

## DECISION MAKING MEETING

**14 OCTOBER 2020, 12:00 - TEAMS**

### **Attendees**

David Lloyd (Commissioner)  
David Gibson (Deputy Commissioner)  
Chris Brace (Chief Executive)  
Amie Birkhamshaw (Director of Strategy)  
Ian Rooney (CFO)  
Nigel Atkins (Senior Communications Officer)  
Gavin Miles (Deputy Chief Executive)

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### **AGENDA**

1. Minutes of Meeting of 8 October 2020
  
2. Planning White Paper and Blue Light Infrastructure  
PCC letter re planning proposals Template  
Template Letter Final
  
3. ISAC relief funding

## DECISION MAKING MEETING

**8 October 2020, 10:00 via TEAMS**

### **Attendees**

David Lloyd (Commissioner)  
Chris Brace (Chief Executive)  
Amie Birkhamshaw (Director of Strategy)  
Nigel Atkins (Senior Communications Officer)  
Gavin Miles (Deputy Chief Executive)  
Kevin McGetrick (Head of Commissioning and Victims Services)  
Karl Stonebank (Grants and Funds Officer)  
Carolyn Kitchen (Minutes)

### **Apologies**

David Gibson (Deputy Commissioner)  
Ian Rooney (CFO)

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## MINUTES

1. Minutes of Meeting of 23 September 2020

**Approved**

2. Use of the terms Victim and Complainant and impact on Criminal Justice culture and behaviour

**Approved as amended**

All recommendations approved apart from the final one to “Consult on the alternative ‘accuser’ and ‘accused’”. KM noted that two thirds of the list is concerned with how we deal with victims but this is still a fragmented service. A combined model with effective coordination and ‘one voice’ to support the victim is required.

**Action: A paper to be taken to the Criminal Justice Board for discussion and reflection, followed by communications by NA on the subject.**

DL agreed to CB's suggestion that there might be some merit in giving a victim the opportunity to see a trial with a magistrate in action.

3. Community Safety Grant and Appendix A HACRO  
**Approved as amended**

This meets the terms of the Fund, is well supported and contribution funding is in place. The funding is approved up to the value of £25,000.

**Action: KS to check the exact figure required.**

4. Bovingdon Road Safety Fund and Feasibility Study.  
**A legacy bid and approved on that basis**

This bid came in under the previous round of funding and is similar to the process failure previously discussed regarding the Northchurch bid. Bovingdon Council has been told by HCC that the funding has been approved. KS is now the SPOC for applicants and processes are in place to prevent this from happening in future. AB noted that this paper should not be published as it contains names.

KS has drafted a note to remind agencies previously dealt with that the criteria for this fund has now changed.

**Action: AB to establish the criteria at Council member level and DL to speak to Phil Bibby and David Williams to confirm.**

**Action: Following this, the changes need to be reinforced with Parish Councils (sensitively selected) and a final check made around all comms and literature to ensure that the criteria are clear and that there is no legacy information remaining.**

It was agreed that there was no requirement to publicise the Bovingdon bid.

<b>MEETING</b>	<b>Decision Making Meeting</b>
<b>DATE</b>	14 October 2020
<b>TITLE OF REPORT</b>	<b>Planning White Paper and blue light infrastructure</b>
<b>SUBMITTED BY</b>	Deputy Chief Executive
<b>PURPOSE OF REPORT</b>	To approve letter to Hertfordshire MPs to support APCC campaign to amend legislation to include blue light agencies in infrastructure considerations for new development
<b>DECISION(S) REQUIRED</b>	As above
<b>FINANCIAL IMPLICATIONS</b>	None
<b>LEGAL IMPLICATIONS</b>	Set out in report
<b>EQUALITIES IMPACTS</b>	None
<b>FREEDOM OF INFORMATION EXEMPTION SECTION IF APPLICABLE</b>	None

## 1 INTRODUCTION

The Planning Act 2008 provides for contributions towards infrastructure to make development sustainable and infrastructure is defined in a non-exclusive way that does not include police or any other emergency services. Roads, schools and medical facilities are included. A number of legal cases and advices are clear that emergency services can be included as infrastructure and have been included by some planning authorities. However, the absence of a specific reference to them means some authorities do not address these services in Community Infrastructure Levies.

## 2 BACKGROUND

The government is currently consulting on proposals for reform of the planning system. This specifically includes infrastructure and proposes that these contributions should be responsive to local needs, asking 'When new development happens in your area what is your priority for what comes with it?' Suggestions for the answer reflect the infrastructure listed in the 2008 Act, but does include 'other'. Usually police contributions have been provided in Section 106 agreements

relating to particular developments rather than in CIL schedules and so only significant developments attract contributions where the police can demonstrate needs caused by the proposed development. A number of planning appeal decisions have made clear that these contributions, if included in S106 agreements are lawful, but they are in the discretion of the planning authority and it is very difficult to challenge a planning authority decision not to include them as a requirement for planning consent. It is notable that a few force areas have been successful in including these obligations, Warwickshire and West Mercia, Thames Valley, Leicestershire and Sussex for example, but most have not, either because they have not asked or because the planning authorities did not agree. It is understood Hertfordshire did make representations when the 2008 Act came into force around 10 years ago but were not successful with the planning authorities.

### **3 APCC AND NPCC response to consultation**

The APCC and NPCC have considered this issue and have agreed to respond to request that emergency services should be included specifically as infrastructure to be considered for sustainable development. The attached template letter has been produced for PCCs to send to MPs in their force area.

### **4 PROPOSED RECOMMENDATION AND RATIONALE**

It is recommended the PCC agrees to send the letter, suitably amended to reflect local issues and relationships, to Hertfordshire MPs. It may be necessary to consider in due course whether resources should be applied to liaise with Hertfordshire planning authorities when the government publishes proposals after the consultation, whatever finds its way into legislation.

### **5 BACKGROUND PAPERS**

None.

☎ OPCC: 01707 806100

✉ E-mail: [Commissioner@herts.pcc.pnn.gov.uk](mailto:Commissioner@herts.pcc.pnn.gov.uk)

By email only

22<sup>nd</sup> October 2020

Dear

### **THE PLANNING SYSTEM AND THE EMERGENCY SERVICES**

I am writing to you and all other Hertfordshire MPs to request that you lend your support to the campaign by the Association of Police and Crime Commissioners and others to address a problem with emergency services infrastructure in the planning system in the context of the government's proposals to reform the planning system.

The focus of the proposed changes is to deliver better homes and commercial schemes that will enhance economic growth at a quicker pace than has historically been the case, an ambition which is to be encouraged. However, I am concerned the changes will also unintentionally ensure the continuation of a legal and practical problem that has existed within the planning system since its foundation, namely that the emergency services are not recognised in the current primary legislation as part of the community 'infrastructure' required to support new development. This means they do not have an equal opportunity to present their evidence for why scheme amendments need to be made and/or developer contributions should be secured for them.

Clearly, for us, this is a disturbing anomaly that should be addressed via any new Planning Act. It can only be right that, when people move into a new housing estate or start work in a new commercial property, they are protected by emergency services that are able to operate efficiently and effectively in that vicinity. This applies whether they ring 999 should the worst happen, or simply benefitting from the reassurance of day-to-day neighbourhood policing.

The cost effective and efficient provision of emergency services does not happen by chance, as I am sure you appreciate. In the same way that the delivery of education, health and transport services needs to be planned and funded in advance of a new development scheme, so do the emergency services. It sounds logical enough and yet, because they lack recognition within planning legislation, local authorities and developers are not required to consider them routinely. Instead individual police forces, fire brigades and ambulance services are required to lobby intensively on each and every occasion to ensure their infrastructure needs are accounted for. Even then, the absence of recognition too often means their advice is ignored

completely, or at best, only partially adhered to. This in turn has the consequence of resources used for existing communities being diverted to serve the new ones being created, leading to the risk of unacceptable dilution of emergency service provision across the area concerned. It also means there is considerable inconsistency between areas and planning authorities with regard to this issue.

All the emergency services require to resolve the above is to be placed on an equal legal footing with other community infrastructure providers in the planning system, such as the education and health services. The change would afford them the opportunity for their evidence on scheme design changes and developer contributions to be properly considered. This in turn will create the safe and secure communities that the planning system seeks to deliver.

Yours truly,

**David Lloyd**

Police & Crime Commissioner of Hertfordshire

The Rt Hon [NAME] [SURNAME] MP  
[STREET NUMBER] [STREET NAME]  
[TOWN/CITY]  
[COUNTY]  
[POSTCODE]

Our Ref: [??]

[DATE]

Dear [TITLE AND FULL NAME]

### **The Planning System and the Emergency Services – Shining Blue Light On An Important Problem**

I am writing to you as the Police and Crime Commissioner for [FORCE NAME] with respect to the Government's proposals to reform England's planning system.

The focus of the proposed changes is to deliver better homes and commercial schemes that will enhance economic growth at a quicker pace than has historically been the case, an ambition which is to be encouraged. However, I am concerned the changes will also unintentionally ensure the continuation of a legal problem that has existed within the planning system since its foundation, namely that the emergency services are not recognised in the current primary legislation as part of the community 'infrastructure' required to support new development. This means they do not have an equal opportunity to present their evidence for why scheme amendments need to be made and/or developer contributions should be secured for them.

Clearly, for us, this is a disturbing anomaly that should be addressed via any new Planning Act. It can only be right that, when people move into a new housing estate or start work in a new commercial property, they are protected by emergency services that are able to operate efficiently and effectively in that vicinity. This applies whether they ring 999 should the worst happen, or simply benefitting from the reassurance of day-to-day neighbourhood policing.

The cost effective and efficient provision of emergency services does not happen by chance, as I am sure you appreciate. In the same way that the delivery of education, health and transport services needs to be planned and funded in advance of a new development scheme, so do the emergency services. It sounds logical enough and yet, because they lack recognition within planning legislation, local authorities and developers are not required to consider them routinely. Instead individual police forces, fire brigades and ambulance services are required to lobby intensively on each and every occasion to ensure their infrastructure needs are accounted for. Even then, the absence of recognition too often means their advice is ignored completely, or at best, only partially adhered to. This in turn has the consequence of resources used for existing communities being diverted to serve the new ones being created, leading to the risk of unacceptable dilution of emergency service provision across the area concerned.

All the emergency services require to resolve the above is to be placed on an equal legal footing with other community infrastructure providers in the planning system, such as the education and health services. The change would afford them the opportunity for their evidence on scheme design changes and developer contributions to be properly considered. This in turn will create the safe and secure communities that the planning system seeks to deliver.

I therefore ask you to lend your support to the campaign led by the Association of Police and Crime Commissioners and others for the Government to solve this problem in the next Planning Act.

Please do not hesitate to contact me if I can be of any assistance to you on this matter.

Yours sincerely

[FULL NAME]  
Police and Crime Commissioner for [FORCE NAME]

<b>MEETING</b>	<b>Decision Making Meeting</b>
<b>DATE</b>	14 <sup>th</sup> October 2020
<b>TITLE OF REPORT</b>	Relief funding to Safer Places to retain ISAC service until financial year end.
<b>SUBMITTED BY</b>	Kevin McGetrick
<b>PURPOSE OF REPORT</b>	To advise PCC of Safer Places ISAC service closure, probable impact on Beacon Safeguarding Hub referrals and option to provide relief funding to maintain the service until 31 <sup>st</sup> March 2021.
<b>DECISION(S) REQUIRED</b>	To agree a grant funding of £26,500 to maintain service until a more formal commissioning solution is arrived by OPCC/HCC.
<b>FINANCIAL IMPLICATIONS</b>	£26,500 is currently accessible through MoJ Victims Services Grant.
<b>LEGAL IMPLICATIONS</b>	The OPCC has the power under the ASBCPA 2014 to commission support services for victims of crime.
<b>EQUALITIES IMPACTS</b>	Service provided is non-discriminatory
<b>FREEDOM OF INFORMATION EXEMPTION SECTION IF APPLICABLE</b>	N/A

## Issue

The charity Safer Places is closing the Independent Stalking Advocacy Caseworker (ISAC) service at the end of October 2020. This is against a backdrop of increased referrals from Beacon Safeguarding Hub. HCC, as original bid sponsor and strategic lead for DA services are seeking to place stalking referrals into Refuge (IDVA service) however these negotiations have yet to conclude. It is unlikely an arrangement with Refuge will be agreed before service closure and when or if an agreement is reached, there will need to be transitional arrangements in place to ensure no victims currently managed by Safer Places are placed at further risk. Therefore, there is a need to mitigate against foreseeable risks and probable delay in HCC negotiations. It is proposed that relief funding is provided to Safer Places to maintain a level of service until financial year end enabling a smooth transition to new arrangements. Safer Places is seeking £26,500 to allow the service to continue until

31<sup>st</sup> March 2021. The requested amount can be met by a small shortfall in unspent MoJ Victim Services grant.

## **Background**

This paper does not propose to rehearse the arguments for bespoke advice and support for victims who experience stalking. It is known that victims of Domestic Abuse who experience 'stalking' have an increased probability of homicide (2017. Smith *et al*) and more recently, the Journal of Family Violence (September 2020) evidenced an increase in stalking incidents due to 'lockdown'.

Since the introduction of the Beacon Safeguarding Hub in May 2020, over 1000 victims assessed at Medium risk DA have been supported with 198 victims identified as also experiencing stalking. These cases have been onward referred to the ISAC service for specific advice and support in relation to types of stalking; warning signs; evidence collation; target hardening and personal resilience. To date, 98 Beacon referred victims continue to be supported. Safer Places advise there are currently 187 victims being supported in total.

In March 2019 Safer Places were successful in receiving funding from Ministry of Housing, Communities and Local Government to introduce the ISAC service in Hertfordshire. The bid was sponsored by Hertfordshire County Council. The funding was sufficient to maintain a service for 18 months by which time it was anticipated Hertfordshire County Council would either identify additional monies to maintain the service or consider alternative arrangements. It was assumed that HCC were monitoring the service however it would appear this has not routinely been the case.

At the Domestic Abuse Partnership Board in September 2020, Safer Places announced their intention to close the service at end of October due to a lack of funding. This followed an unsuccessful bid to the PCC Community Safety Grant. The bid itself had received little support from stakeholders (including HCC) largely due to the lack of evidence setting out service utilisation and impact.

Subsequent to the Board meeting OPCC was contacted by Constabulary expressing concern at the loss of service and in so doing, advised the referral levels from Beacon Safeguarding Hub. OPCC met with HCC where it was discovered the intention was to direct stalking referrals to the IDVA service. OPCC questioned the detail and progress of negotiations with Refuge and found:

- Only a brief 'in principle' conversation had taken place.
- No formal arrangements had been agreed.
- Likely referral numbers had not been identified or considered.
- Transitional arrangements were yet to be considered.
- Impact assessment on IDVA service had not been conducted.

OPCC set out the need for a formalised commissioning process, owned jointly by HCC/OPCC to establish the future of stalking services. This should include a capability assessment of current providers and community based assets, as it is unclear if a separate stalking service provider is required. From a practical perspective, the earliest this process could conclude would be Feb/March 2021 but does not take into account the competing demands and complexities brought about by the current Coronavirus emergency.

OPCC has held discussions with both Safer Places and HCC to consider options to mitigate any short-term transitional risks.

## Options

### 1) Allocate to Refuge

Refuge have accredited ISAC staff. The detail of how this would work is yet to be determined and could potentially have a detrimental impact on current IDVA service levels. It is unknown if there would be an additional cost to provide this service. Arrangements are unlikely to be in place by the end of the month resulting in a probable gap in service.

### 2) Distribute cases to Palidin/Suzy Lamplugh Trust

Both national helplines can provide information and advice on-line and via telephone. Neither service deliver resilience training such as the 3R programme – known to have positive impacts.

Victims currently supported by ISAC service would need to decide which of these services they may wish to avail and make their own introductions.

New referrals could be signposted however it is known that both helplines are not as responsive compared to local provision.

Access to these services is free of charge although it would be anticipated that both charities would approach PCC for a contribution.

There is the potential for dissatisfaction from current ISAC service clients who are advised to approach national helplines.

### 3) TUPE service across to Catch22

Catch22 have indicated they are not willing to take on additional liabilities as they shortly enter final year of contract. In any event, the current proposal is for a transitional period to end this financial year (6 months) and administrative actions would require at least 12 weeks.

### 4) Introduced enhanced training into Beacon Case Managers

Additional ISAC accredited training for Beacon Case Managers has been agreed however earliest courses are not available until March 2021.

### 5) Relief funding for Safer Places to continue service until March 2021.

Discussions have taken place between OPCC and Safer Places. This was originally as a consequence of an MoJ Needs Assessment and review of emergency funding needs. Safer Places indicated a budget of £75,000 to maintain the service until year end. Safer Places have advised their

willingness to pay the costs of service manager and x1.5 FTE provided they receive 'match funding' for 1.5 FTE at a cost of £26,500.

HCC have advised they do not have funding available. OPCC has a small balance of un-spent MoJ Victim Services budget that could be allocated. OPCC has indicated this would be on the proviso:

- Current referrals from Beacon Safeguarding Hub continue to be supported.
- New referrals accepted until HCC have concluded their negotiations with Refuge.
- Safer Places to accept non-DA referrals from Beacon.
- Safer Places train Catch22 staff using their Hertfordshire University Level 4 accredited training course.
- Safer Places to undertake monthly contract monitoring meetings with OPCC

#### 6) Do Nothing.

Will result in service gap. Potential for risk escalation in some Beacon Safeguarding Hub referred victims. Risk of reputational damage to PCC (who attended ISAC launch) and Beacon Safeguarding Hub.

### **Recommendation**

Option 5 provides a seamless transition away from the Safer Places arrangement in a considered and risk managed way. Monthly contract monitoring will inform future commissioning arrangements whilst formal and accredited training into Beacon staff will ensure future capacity and resilience. The 'match-funding' option offered by Safer Places presents an affordable and viable way forward whilst OPCC/HCC undertake a formal commissioning process. There are potential positive PR opportunities for PCC should this approach be agreed.

Option 5 has been discussed with HCC who have agreed to the basis as set out above.

### **Conclusion**

The view of Hertfordshire Constabulary is clear who state "As the Beacon Safeguarding Hub develops its relationship with the service, referral levels are on an upward trajectory. As a Domestic Abuse Partnership, we should be enhancing (*not reducing*) victim and perpetrator provision for this very high risk cohort. This firm view is echoed by national stalking leads and ambassadors alike. In the absence of timely, specialist support; underpinned by a bespoke and professional service, we run the very real risk of exposing our community to greater levels of harm."

#### Reference:

Monckton Smith, J., Szymanska, K., and Haile, S (2017) *Exploring the relationship between Stalking and homicide*. Homicide Research Group. University of Gloucestershire