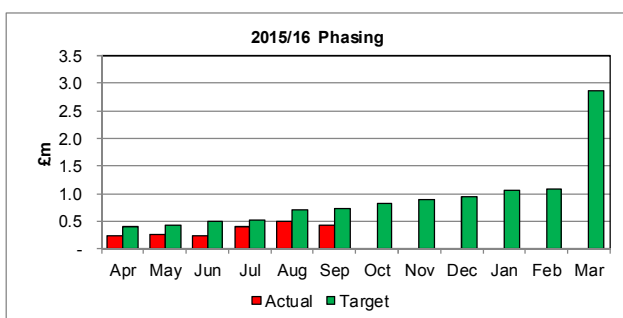
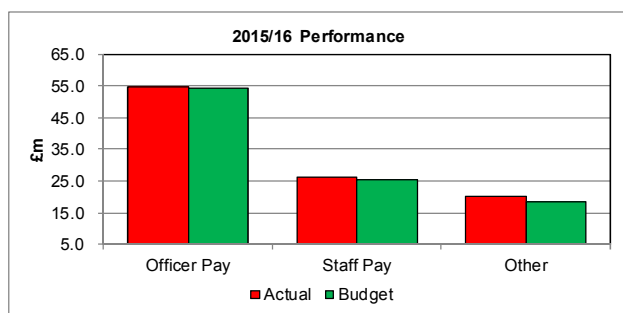
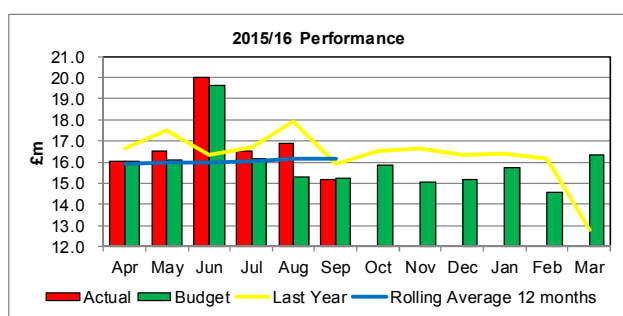
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<sup>9</sup> <http://www.ipcc.gov.uk/news/ipcc-concludes-investigation-discharge-weapon-during-public-event-nottinghamshire-police>

- 2) The procedures in place for reporting critical incidents like this one to the Commissioner or in his absence the Deputy or NOPCC CEO?
- 3) An account of the procedures followed in respect of this incident?

## 9. Financial Implications and Budget Provision

- 9.1 The financial information set out below is intended to provide the Panel with information so that they can review the steps the Commissioner is taking to fulfil his pledges and provide sufficient information to enable the Panel to fulfil its statutory role.



9.2 **Appendix C** contains the Financial Performance Insight report for September 2015. It details performance in respect of: Financials, Capital Expenditure, Efficiencies, Operations, Overtime, Seconded Staff, and Corporate Services.

### Overview

9.3 The tables on the left illustrate budgetary performance during this financial year to September 2015.

9.4 The Force has a full year budget of £191.2m. Year to date £101.170m has been spent against a budget of £98.460m which represents an overspend of £2.710m (last month it was £2.758m so there is a slight improvement).

9.5 The Phasing chart shows the efficiencies planned each month over the financial year. Year

to-date, the Force has achieved savings of £2.104m against a target of £3.327m which represents a shortfall of £1.223m and is therefore behind its efficiency target of £11.014m.

- 9.6 Expenditure was £0.048m better than budget. This was mainly due to a release of the MRP (Minimum Revenue Provision) and a correction to externally funded projects and partly offset by the efficiency challenge being behind target, overtime and redundancy payments.
- 9.7 Police officer pay was £8.781m, which was £0.053m better than budget largely due to pensions, unsocial hour's payments and leavers/retirees being higher than budgeted. Overtime was £0.350m, which was £0.200m worse than budget,

mainly due to Operation Drosometer £0.081m, mutual aid and special services £0.028m all of which are offset by income. An additional accrual for the overtime rate issue has not been raised as it is felt this can be covered by the £0.100m accrual raised in August for unauthorised hours.

- 9.8 Police staff pay was £4.099m, which was £0.078m worse than budget, mainly due to not achieving the budgeted vacancy rate; and the phasing of the overlay for PCSO restructuring. Overtime was £0.069m, which was £0.037m worse than budget, the Force is not accruing in this area and this reflects the actual payments coming through from BOBO (Booking On and Booking Off).
- 9.9 Other employee expenses were £0.273m worse than budget largely due to an accrual for PCSO redundancy costs and pension strain.
- 9.10 **Appendix C** provides further detailed financial performance information.

## **10. Human Resources Implications**

- 10.1 None - this is an information report.

## **11. Equality Implications**

- 11.1 None – although it should be noted that high levels of crime occur predominately in areas of high social deprivation.

## **12. Risk Management**

- 12.1 Risks to performance are identified in the main body of the report together with information on how risks are being mitigated.

## **13. Policy Implications and links to the Police and Crime Plan Priorities**

- 13.1 This report provides Members with an update on performance in respect of the Police and Crime Plan.

## **14. Changes in Legislation or other Legal Considerations**

- 14.1 None that directly relates to this report.

## **15. Details of outcome of consultation**

- 15.1 The Deputy Chief Constable has been sent a copy of this report.



<b>16. Appendices</b>
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- A. Case Study – Victims Code
- B. Forward Plan of Key Decisions for the OPCC and the Force
- C. Finance Performance and Insight Report – September 2015

<b>17. Background Papers (relevant for Police and Crime Panel Only)</b>
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- [Police and Crime Plan 2015-2018 \(published\)](#)
- [IPCC Investigation into the discharge of a Police firearm at a demonstration at Nottinghamshire Police Headquarters](#)

For any enquiries about this report please contact:

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