

DURHAM COUNTY COUNCIL

SAFER AND STRONGER COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE

At a Meeting of **Safer and Stronger Communities Overview and Scrutiny Committee** held in **Committee Room 2, County Hall, Durham** on **Tuesday 28 October 2014 at 9.30 am**

Present:

Councillor D Boyes (Chairman)

Members of the Committee:

Councillors J Armstrong, P Conway, S Forster, J Gray, C Hampson, M Hodgson, J Maitland, N Martin, T Nearney, K Shaw, P Stradling, J Turnbull and C Wilson

Co-opted Members:

Mr J Welch

Also in attendance:

Chief Inspector C McGillivray

1 Apologies for Absence

Apologies for absence were received from Councillors J Charlton, D Hall, G Holland, J Measor, Mr A J Cooke, S Errington and Chief Superintendent G Hall.

2 Substitute Members

No notification of Substitute Members had been received.

3 Minutes

The Minutes of the meeting held 16 September 2014 were agreed as a correct record and were signed by the Chairman.

The Overview and Scrutiny Officer, Assistant Chief Executive's, Jonathan Slee noted that, in reference to the minutes, additional information provided by the National Probation Service had been circulated to the Committee and that a letter from the Committee had been forwarded to the Chairman of the Road Casualty Reduction Forum, Dave Wafer. Members noted that the details of WiseDrive and Safety Carousel events organised by Durham Constabulary had been circulated and a letter thanking the Chief Constable and his Officers for the excellent event held at the new Police Headquarters on 1 October 2014 was sent on behalf of the Committee.

The Chairman noted the event was very informative and asked the Officers from Durham Constabulary, Chief Superintendent Ivan Wood and Chief Inspector Chris Reeves to pass on the thanks of the Committee to the Deputy Chief Constable, Michael Banks and Assistant Chief Constable, Dave Orford who gave presentations to Members at the event.

The Chairman also noted that it could be of benefit to Members if the Committee was to attend a WiseDrive/Safety Carousel event next year.

4 Declarations of Interest

There were no Declarations of Interest.

5 Any items from Co-opted Members or Interested Parties

There were no items from Co-opted Members or Interested Parties.

6 Media Relations

The Overview and Scrutiny Officer referred Members to the recent prominent articles and news stories relating to the remit of the Safer and Stronger Communities Overview and Scrutiny Committee (for copy see file of minutes). The articles included: an operation by Durham Constabulary's Alcohol Harm Reduction Unit and the Council's Trading Standards Team to stop the sale of fake vodka, noting those arrested being referred to Crown Court; a public meeting held subsequent to a dog attack; and the jailing of 9 men for a total of 60 years for drug related offences.

Chief Superintendent I Wood explained that the first article was an excellent example of partnership working between the all organisations involved, including Derwentside Homes, and demonstrated creative tactics being used to help protect the public from potentially lethal counterfeit alcohol.

Resolved:

That the presentation be noted.

7 Durham Tees Valley Community Rehabilitation Company

The Chairman thanked the Head of Services County Durham and Darlington, Durham Tees Valley Community Rehabilitation Company, Hazel Willoughby who was in attendance to speak to Members regarding progress in relation to the Durham Tees Valley Community Rehabilitation Company (CRC) (for copy see file of minutes).

The Head of Services, CRC reminded Members that Transforming Rehabilitation (TR) was the Government's 18 month programme of changes to the Prison and Probation Services, with the Probation Trusts being abolished and replaced. Councillors noted that a National Probation Service (NPS) had been set up to deal with "high risk" offenders, was a branch of the Civil Service and Members had received a presentation at the last meeting of the Committee from Head of Durham NPS, Carina Carey relating to this.

It was added that the 21 CRCs set up across the country, including the Durham Tees Valley CRC, would be subject to competitive tender and would deal with “low to medium risk” offenders. It was explained that the results of the tender exercise would be announced later this week and that the CRCs would operate on a payment by results (PBR) model, judged against the reducing reoffending rate.

The Committee noted that the Minister would report back to Parliament and, after a two week “due diligence” period, CRC staff would begin to work with the new owners. It was explained that the Ministry of Justice (MoJ) was managing the communications regarding the CRCs, however, locally a Task and Finish Group had been established in advance to consider local interests and was chaired by the Council’s Head of Planning and Service Strategy, Children and Adults Services, Peter Appleton. Members learned that the Task and Finish Group had looked at potential risks to the services provided and all involved were working towards a smooth transition to the new arrangements. The Head of Services, CRC noted that it was important that, whoever the new owners of the CRC were, there was a need to ensure that working with partners was kept as a high priority.

Members understood that the first steps would be to develop a “desistance framework”, a step change in terms of rehabilitation. It was explained that previously there was focus on looking at offenders’ thinking and actions in the past and now emphasis was to look at the strengths in offenders’ lives and building upon those, albeit in the context of their individual history. It was added that leading models in the field were those that focused on families, integrating offenders back into communities and helping offenders in respect of their job prospects. The Head of Services, CRC explained that while the CRC would technically deal with “low to medium risk” offenders, there would be a number that could have a significant impact with issues that could be involved including: child and adult safeguarding; domestic violence; appropriate training and qualification; and access to information, working with partners to ensure all relevant information is available.

Councillors noted that the two key elements of changes in legislation relating to supervision were Rehabilitation Activity Requirement (RAR) and “through the gate”, the Government’s plan for all those released from prison to be “subject to licence”. It was explained that the volume and turnover in the offender population would impact upon all partners and organisations. The Head of Services, CRC reminded Members that while a number of staff had been “lost” to the NPS, some recruitment was taking place and the existing partnerships and the work of the Task and Finish Group gave a good platform to build upon.

The Chairman thanked the Head of Services, CRC and asked Members for their questions on the presentation.

The Committee asked questions in relation to: who the CRC would be accountable to in respect of performance and PBR; whether the tender for the CRCs had included European companies; and whether there had been any detriment to service during the process of change.

The Head of Services, CRC noted that assurance had been sought regarding accountability at meetings of the Task and Finish Group, with the MoJ having explained that there would be staff based within the CRC for “contract management” and they would be looking to measure against the reoffending rate as recorded within Police data. It was added that the contracts for CRCs had been subject to the OJEU process, with European companies therefore being eligible to submit a tender proposal.

The Head of Services, CRC explained that all Probation Service staff had worked extremely hard to ensure that cases had been correctly assigned to the NPS or emerging CRCs and to ensure the same high standards of quality during the transition to new arrangements. The Head of Planning and Service Strategy, Children and Adults Services added that it was to the credit of all of the staff involved in minimising the risks involved, while undertaking the large amount of work in connection with the transition process.

The Head of Planning and Service Strategy, Children and Adults Services added that information was being sought from the MoJ in respect of how partners could get involved in monitoring performance. The Chairman noted that it would be useful for the Committee to receive further information on progress in 6 months, the Head of Services, CRC noted that this would be possible and that when the announcement from the MoJ was made in respect of the CRC contracts, Members would be informed.

Resolved:

- (i) That the report and presentation be noted.
- (ii) That a further update report is brought to the Safer and Stronger Communities Overview and Scrutiny Committee in 6 months' time.

8 Safer Durham Partnership - Reducing Re-offending Strategy

The Chairman asked the Head of Services, CRC to speak to Members regarding the Safe Durham Partnership (SDP) Reducing Reoffending Strategy 2014/17 (for copy see file of minutes).

The Head of Services, CRC thanked Members, and passed on the apologies of the Community Safety Officer, Sean Barry who was unable to attend the meeting. Members were reminded that the Reducing Reoffending Strategy was linked to the actions of the CRC and that the CRC was now a full member of the SDP Reducing Re-offending Group.

The Committee noted that there were key principles in respect of: working with partners; local response; whether offenders faced a restorative or custodial pathway; better use of resources; and managing high risk offenders. Members learned that a pilot scheme conducted in Darlington in 2013 regarding alternatives to custody was now operating in Durham and Darlington, and the model would be expanded to look at "suitable offences" and have a high impact on the reducing reoffending rate. It was added that there would be changes to the delivery of Integrated Offender Management (IOM) and this would have impact upon partners. In respect of Restorative Approaches (RA) it was noted that these had been enthusiastically embraced, with the Police and Crime Commissioner (PCC) looking to appoint an Officer to overview restorative justice. Members noted that feedback from victims of crime in respect of RA had been 100% positive and the development of RAs should help to reduce the reoffending rate.

The Chairman thanked the Head of Services, CRC and asked Members for their questions on the report.

Chief Inspector C Reeves noted an example where understanding the reasons why people would reoffend could often show the best way in which to help offenders so that they do not reoffend, and Members agreed that it was important to try and help those committing “low-level” offences, breaking the cycle of offending.

The Head of Services, CRC noted the impact of Welfare Reform on the frequency of offences, such as shoplifting of food items.

Councillors asked questions relating to: how RAs were communicated to communities, so that justice was being seen to be done; if volunteers could be used within RAs; how early interventions, such as education, impacted upon the reducing reoffending; and how the “critical pathways” would be achieved in times of financial pressure.

Chief Inspector C Reeves noted that issues around the individual RAs were sensitive and were, in general, between victims and offenders face-to-face and not made public. It was added that some types of activities could be publicised, such as litter-picking, and all issues would be looked at on a case by case basis.

The Head of Services, CRC noted that a lot of staff across several organisations had been trained in RAs and at many levels, from holding conferences with victims and offenders to Police Officers dealing with issues at a street level. It was reiterated that the PCC was looking to have a coordinated approach in respect of RAs.

Councillor M Hodgson noted the work of “Think Family”, in part carried out in schools, in reaching those people that need help in being able to break the cycle of offending. Councillor P Stradling noted that often peer pressure can be a factor in being able to convince offenders to amend their behaviour, and Councillor P Conway added that Local Members and community organisations within neighbourhoods often have information, not just regarding “recorded” crime.

The Head of Services, CRC noted that the Offender Assessment System (OASys) was set up noting critical areas of need, mirroring the critical pathways and that there would be a look to which organisations would be best placed to deliver against those areas, not just the Police, CRC and Local Authorities.

The Chairman reminded Officers that an issue that the Committee had raised on several occasions was the lack of involvement of Members in the LMAPS process, especially as local knowledge can be vital in tackling crime. The Head of Services, CRC noted that a member of the CRC had been working in Canada looking at models that were used to empower local communities in this respect and, upon return to the UK, it was hoped that series of seminars would be able to share findings on those models.

Resolved:

That the report be noted.

9 Anti-Social Behaviour, Crime and Police Act

The Chairman asked Chief Superintendent I Wood to speak to Members regarding the Anti-Social Behaviour, Crime and Policing Act 2014 (for copy see file of minutes).

Chief Superintendent I Wood thanked Members for the opportunity to give Members a brief overview regarding the Act and following communication with the Chairman noted that a seminar was being organised for Members for the morning of 12 December to give more information, further details to be circulated in due course.

The Committee were informed that the Anti-Social Behaviour, Crime and Policing Act 2014 was developed subsequent to an initial review of the Anti-Social Behaviour (ASB) Toolkit in 2010 by the Home Secretary, followed by consultation in 2011 and a White Paper being produced in 2012. Members noted that following the White Paper, a draft bill was produced in 2013, and after consultation and passage through Parliament, the Act was passed in March 2014.

It was explained that at this time, 5 of the 6 parts of the Act were in force, and that the 19 ASB powers previously available had now been rationalised to 6 powers, set out at Appendix 3 of the report. It was added that the sixth part of the Act was in relation to Legal Aid and that this would come into effect in 2016.

Members noted, since January this year, Durham Constabulary and partners have been working in preparation to develop the policies and processes required and were in a strong position to move forward. It was explained that online training used by the Police was being made available to Council Officers, including Neighbourhood Wardens, Trading Standards and the Clean and Green Team, together with a half-day session on processes to be provided for those at a supervisory level. Chief Superintendent I Wood noted that the report set out the six new ASB powers, with: two relating to people – Injunction to Prevent Nuisance and Annoyance (IPNA) and Criminal Behaviour (CBO); three relating to place – Community Protection Notices, Public Space Protection Orders and Community Protection Orders (Closure); and one being a Police Power – Dispersal Powers.

The Committee noted changes also included the “Community Trigger”, providing a stronger voice for communities and individuals where several incidents have been recorded and people are unhappy with the actions that have been taken. Members noted that, upon review, if there has been a problem an Action Plan would be developed to resolve the issues raised. It was explained that the first Community Trigger had been received and that initial thoughts were that the policy and processes in place were sound and working well. Members were informed of “Community Remedy”, where the PCC has a duty to consult on a menu of out of court punishment of offenders for low level crime and ASB in respect of punitive, restorative or rehabilitative actions. Councillors noted that consultation took place between July and August 2014 and the process had “gone live” on 20 October 2014.

It was explained that issues would be monitored by the SDP ASB Group, ASB had reduced by 3% last year and another 3% reduction was predicted for this year, with a 16% reduction in incidents linked to young people and alcohol abuse. Chief Superintendent I Wood concluded by noting that it was envisaged that the new powers would allow for quicker actions, lead to meaningful results and that progress would be reported back from the SDP to the Committee.

The Chairman thanked Chief Superintendent I Wood and asked Members for their questions on the report.

Councillors asked questions in relation to: how to ensure a consistent approach across the whole County and all services and partners; resource implications of Community Triggers; communication of what powers were available in relation to RAs; and who would decide what particular Community Remedy would be used.

Chief Superintendent I Wood explained that the SDP ASB Group met every two months and Officers from Durham County Council (DCC) and partners such as housing provider were involved and therefore all services and partners should be providing a consistent approach. It was explained that where Community Triggers were piloted, for example in Leeds, there were only 30 within a year and therefore it was not envisaged that they would lead to an onerous workload.

Chief Superintendent I Wood explained that Government media training had advised a low profile in terms of some issues, further information would be brought forward on this at the briefing for Members. It was added that in respect of Community Remedy, the local Beat Teams, Neighbourhood Wardens and the PCC's Team would decide, in consultation with victims, on what option to take forward.

Resolved:

- (i) That the report be noted.
- (ii) That arrangements be made to hold a further session on the ASB, Crime and Police Act for all Members of the Council on 12 December 2014.

10 Safe Durham Partnership - Refresh of the Partnership Plan

The Chairman asked Head of Planning and Service Strategy, Children and Adults Services to speak to Members regarding the refresh of the Safe Durham Partnership Plan (for copy see file of minutes).

The Head of Planning and Service Strategy reminded the Committee that the process of refreshing the Plan for 2015-2018 had begun, and the process was looking to be more inclusive than previous years, not only having Overview and Scrutiny involvement, also having input from the local level from community groups and the Area Action Partnerships (AAPs). Members noted that the Plan would be for 3 years and the Plan would return to Committee prior to consultation completing in January 2015.

The Chairman thanked the Head of Planning and Service Strategy and asked Members to consider the draft Plan prior to the item coming back to Committee in January 2015.

Resolved:

- (i) That the process for the refresh of the Partnership Plan 2015-18 be noted.
- (ii) That the strategic objectives in the Safe Durham Partnership Plan being reaffirmed as the priorities for 2015-18 be noted.
- (iii) That the outcomes in the Safe Durham Partnership Plan as detailed in the report may be subject to change as a result of the consultation process be noted.
- (iv) That the Safer and Stronger Communities Overview and Scrutiny Committee receive a report on the strategic assessment in January 2015 as part of the consultation process.

11 Overview and Scrutiny Review - Organised Crime

The Overview and Scrutiny Officer reminded Members that the topic chosen by the Committee for a review was Organised Crime and referred to the draft scoping document and project plan (for copy see file of minutes).

The Overview and Scrutiny Officer asked Members to recall the presentation given by Detective Chief Superintendent Jane Spraggon on the activities undertaken by Durham Constabulary and partners in tackling Organised Crime Groups (OCGs). Members were referred to the draft scoping document and project plan and noted there were 4 meetings scheduled from November 2014 to January 2015 looking at: the background and strategy; Community Intelligence; Illegal Waste Sites; and the risk of OCGs to DCC. The Chairman noted that the draft scoping document and project plan were a good starting point for the project and asked for any comments from Members.

Councillors noted issues in relation to some loyalties within communities that may pose barriers to gathering intelligence, such as the sales of cheap alcohol and tobacco and the fallout experienced in communities where OCGs are tackled. Chief Inspector C Reeves noted that there can be some misguided loyalties in terms of obtaining cheap alcohol and tobacco, however, these activities are usually only a strand of the illegal activities undertaken by OCGs, with other activities including drug sales and exploitation and it is important to be able to communicate the greater harm of the OCGs to communities so that the vital intelligence need to tackle them is brought forward.

The Overview and Scrutiny Officer noted that the ownership of issues would be highlighted, and also issues of how Councillors fed into the processes via Police and Communities Together (PACT) meetings and the implications of the Proceeds of Crime Act 2002 (POCA) in being able to invest back into communities.

Resolved:

- (i) That the report be noted.
- (ii) That the draft scoping document and project plan be agreed.

12 Police and Crime Panel

The Overview and Scrutiny Officer noted that as the meeting of the Police and Crime Panel (PCP) was later today, a verbal update would be provided on the items that were to be considered by the PCP. Members noted that issues to be raised included: the PCC's priority areas; the WOW! Awards; performance information contained within the Police and Crime Plan; appointment of Co-opted Members to the PCP; and a Task and Finish Group report providing challenge, as a "critical friend", to the PCC Work Programme; and upcoming issues that would go to the meeting of the PCP in December such as the PCC Budget and Consultation process.

The Chairman asked if there were any questions. There were no questions raised.

Resolved:

That the verbal update be noted.

13 Safe Durham Partnership Briefing

The Chairman asked the Community Safety Manager, Caroline Duckworth to speak to Members as regards an update from the Safer Durham Partnership (SDP) (for copy see file of minutes).

Members noted the information as regards: changes to the governance arrangements of the SDP, including update terms of reference and membership; the PCC leading on issues relating to hate crime; the work of the Reducing Reoffending Group; work with AAPs in relation to Community Safety; implications of The Care Act 2014 in relation to safeguarding issues; the Community Cohesion Toolkit; Transforming Rehabilitation, as mentioned within a previous agenda item; and Domestic Abuse Referral Pathways.

Resolved:

That the report be noted.