



**RECORD OF DECISION**

<b>TITLE: GOVERNANCE AND OVERSIGHT OF THE RURAL AND BUSINESS CRIME STRATEGIES</b> Ref. PCC/D/2014/16
<b>EXECUTIVE SUMMARY</b>  To establish a Rural and Business Crime Board to run initially until April 2016 to govern and oversee the delivery of the Rural and Business Crime Strategies in West Mercia and Warwickshire.  This decision record is accompanied by supporting Part 1 report. There is no Part 2 supporting report.
<b>RECOMMENDATION</b>  To approve the establishment of a Rural and Business Crime Board.
<b>APPROVAL OF</b>  <b>West Mercia Commissioner</b>  I hereby approve the above recommendation.    Signed _____ Date 13.6.14

## PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

### SUPPORTING REPORT

#### 1. INTRODUCTION

PCCs have made tackling rural and business crime a priority, and as a result the two police forces have developed and adopted a Rural Crime Strategy and a Business Crime Strategy.

The Commissioners have set aside funds to support the delivery of these two strategies. There needs to be oversight of the delivery of these strategies and a mechanism for determining where and how investment in supporting activities should be made, both across the two strategies and across the two policing areas.

#### 2. LEGAL CONSIDERATIONS

This Scheme complies with a direction of the Secretary of State made under the Police Reform and Social Responsibility Act 2011 .

#### 3. FINANCIAL CONSIDERATIONS

There are no financial implications from the grant of this delegation and authorisation other than requirements to make administrative adjustments to reflect the transfer of employment.

#### PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request should not be included in Part 1 but instead on the separate Part 2 form.

#### OFFICER APPROVAL

##### Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature

*Andy Crampin*

Date 13.6.14



RECORD OF DECISION

**TITLE: Trust, Integrity and Ethics Committee**  
Ref. PCC/D/2014/17

**EXECUTIVE SUMMARY**

To establish a Trust, Integrity and Ethics Committee to advise the Commissioners and Chief Constables according to the principles set out in the Code of Ethics in relation to questions of integrity, values and ethical behaviour.

This decision record is accompanied by supporting Part 1 report. There is no Part 2 supporting report.

**RECOMMENDATION**

To approve the establishment of a Trust, Integrity and Ethics Committee for the West Mercia and Warwickshire Police Force areas.

The Committee will comprise of the two Police and Crime Commissioners and five independent members with a quorum of four.

The period of office of independent members shall be two years initially and four years thereafter. Independent members shall be appointed on merit following open and transparent recruitment.

Chairing arrangements will be determined by the Committee itself at its first meeting.

The Committee purpose, terms of reference and frequency of meetings will be based on good practice identified from the pilot areas across the country.

Committee independent members will be paid an allowance of £1,500 per annum. Expenses will be reimbursed at the same rates as Police staff.

**APPROVAL OF  
West Mercia Commissioner**

I hereby approve the above recommendation.

Signed

Date 05.08.2014.

## PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

### SUPPORTING REPORT

#### 1. INTRODUCTION

The College of Policing's Code of Ethics (the Code) sets out the principles and standards of behaviour that will promote, reinforce and support the highest standards from everyone who works in policing in England and Wales.

To have the right balance of independence, authority and oversight, the Commissioner should establish an independent Ethics Committee. For Warwickshire and West Mercia it is recommended that this be a combined body across both areas. This committee will advise the Commissioners and Chief Constables according to the principles set out in the Code in relation to questions of integrity, values and ethical behaviour.

The Ethics Committee shall have a statement of purpose, with formal terms of reference covering its core functions.

#### 2. LEGAL CONSIDERATIONS

The Code of Ethics is being issued under s39A Police Act 1996 as amended and, following approval by Parliament, Commissioners and Chief Constables must have regard to the code when carrying out their functions.

#### 3. FINANCIAL CONSIDERATIONS

The limited financial implications from this decision .

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#### OFFICER APPROVAL

##### Chief Executive Officer

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature *Andy Chaceprens* Date *5<sup>th</sup> August 2014*

**POLICE AND CRIME COMMISSIONER FOR  
WEST MERCIA**



**RECORD OF DECISION**

**TITLE: SETTLEMENT OF THE PROTECTED PENSION AGE (PPA) CLAIM**

Ref: PCC/D/2014/18

**EXECUTIVE SUMMARY**

This report provides detail in relation to the proposed settlement of the Protected Pension Age (PPA) claim.

This decision record is accompanied by supporting Part 1 and Part 2 reports.

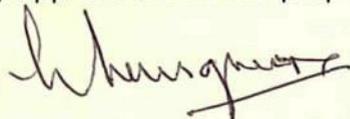
**PROPOSAL**

It is recommended that the PCC agrees to settle the claim for damages as full and final settlement of this matter.

**APPROVAL OF  
West Mercia Police and Crime Commissioner**

I hereby approve the above proposal.

Signed



Date: 05-08-2014.

## PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND FIGURES

## SUPPORTING REPORT

## 1. BACKGROUND

- 1.1 Police Forces across the country became aware of an emerging issue in November 2011. The issue resulted from the introduction of specific clauses within the Finance Act 2004, which came into effect in April 2010. The matter was reported to the Police Authority and regular reports have been provided to the PCC during the whole time period.
- 1.2 The particular clause in the Finance Act dealt with the minimum age at which police pension scheme members can retire, other than on ill health grounds. The retirement age rose from 50 to 55. Within the legislation certain protections were put in place to ensure that the rights of current members of the Police Pension Scheme before that age, in certain circumstances, were protected. This meant that there would be a group of members whose rights to retire before they reached 55 were protected and they could retire at 50.
- 1.3 This protection could however be "lost" under certain circumstances. If the protection was lost, then the pension payments being made would be considered unauthorised under the tax legislation and would be subject to significant penalty payments. Once the protection has been lost it cannot be regained.
- 1.4 The specific circumstances to trigger this loss would arise if an officer retired and was re-employed within one calendar month of retirement in a new police staff role. This only applied if the officer was re-employed by his/her own Force. Once the individual reached the normal minimum pension age of 55, these restrictions cease to exist.
- 1.5 The punitive charges would apply for every year of employment until the person reached 55. Furthermore, if a retiree's 'lump sum' payment was paid during this four week period, it would also be subject to the penalty charges. In West Mercia, of the nine individuals affected, five also had this additional charge. It is this last fact that significantly affects the value of the claim.
- 1.6 There were complexities about the notification of information relating to the rules around the new legislation. The majority of Police Forces have been affected by this issue, no force was aware of the significant changes until November 2011, i.e. forces re-employed individuals without the required one month break. Those forces not affected had not re-employed officers during that period. The requirement to advise officers of the need for a one month break between employment in the same force was implemented in November 2011.
- 1.7 A significant amount of work took place to seek clarity over responsibility for the issue and agree nationally and locally the most appropriate course of

action. Legal services conducted an assessment, reviewing the background to the issue, circumstances and procedures within the Force and a national review of the position of other forces. The aim of the review was to assess the liability of the Force in this matter. Clarity was sought on:

- The specific definition of 'employment' and how this relates to the legal status of a police officer
- The term 'sponsoring employer' and whether this should have been the Home Office
- Legal clarification and interpretation of the new regulations and their consequences
- Scope of the issue
- The potential liability of individuals and the organisation
- The 'vires' (or legal ability) to compromise a potential claim of an individual caught by this issue, without adverse tax consequences
- The status of casual employment

- 1.8 During the period of investigation it was made very clear by the individuals affected that they considered that the Force had fallen short of its duty of care, that they were in this position through no fault of their own and were taking legal advice in order to pursue a legal claim against the Force.
- 1.9 Specific legal advice was sought on the liability of the Force in this matter, and on 22<sup>nd</sup> March 2013 the Alliance Governance Group (chaired by the two PCCs and attended by the Deputy PCCs, the Chief Constables, the Treasurer to the PCC, the Chief Executive Officers, the Force Director of Finance and the Deputy Chief Constables) met to receive the legal advice and agree a way forward.
- 1.10 The advice concluded that the Force was not liable for the financial penalties for these individuals, however, should a claim arise from the individuals arising from their re-employment by the Force and their loss of PPA, it would be appropriate for the Commissioner to seek to negotiate a settlement rather than defend the action. The legal advisor was therefore given approval to negotiate and the PCC external auditors were consulted.
- 1.11 The affected group presented a letter before action in late March 2013 and a negotiated agreement was reached. It was clear in the agreement that the individuals would wish to seek a settlement that represented 100% of the penalty charge and some legal costs. Anything less than that would result in the negotiation being halted and legal action commencing. Given the risk of losing the case, the potential high cost of claims and the overall cost and length of the defense of a complex claim, an agreement to settle was reached.
- 1.12 The position was further complicated by HMRC rules around grossing up. This meant that the Force needed to present all the evidence of the submission of the claim and its negotiated settlement to satisfy the HMRC that the Force was in fact settling a legal claim. The HMRC would otherwise work on the basis that any payments made to individuals was in fact income and

they would tax that amount also; effectively grossing up the amount on which a penalty charge would need to be paid.

1.13 A meeting was held with HMRC on 5<sup>th</sup> July 2013 and documentation sent to them on 18<sup>th</sup> July 2013 providing the required evidence. Following a technical review in HMRC of the process and proposed compromise agreements, confirmation was received on 4<sup>th</sup> October 2013 that the settlement could progress.

1.14 During the period from October 2013 until July 2014 detailed clarification has been sought on each case and agreements reached on liabilities for each individual. The final agreement in writing from HMRC was presented in July 2014 and the Force is now able to present the final value of settlement for approval by the PCC.

**FINANCIAL COMMENTS:**

A provision has been set aside in anticipation of this settlement and is sufficient to cover the costs.

The agreement to this settlement will prevent any future legal action being taken against the force in relation to this matter, which would potentially be very costly, complex and lengthy.

**LEGAL CONSIDERATIONS:**

Legal advice has been sought throughout this process, the detail of which is covered in section 1.

**PUBLIC ACCESS TO INFORMATION**

**OFFICER APPROVAL**

Chief Executive Officer

Signature Andy Champreux Date 5<sup>th</sup> August 2014



RECORD OF DECISION

**TITLE:** Community Remedy Document  
Ref. PCC/D/2014/19

**EXECUTIVE SUMMARY**

The Anti Social Behaviour, Crime and Policing Act 2014 requires the Police and Crime Commissioner to prepare, consult upon and publish by 20 October 2014 a Community Remedy Document, agreed with the Chief Constable, for the West Mercia area.

The Community Remedy Document is the list of actions any of which, in the opinion of the Commissioner and agreed with the Chief Constable, might be appropriate in a particular case to be carried out by a person who has engaged in anti-social behaviour or has committed an offence, and is to be dealt with for that behaviour or offence without court proceedings.

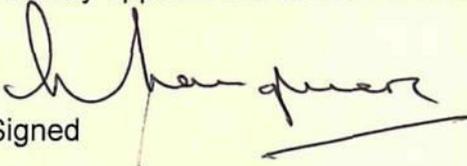
This decision record is accompanied by supporting Part 1 report. There is no Part 2 supporting report.

**RECOMMENDATION**

To approve for publication a Community Remedy Document in accordance with the Anti Social Behaviour and Crime and Policing Act 2014.

**APPROVAL OF  
West Mercia Commissioner**

I hereby approve the above recommendation.

Signed 

Date 17<sup>TH</sup> October 2014

## **PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE**

### **SUPPORTING REPORT**

#### **1. INTRODUCTION**

The Anti Social Behaviour, Crime and Policing Act 2014 requires the Police and Crime Commissioner to prepare, consult upon and publish by 20 October 2014 a Community Remedy Document, agreed with the Chief Constable, for the West Mercia area.

The Community Remedy Document is the list of actions any of which, in the opinion of the Commissioner and agreed with the Chief Constable, might be appropriate in a particular case to be carried out by a person who has engaged in anti-social behaviour or has committed an offence, and is to be dealt with for that behaviour or offence without court proceedings.

The Community Remedy Document has been developed as a single document with a single list of actions covering both Warwickshire and West Mercia . This is in order to assist implementation across the alliance between Warwickshire Police and West Mercia Police.

The Community Remedy Document will be published in the form of a pocket size guide which will be issued to police officers to use in discussion with victims. Further information and the list of actions will be published on the Commissioner's website and promoted via media release and newsletter.

The Community Remedy Document has been informed by the results of consultation exercises undertaken by each Police and Crime Commissioner's office during August and September 2014 and by what actions are currently available across both force areas. Regard has also been given to the statutory guidance issued by the Home Office in July 2014 and the need to promote public confidence in the out-of-court disposals process.

The Chief Constable has confirmed he agrees with the proposed Community Remedy Document.

#### **2. LEGAL CONSIDERATIONS**

The Community Remedy Document is being issued under Part 6 of The Anti Social Behaviour, Crime and Policing Act 2014 and has been developed in line with the Home Office statutory guidance for frontline professionals Anti-social Behaviour, Crime and Policing Act 2014: Reform of Anti-social Behaviour Powers, July 2014

**3. FINANCIAL CONSIDERATIONS**

Costs of producing sufficient quantities of pocket size guides for police officers can be found through existing budgets. Actions listed are already available and therefore it is not anticipated there will be any additional financial considerations.

**PUBLIC ACCESS TO INFORMATION**

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**OFFICER APPROVAL**

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature *Andy Chapman*

Date *17.10.14*

## **COMMUNITY REMEDY DOCUMENT**

### **1. Purpose**

To seek approval for the publication of a Community Remedy Document (attached at Appendix A) in accordance with the Anti Social Behaviour and Crime and Policing Act 2014.

### **2. Background**

The Anti Social Behaviour, Crime and Policing Act 2014 requires the Police and Crime Commissioner to prepare and publish a Community Remedy Document, agreed with the Chief Constable, for the West Mercia area, by 20 October 2014. The document may be revised at any time. The Commissioner may publish the document in whatever way he considers appropriate.

The document is a list of actions any of which, in the opinion of the Commissioner and agreed with the Chief Constable, might be appropriate in a particular case to be carried out by a person who has engaged in anti-social behaviour or has committed an offence, and is to be dealt with for that behaviour or offence without court proceedings. The Police Officer should invite the victim to choose one or more options from the community remedy document when community resolution is to be used. Each action must have one or more of the following objectives:

- assists in the person's rehabilitation;
- ensures that the person makes reparation for the behaviour or offence;
- punishes the person

In preparing the document the Police and Crime Commissioner must have regard to the need to promote public confidence in the out-of-court disposals process and any relevant guidance issued by the Home Office.

The Commissioner must also consult local communities and have regard to their views. Specifically the Commissioner must consult the Chief Constable and local authorities and, as he thinks appropriate community representatives and the public. Consultation may be undertaken in whatever format the Police and Crime Commissioner considers appropriate.

### **3. Developing the Community Remedy Document**

Officers from West Mercia and Warwickshire Police and Crime Commissioner's offices have worked together to produce a single Community Remedy Document for both force areas. The aim being to assist implementation and support the standardisation of processes being carried out across as part of the alliance between Warwickshire Police and West Mercia Police.

In developing the document consideration has been given to the results of consultations carried out by each Commissioner's office, the actions currently used as part of community resolution and what actions are available across both force

areas. Consideration has also been given to a practical design for the police to use and the need to promote public confidence in the out of court disposals process.

#### **4. Consultation**

The options put out for consultation were based on those suggested in the Home Office guidance document issued July 2014. The five Community Safety Partnerships and West Mercia Police were consulted on the proposed list prior to the wider consultation, which took place between 14 August and 21 September 2014. An online survey was published on the Police and Crime Commissioner's website and an email with a link to the survey sent to the 2,400 agencies on the PCC's mailing list, which included the required consultees plus: Blue Light, Business, Charities, Clinical Commissioning Groups, Community contacts and Groups, Housing Associations (includes Social Landlords), Independent Advisory Groups Members, Local News (e.g. community and parish newsletters and websites), Media, MPs, Partnerships (Other than CSPs), Religious, Safeguarding Boards, Town and Parish Councils, Victims Services and Voluntary Sector. The survey was promoted via media releases, the Commissioner's newsletter and the Community Ambassadors.

Appendix B provides a report of the consultation results. In summary the majority of the 208 respondents were in support of the proposed options being included on the community remedy document with response rates of between 80% and 93%:

Option	Agree include as option
Mediation	93%
Apology	80%
Acceptable Behaviour Contract	89%
Restorative Justice Activity	83%
Paying for damage	91%
Structured activities	90%

A number of reasons for not agreeing that particular options should be included in the list such as considering the options to be ineffective, having concerns regarding the community resolution process or concerns regarding implementation, particular when to do was thought to required the involvement of other agencies and/or have funding implications.

Sixty four respondents put forward options that they would like to see included in the community remedy document (see question 8). There was a wide variety of proposed amongst the most frequent suggestions were voluntary, charity and unpaid work, activities involving other agencies and involving parents.

#### **5. Conclusions**

On 20 October the published list of options on the community remedy document should contain only those actions that can currently be delivered across both forces.

Some of the options consulted upon would require further work. Going forward the list can be reviewed as further options are explored, ensuring funding and capacity are identified and that statutory bodies and voluntary agencies are involved.

The community remedy document should take the form of a pocket size guide, laminated, double sided in black and white, to be issued to police officers.

In addition reader friendly information for the public should be made available to explain in more detail the options available and the process in order to provide greater transparency and manage expectation. This information to be made available on the PCC and Police websites, PCC newsletters and media releases.

## **6. Recommendations**

A. It is recommended that the Police and Crime Commissioner and Chief Constable agree a single Community Remedy Document for both West Mercia and Warwickshire police areas for publication by 20 October 2014 as attached at Appendix A.

The document is a list of the following actions:

- An apology to the victim from the offender, in person, or a written apology. (The victim would not be forced to meet the offender face to face).
- A third party to bring together both parties to reach a common agreement to resolve a dispute.
- A ban from named premises for a specified period of time.
- An Acceptable Behaviour Contract.
- A reparative activity – putting things right e.g. cleaning, repairing damage etc.
- Financial compensation by means of a one-off payment for the damage caused to land or property, or the cost of replacing stolen goods, or a donation to a charity of the victim's choice.
- Any other appropriate action the police officer has agreed with the victim and subsequently with the officer's line manager.

B. It is recommended that the Community Remedy Document be published in the form of a pocket size guide to be issued to police officers and in addition information be published for the public on the police and crime commissioner's and police websites, newsletter and media releases.

Appendix A

 **Warwickshire**  **West Mercia**  
**POLICE** **POLICE**

**COMMUNITY REMEDY DOCUMENT – Oct 2014**

The Community Remedy Document (CRD) gives victims of low-level crime and anti-social behaviour a say in the punishment of perpetrators out-of-court. The CRD may also be used when a conditional caution or youth conditional caution is given, as a means of consulting the victim about possible conditions to be attached to the caution.

The CRD is a list of actions that victims will be invited to choose one or more options from, when the community resolution procedure is used.

**The list of remedies available to victims:-**

- An apology to the victim from the offender, in person, or a written apology. (The victim would not be forced to meet the offender face to face).
- A third party to bring together both parties to reach a common agreement to resolve a dispute.
- A ban from named premises for a specified period of time.
- An Acceptable Behaviour Contract.
- A reparative activity – putting things right e.g. cleaning, repairing damage etc.
- Financial compensation by means of a one-off payment for the damage caused to land or property, or the cost of replacing stolen goods, or a donation to a charity of the victim's choice.
- Any other appropriate action the police officer has agreed with the victim and subsequently with the officer's line manager.

The CRD was prepared by Warwickshire and West Mercia Police & Crime Commissioners & agreed by both Chief Constables.

**Procedure by which Community Resolutions should be delivered.**

In the case of minor crime, where there is enough evidence for court proceedings & there is an admission of guilt, the CRD can be used. For ASB there must be enough evidence to apply for an injunction under section 1 of the ASB Crime and Policing Act 2014 before CRD can be used as an alternative to Court.

When undertaking a Community Resolution an officer will:

Discuss the incident or offence with the victim and whether they consent to the outcome. Victims must be made aware that conditions agreed may not be legally enforceable. If a victim does not consent to the process and the officer is sure that a community resolution is the most appropriate disposal, reasons for this should be appropriately recorded.

Confirm the identity of the offender and ensure s/he is eligible for community resolution following a check of the PNC and/or other force intelligence systems.

Be satisfied that the case is suitable for disposal by community resolution and, if uncertain, discuss and agree the actions with a line manager referring to the CRD.

Discuss the incident /offence with the offender & ensure they accept responsibility for it & understand that a community resolution may be disclosed as part of an enhanced DBS check.

Once you have decided that community resolution is appropriate, the decision, in consultation with the victim must be made with regard to the most appropriate activity or activities listed on the CRD.

Cases involving under 18's; parents must be involved & Youth Justice must be consulted ASAP.

## Consultation Results – Community Remedy Options

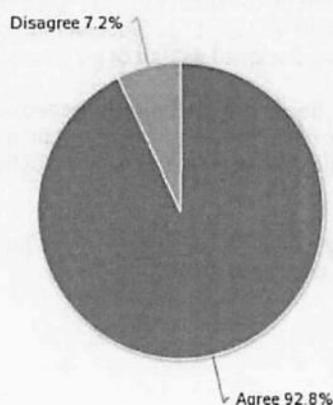
Summary Report – 23 September 2014

This report provides a summary of the 210 responses received to the West Mercia Police and Crime Commissioner's online survey seeking views on options for inclusion on the community remedy document. The survey was published on the Commissioner's website and was live between 14 August and 22 September 2014. In addition to the statutory consultees, the consultation was promoted via media release, community ambassadors and sent via email to the 2,400 contacts on the PCC's mailing list for them to distribute via their own networks. The PCC's mailing list includes: Blue Light, Business, Charities, Clinical Commissioning Groups, Community contacts and Groups, Housing Associations (includes Social Landlords), Independent Advisory Groups Members, Local News (e.g. community and parish newsletters and websites), Media, MPs, Partnerships (Other than CSPs), Religious, Safeguarding Boards, Town and Parish Councils, Victims Services and Voluntary Sector. The survey was promoted via media releases, the Commissioner's newsletter and the Community Ambassadors

The consultation was undertaken in line with the requirements of the Anti-Social Behaviour, Crime and Policing Act 2014; and supporting statutory guidance issued July 2014.

### 1. Mediation by a third party - to bring together both parties to reach a common agreement, for example to resolve a neighbour dispute. (This may either be face to face or where both parties put forward their views without meeting each other.)

1. Mediation by a third party - to bring together both parties to reach a common agreement, for example to resolve a neighbour dispute. (This may either be face to face or where both parties put forward their views without meeting each other.)



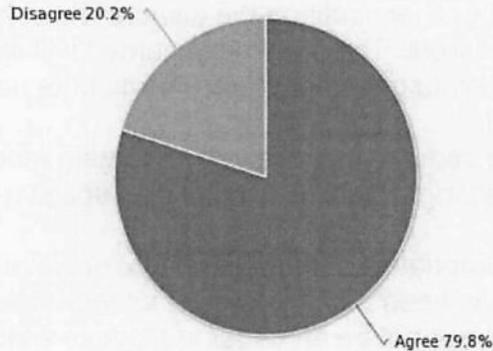
Value	Count	Percent
Agree	193	92.8%
Disagree	15	7.2%

**If answered disagree above, please state why**

- This gives the perpetrator of the anti-social action an easy let-off.
- Total waste of time&money, offenders just find this funny
- this is the proper role of the courts
- waste of time
- Mediation can be imposed to easily and accepted without thought for "an easy" life. Most arguments are short term and can be made worse through avenues that continue the dispute whilst trying to end them.
- This can never work. The people concerned will simply agree with the third party's view to get rid of them. The dispute needs to be solved no just discussed.
- Many of those committing crimes do so to gain money for addictions and these need dealing with as a priority, also social needs such as lack of housing.
- mediation appropriate where there is asb; however possibly not suitable where there has been a crime against an individual
- Because there will not be an Order in place to which the parties would adhere and so nothing to bind them to future good behaviour.
- Anti-social behaviour offenders are often frequent offenders. Mediation is simply laughable. If parties were amenable to mediation they would have arrived at a 'negotiated' agreement before the problem got to the stage where the CJS was involved.
- A decision seems to have already been reached before victim involvement that a conditional caution or community resolution is deemed to be appropriate. Only then is the victim to be offered a list of actions from the Community Remedy Document
- Attempts at mediation will often inflame the situation, as happened with a close friend who was subject to a vicious racist Hate Campaign by her neighbours.
- In domestic abuse cases this would increase the risk to the victim and gives more control to the offender as the victim may not be able to speak freely due to the consequences after the event
- Who is the 'third-party' to be? Will they be trained, and if so, at what cost? What happens if one or both parties refuse to cooperate?
- It will encourage lawlessness as people will know they have less chance of going to court. It is bad enough already.

## 2. An apology from the offender - this may be either a written or verbal apology.

2. An apology from the offender - this may be either a written or verbal apology.



Value	Count	Percent
Agree	166	79.8%
Disagree	42	20.2%

### If answered disagree above, please state why

- A victim of some of the behaviours described is highly unlikely to be satisfied by an apology.
- Again because there is no sanction in place to promote better behaviour
- An apology can so easily be faked and not heart felt so would have no value what so ever
- Anybody can say sorry
- Apologies doesn't solve anything. And its an easy thing to say
- Apologies mean nothing to the majority of offenders... just words.
- Easy way out especially if carried out through a mediator
- Enter your state here
- I feel that the apology will not be truly felt and is an easy way out of punishment.
- I personally would not want this as I would feel it was forced and not truly sincere.
- It is easy to say sorry, whether they actually mean it or not is an entirely different matter
- It is to easy for offenders to apologise and means nothing to most of them.
- It is too easy to say sorry, but not mean it.
- It's too easy an option for the offender.
- No real evidence that it works if written .
- Only agree if it is verbal.
- Possible any easy option for offender, apologies can be hollow.

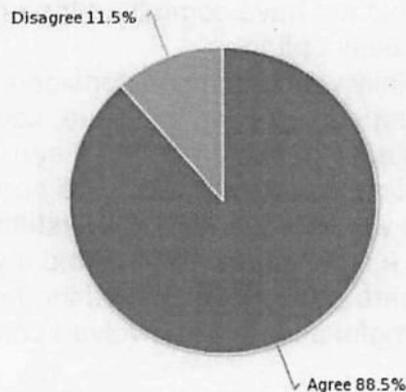
- The victim may not wish to hear from the offender
- Words are cheap.... whether written or verbal. Easily given, easily forgotten.
- an apology may not be meant but may be an easy way out.
- as above
- offenders can believe if they say sorry that it is recompense for the crime.
- waste of time
- This doesn't work if the offender won't admit to his crime (as happened to me, as a victim of theft, a year ago).
- Talk is cheap! Whilst some apologists may be sincere, others will see it as a very soft option. There needs to be real consequences arising from anti-social behaviour.
- I only agree if more formal action is taken as well. An apology does not make everything right all of the time.
- This may just be done to satisfy a perceived need rather than dealing with the culprits real issues. Most victims would consider this useless without some evidence from the criminal that they have really changed their mind, i.e. genuine repentance.
- It is easy to say an apology but doesn't mean anything has been learnt. Combined with others it may be more effective getting them to think of the impact they have had.
- A written apology is too easy to do without sincerity. Having to write an apology may preclude some due to literacy problems.
- The offender should not have committed the offence in the first place. An apology is an easy option
- Apologies, especially written may be considered to be shallow in their very nature and depending upon the issue, condescending.
- An apology is too easy to make and not mean. I use the example of West Mercias Chief Constable P West. He apologized to me for illegally and quite wrongly overseeing a system which allowed the police to give me a criminal record and hold my name on the computer for six years. A mere apology got him off the hook of really doing something meaningful about what involved criminality in West Mercia police
- In domestic abuse cases this would most inappropriate as they will of course to not go to court write an apology and then the victim would be blamed for this again increasing the risk
- Tokenism at it's very best. Again if the offender was genuinely contrite they would have already offered an apology without being 'compelled' to do so by the CJS.
- I think a verbal apology will be the best approach as like restorative Justice. It would have more of an impact to communicate verbally with a victim...
- I think a written apology without having to face the victim of their crime would have limited impact.
- Very easy to just say sorry - but doesn't really have any impact on future behaviour. Verbal apology more meaningful than written
- This happened personally to my 72 year old dad when he was

assaulted by a neighbour. The police scared my dad about court. All he got was a written apology after being assaulted. Please respect the law an apology should be as well as court. Not instead of.

- Easy to give but hard to be 100% sure that such an apology is well meant and truthful. I am aware that "Can I say sorry" really means "I am showing you I am sorry so you can go away and leave me alone".
- The effectiveness of this depends upon the character of the person offending, and whether it actually prevents such behaviour from happening again. In specific situations this may be appropriate, but in many circumstances it will seem likely to be neither effective or sincere.
- Having worked with addicts, who consequently commit crime/anti social behaviour, I know that they will say and do anything to avoid punishment.
- An apology by itself is insufficient; maybe the question should have indicated whether that in itself was meant to resolve a dispute

### 3. An Acceptable Behaviour Contract - where they agree not to behave anti socially in the future or face more formal consequences.

3. An Acceptable Behaviour Contract - where they agree not to behave anti socially in the future or face more formal consequences.



Value	Count	Percent
Agree	184	88.5%
Disagree	24	11.5%

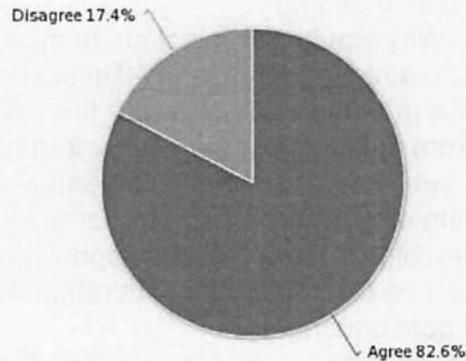
If answered disagree above, please state why

- Again to easy, community work should be used
- Depends how many chances they are given - there needs to be real consequences if reoffends.
- Do such controls actually work? What evidence is there?
- Easy way out.
- I dont think that this would be enough of a deterrant to re-offend.

- Once again an easy option. They have done wrong they should be punished
- This they would probably ignore.
- What formal consequences? Consequences given by who?
- do not believe it would work
- from my experience the majority of offenders "laugh" at this type of "punishment. "
- just like asbo a waste of time
- Total pointless. Why would a criminal abide by a contract if he doesn't abide by what are already lineant laws? Think about it.
- If they are involve in anti-socail behaviour then they may not be able to just switch off from doing this or step away from pressures that encourage this behaviour. I suggest you sentence them to a stint in intense mentoring or a residential centre for adults (detox). The local one in Worcestershire is Betel of Britain and its free.
- I dont feel this will be taken seriously but rather more of an easy option to avoid further consequences
- If a lifestyle problem, any contract is not worth the paper it's written on - deal with the issue in reality.
- I think this is much less likey to achieve a change in behaviour than some of the other options in the list.
- Yet another effort to duck the problem. Such a contract makes no restitution, doesn't rehabilitate, fails to deter and isn't a punishment.
- I would strongly agree with this if the formal consequences were unequivocally specified and applied in all cases and situations.
- How does this replace any judicial penalty when agreement to bind over to be of good behaviour is breached. The ABC will be ignored in the same way.
- I can see little merit in having an offender signing such a contract. For a first time or one-off offender, other options should prove effective. For persistent offenders it will likely prove to be no deterrent at all.
- This should only be used if there is an element of restorative in coming to this agreement, to just issue ASB orders without supporting work is not productive.

## 4. Taking part in a restorative justice activity such as neighbourhood justice panel

4. Taking part in a restorative justice activity such as neighbourhood justice panel



Value	Count	Percent
Agree	166	82.6%
Disagree	35	17.4%

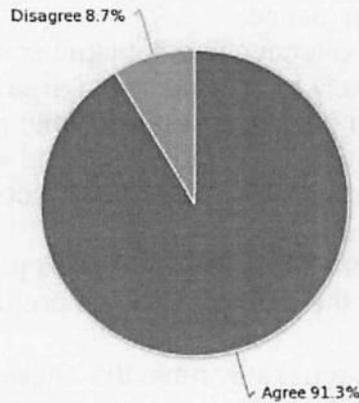
If answered disagree above, please state why

- Addicts, for the most part, are completely irresponsible
- Again meaningless and a cheap way of avoiding to to take proper action that the public demand.
- I don't agree with neighbourhood justice panels
- I don't understand what a neighbourhood justice panel is.
- I dont feel this would be appropriate
- In domestic abuse cases I believe that this would not assist the offender
- It is for the courts to preside over justice. Do not invent another structure.
- Many wouldn't turn up to do the activity.
- Not sure what the justice panel's role is so couldnt agree that this was an appropriate action
- Rather a risk of reprisals I should imagine.
- This should be for courts not do gooders
- Useless
- What ever next. Soon we will not require a police service or justice system
- do not know enough about this to decide if it is suitable -
- for the same reason as above
- it depends how many times they have been in trouble before.
- who takes part the criminal, waste of time
- And what is a Neighbourhood Justice Panel? Miscreants sitting in judgement on other miscreants? Presumably another lame effort to

- duck the necessity of actually locking up criminals?
- This would possibly involve bringing together officers & officials at set times & dates (also residents?). It would add a layer of officialdom, and cost tax payers money to hold these quangos in salary time & venue hire, and achieve very little without a change in current law.
- Someone with a bad record of behaviour should not be able to have a say about their own justice.
- Again, this may be effective in a tight knit community and one-off offenders, but unlikely to be effective in areas of poor social cohesion, with offenders from outside an area, or with persistent offenders. Also it may depend upon who is on the panel, and whether their opinion matters to the offender. In socially divided communities this may reinforce prejudices.
- This would only work if the neighbourhood justice panel did not know either the victim or the criminal to avoid prejudgement based on prior reputation.
- Neighbours don't necessarily have the answer or understand the criminals' needs and why they commit crime. Sentencing to detox (mental and physical). The local one in Worcestershire is Betel of Britain and its free.
- I think if you can accomplish any of the first three, you have pretty much resolved the issue. I don't think the structure and resources are in place, nor are they likely to be with all the current cuts to be able to effectively deliver this.
- I'm yet to be convinced that "restorative justice" activities can change an offender's behaviour.
- A neighborhood justice panel should be made up of law abiding people who have earned the right to have a say and want to serve their local community.
- This kind of activity is best left to people with the right motives for attending and should not be mandatory for offenders.
- I do not fully understand what the brief to such a panel would be and therefore how an offender makes reparation by being part of this. Who would monitor attendance, commitment and outcome of an offenders participation?
- That assumes they are 'qualified' to take part on such a panel; people need to be selected by a criteria not just because they have committed a 'wrong'
- Who will sit on the panel? Will they be trained, and if so, at what cost? What happens if the offender refuses to cooperate?
- Concerns about who is on the panel and if it is representative of the community, or just a stealth kangaroo court.

## 5. Paying an appropriate amount for damage to be repaired or stolen property to be replaced.

5. Paying an appropriate amount for damage to be repaired or stolen property to be replaced.



Value	Count	Percent
Agree	190	91.4%
Disagree	18	8.7%

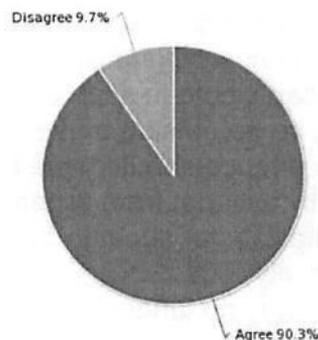
### If answered disagree above, please state why

- Individual may not have the means to pay. Victim may be able to claim from insurance
- May be unable to fund this. Then there will be no resolution for the victim.
- Only in combination with for instance a verbal apology.
- Should pay full amount plus some for inconvenience
- They should be made to pay full amount for replacement.
- This can be ordered by a court with the addition of a judicial penalty.
- When an offender is living off state benefits-who is actually paying?..... the tax payer.
- Why introduce something which will never happen. Additional resources needed to administer.
- For most this is not an option as already live on benefits for others it is an insignificant sum so has no meaning.
- Only if this is part of a voluntary agreement following an RJ conference. Agreeing as part of a conference will ensure better compliance if the offender is part of a fair process, rather than enforcing compensation, which leaves the victim open to disappointment.
- I actually agree with this option, but when I tick the 'Agree' box I don't get the opportunity to add any comment. While this is a good idea I suspect the definition of 'appropriate amount' would simply be a euphemism for 'trivial'?
- I don't believe this is a fair way of dealing with issues as wealthy offenders (parents) may pay for things to go away.

- Simple like for like replacement would not cover emotional distress or time lost. A one-off payment with a punitive addition might feel like justice. It would not feel like justice if the offender doesn't have funds in the first place, and the amount becomes a small payment every week which can also default.
- Most of those involved stole or committed the crime in the first place because they had no money so how can they pay for the damage etc?
- Who decides what is an appropriate amount? Is this purely to repair the damage? Who pays this if the offender is, for example, at school? Who has the right to assess an offender's/an offender's family's means?
- Lets face it. They can't pay and won't pay. More likely it will be someone paying on their behalf. Sentence them to detox. The local one in Worcestershire is Betel of Britain and its free.
- I would agree if the offender is working but, if receiving benefits, would probably commit more crime in order to live/fund habits

## 6. Structured activities that are either educational or rehabilitative such as alcohol or drug treatment or anger management

6. Structured activities that are either educational or rehabilitative such as alcohol or drug treatment or anger management



Value	Count	Percent
Agree	187	90.3%
Disagree	20	9.7%

### If answered disagree above, please state why

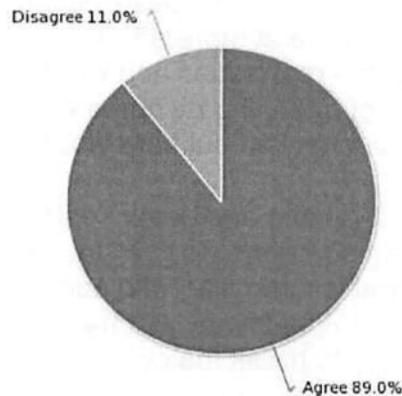
- Costly to society.
- I don't beleive this would work
- I just disagree
- I work with this client group every day and this rarely works,
- If the offence is so serious then it should be dealt with by a court .
- waste more of the public purse on down and out's, no way
- If the offence is serious enough for this, it is not a low-level behavioural issue and the case should be coming to the magistrates' court. This

'remedy' would in fact be a Community Order, where a specified activity such as an educational course, or drug/alcohol treatment may be deemed appropriate. It would be necessary for the Probation Service to recommend and supervise any such course of action to the court, and is in my view quite unsuitable for any 'out of court' neighbourhood justice panel. If it is just an 'out of court' agreement, how will it be enforced if the offender subsequently declines to cooperate? It would then be 'out of time' for a summary offence to come to court, because undoubtedly more than 26 weeks would have passed since it was committed, leaving the victim entirely without a remedy or any compensation.

- In domestic abuse this would increase the risk to the victim as they would not be able to request a Restraining order for their protection - domestic abuse is not about anger management it is about power and control over another person
- Once again I agree with the idea of drug and alcohol treatment as part of wider strategies to reduce offending. Unfortunately the total disconnect in the co-ordinated delivery of services from CJS, Health, Mental Health and Social Care means this is no more than a grandiose ideal. 'Anger management'? I'm afraid bullying, violent thugs are just that. Efforts to effect meaningful change in attitude and/or behaviour in an individual older than 10 or 15 is almost guaranteed to fail.
- I agree with this but it should not be done in society. Again this could be done away from society. That way they don't have access to drugs.
- Highly specialised work which needs to be undertaken by Probation or similar services. needs to be underpinned by the courts.
- In order for a defendant to participate in such activity the level of offence must be such as to be outside of the remit of an out of court settlement and as such the offence should have been dealt with in the court system most especially as input from probation would be necessary to determine suitability for such an order for a defendant to participate in such an activity .
- I doubt if this would work. If they no longer wanted to be an alcoholic or drug addict they would have already taken steps to address it.
- I do not disagree but I think offenders should be signposted to existing organisations that deliver this service. In fact I would have expected that this was already happening.
- Much too vague. These 'activities' would add a layer of expense that would be difficult to justify: drug treatment & anger management courses already exist...why could offenders not be required to attend one of these - rather than create new ones?
- too easy to say they have a drug/drink/anger problem. Everyone should pay the consequences of their crime. No excuses!
- There seems to be a cost to the public purse - we have seen no real evidence that rehabilitation will work for this type of crime. Our local view is that convicted Drink Drivers continue to reoffend. A person guilty of speeding may elect if appropriate to take a Speed Awareness Course but have to (quite rightly) pay to do so.

## 7. Reparation to the community (for example, by doing local unpaid work for a short period)

7. Reparation to the community (for example, by doing local unpaid work for a short period)



Value	Count	Percent
Agree	186	89.0%
Disagree	23	11.0%

### If answered disagree above, please state why

- Again I do not disagree. I just think that it is difficult to monitor effectively.
- If it is so serious, then the punishment should be imposed by a magistrates' court
- Supervised by whom? Penalties for a refusal to cooperate?
- Unless there is no cost to the public purse, if this is the case we agree
- As above, if the offence is serious enough for unpaid work to be considered, this, the case should be coming to the magistrates' court. This is in effect a Community Order, and it would be essential for the Probation Service to be involved and agree to supervise and follow it up. It would be important for this to appear as a conviction on the PNC record of an offender guilty of an offence worthy of unpaid work. If it is not, and similar reoffending occurs, how is the court to sentence him/her; they will be unaware of previous offending. Such a case would in my view be completely unsuitable for any 'out of court' neighbourhood justice panel. The point on how it would be enforced if the offender declined to co-operate is also still very relevant.
- I have worked alongside probation teams doing work for us. Social stigma might be effective for those who care about their local reputation, but others may not feel any great sense of punishment other than loss of their time. This seemed resented without any real understanding of the reason for that loss of time. I think the victim might feel this a punishment, but I don't know how effective it might be at preventing re-offending.
- This is a meaningless get out of jail free sort of solution. You can take a horse to water but you can't make it drink is an old adage but a true one.

- To do community work is good but it depends upon the crime committed. If the person stole because he needs money as he has no work, the unpaid community work will not help. I think the reason behind the crime should be looked into to decide a right punishment or decision.
- Enthusiasm for such work would likely be close to zero and I imagine much of it would be of such low quality because of this, it would have to be re-done at a later date at more effort and cost. In my opinion it would rarely solve any of the real issues and would, more often than not, perpetuate a cycle of offending by nurturing the 'them Vs us' type of attitude. Other measures laid out here would, I feel, have a much better effect.
- I agree with this but rehabs and detox centres can get them doing this. Why pay for it when someone else will take the criminal off your hands for free? If a criminal is struggling with addiction, affliction and influences of peers then the individuals may just be volunteering to go through the motions. It is unlikely to break the cycle of crime.
- In order for a defendant to participate in such activity the level of offence must be such as to be outside of the remit of an out of court settlement and as such the offence should have been dealt with in the court system most especially as input from probation would be necessary to determine suitability for such an In order for a defendant to participate in such an activity .
- In domestic abuse this would increase the risk to the victim as they would not be able to request a Restraining order for their protection
- As a Volunteer Centre Manager this kind of enforced community activity can devalue Volunteering. I suggest that offenders are offered the option of doing community activity
- They just won't turn up. Then more money is spent trying to make sure they do. There is more than 1 spreadsheet figures involved here.
- Again I agree with this option but think that your ideas of 'reparation' fall far short of mine.
- In the area in which I live offenders were given the task of removing graffiti, but Health & Safety stepped in and said 'no because chemicals may have to be used and these may be harmful' No thought that a brush and elbow grease and a bucket of water may teach them more. . This is only one incident that I have come across.
- As with my answer to "restorative justice" above ,... I don't agree that "doing local unpaid work for a short period" will have much impact on offending behaviour.
- The current system of unpaid community service is a joke. The local Telford co-ordinator is over worked and tasks that require work commitment are not carry out because of H&SE restrictions or too few supervisors

**8. Are there any additional actions you would like to see added to the list?**

<b>Value</b>	<b>Count</b>	<b>Percent</b>
No	118	64.8%
Yes	64	35.2%

**If answered yes above please give details below of any additional actions you would like to see added to the list of Community Remedies:**

- A chance for the injured party to comment on the sentence.
- Action defined with non compliance
- Being sent to court if any of the conditions set are breached.
- Confiscation for short period of equipment(Cycles, radios etc) used in anti social behaviour
- Consequential thinking as part of restorative
- Curfews if anti social behaviour
- Effective oversight of Communities Remedies with a consequence for non-compliance
- Some type of Order to which the parties would have to adhere.
- To publish an open apology via Social Media (facebook etc)
- Volunteering for an organisation which helps victims of similar crimes IF APPROPRIATE.
- Work on how to make better choices and how to be ready to take opportunities.
- banned from all pubs involving achol
- perpetrators to attend course on cost of asb/crime and how it affects individuals.
- If the offender is receiving benefits then perhaps a threat of the potential loss of certain benefits, or that they will be withheld for a period of time.
- The structured activities could include looking at the benefits of volunteering with a local charity and how they can help themselves gain valuable skills and improve a very damaged CV, whilst helping others
- where offenders are under 18 additional work with the parent about their responsibilities, parenting skills, etc.
- The real cost of the action/incident reflected in the fine paid. For example calculating the police time, if incarcerated the cost of holding the individual, Court costs etc. The perpetrator has no liability to these costs hence do not fully understand the cost
- It is encouraging to see proactive activities introduced around restorative justice to support victims of crime (and offenders) after crimes have been committed, but Commissioners need to have a stronger voice in terms of crime prevention through positive action i.e. to lobby Local Authorities, Business's and Health Trusts to coordinate targeted activities to improve community infrastructure to support groups who are at high risk of committing crime. Also, Commissioners need to regularly visit high crime risk areas, particularly at night to get a first hand understanding of what local communities experience and gain a better

- understanding of the issues around community policing and ensure youth groups have areas to go where they can be positively engaged in activities they can relate to i.e. in sports, performing arts, creative arts or receive advice support or assistance i.e. Youth centers
- The unpaid community work is needed to be really productive and targeted . With the transfer of Shropshire Council Community buildings to Parish Councils and the Voluntary sector this Group of offenders could really do some positive good but there needs to be a ' job specification ' for the work.
  - A breach of (3) above would lead to photo "name and shame" in the local press to warn others of the risk of this person.
  - This is not so much an additional action as a comment that I see the above as being for first offenders and NOT for repeat offenders. This sort of thing is all very well and good if it is effective, if it is not then revert to the 'stick'.
  - 1) Repairing damage to victim's property or cleaning graffiti 2) Parenting contract. 3) Targeted interventions e.g. anger management course, alcohol treatment or counselling. Could also incorporate a structured diversionary activity such as training courses where appropriate. 4) Tenancy enforcement - would require prior agreement with housing associations and registered social landlords and may require extensive discussions.
  - More sentencing to detox rather than prison for. By taking criminals out of society they stand a better chance of being mentally and physically rehabilitated.
  - I think that there should be a camp like national service where offenders have to do a minimum of 1 yr hopefully at the end of it they will have respect for themselves and other people and confidence to go and get a job or join the forces.
  - Where appropriate and with proper supervision then certain antisocial behaviour, minor thefts or low grade criminal damage could be recompensed by the offender agreeing to do some worthwhile task for benefit of the victim e.g. A 12 year old stealing a bottle of milk from a doorstep could be repaid by washing the victim's car.
  - I don't think additional actions should necessarily be added, but I do think that cases would need to be dealt with individually i.e., this should not be a one way suits all approach. Your consultation gives no options for a flexible approach - it is alarmingly black and white - and human beings are not. I think this approach might also cultivate a licence to fuel an ugly vengeance-style culture, as opposed to a compensatory one.
  - I am interested in how these actions will be implemented. After the severe funding cuts although these seem like brilliant ideas how ill they be actioned and from what funding?
  - Most serial anti social individuals see themselves as role models to up and coming yobs. They influence other young vulnerable teenagers to behave in the same manner taunting the police and their neighbourhoods. They need to be brought down and humiliated in front of their peers. Cleaning public toilets sweeping streets and helping children and less able people across the road as well as working in

- residential homes washing and bathing individuals that cannot help themselves. Apart from letting their peers see them it will hopefully instil as sense of humbleness into them. We can but hope.
- If, following one of these remedies, a further offence is committed the individual should be treated more harshly. Either by imprisonment or community service.
  - I would like to see those found guilty of these sorts of anti social behaviour offences deprived of a portion of their benefits for a certain amount of time (possibly until they have completed their work programmes or re habilitation programmes. I also think that where they have season tickets to football/rugby/cricket/ clubs, this should be revoked until they complete their re habilitaion or work programmes. They should not be allowed out of the country, (have their passports seized) so they cannot enjoy foreign holidays and their driving licences (if they have one) temporarily suspended until they have completed their re habilitaion or work programmes. I think they should be bared from clubs, discos and pubs in their area until they have completed their re habilitaion or work programmes. In short, I think there should be sanctions that mean something to them and will cause them inconvenience and a loss of the pleasure and enjoyment they deny to others through their behaviour. Most if the current sanctons involve other people making sure they comply whereas these incur little or no cost to the taxpayer.
  - Community RJ panels, using members of the community to resolve local issues ...but this will need to be driven and there will be a cost implication as the project requires to be managed and admin support will be needed.
  - People who commit crimes should be made more accountable for their actions, all of the above are a way forward.
  - Reparation of damage caused - e.g. mending a broken door or fence rather than just paying for someone else to do it. Reparation to the local community by joining with a structured voluntary organisation or group to participate in an activity that would raise funds for that group (eg Lions, Rotary, Round Table or similar)
  - Offenders, if addicts, to be offered choice of serving sentence in rehabilitation centres. Preferably long term e.g. Betel in Britain or Victory Outreach.
  - All the usual really - stocks, public flogging, chain gangs. Deportation to the colonies? Seriously, the CJS is beyond a joke - primarily because it operates in an entirely haphazard, disconnected manner. The punishment component has long since failed to reflect the seriousness of the crime and the impact on victims and society at large. If you want make changes for the better - get rid of the unelected, unrepresentative do-gooders on the Sentencing Council and get some folk who live in the real world to do the job. Things would only get better.
  - Involve more fully people who actually come from the area/estate where the crimes are taking place to help with any restorative justice. \*We agree with all the statements. However, we would be concerned it would only be lip service by people committing the offences in order to get a

- more lenient punishment.
- Offer suitable Christian counselling services and/or rehabilitation activities/work training/spiritual help as needed (e.g. as per Good Soil Project, Top Barn Farm, Worcester).
- That a watch is kept on the offender and a report made within, say, six months, to see if the anti social behaviour has continued or started again.
- That a minor crime be sorted out by a local community police person
- That institutionalised racism be always reviewed - I have an example if you would like to know more (a recent example)
- There should be a consequence for any antisocial behavior, as it appears that anti social behavior has become more and more acceptable as the norm and can be very intimidating to the general public.
- Jail them in first place, wont do it again , as a victim none of above worked untill they were jailed.
- Introduce systems to prevent issues occurring in the first place. Police response to 151 calls Pubs closing on time .... or early (!) in high risk areas. Parental responsibility "training" Better control over the sale of alcohol. Youth clubs which are not driven out of existence by "health and safety" or "CRB" checks
- It would be more believable as a view gaining operation if those answering "Yes" were asked to explain why. Or is the way forward already decided. A very poor try at gaining honest view points.
- I hope these proposals will not automatically shield asb offenders from prosecution & court appearances. They seem to give an easy 'cop out' to offenders - and the police. Naming & shaming - with photographs - might help make offenders realise that asb IS criminal activity.
- The punishment given should match the crime committed eg) graffiti should be cleaned and then extra cleaning of other peoples mess should be added so the criminal understands not only that they need to clean up their own mess but what its like to clean up other peoples mess. Aggrevating old people - criminals should be made to work in old peoples homes voluntarily for a period of time to appreciate old people.
- You must provide feedback as only then can the community accept that something is or has been done and that the offender is also aware that other people know about his or her offence.
- Whilst I would totally support a restorative approach, it has to be effective and meaningful to all parties. I would wish it to ensure that the offender was not just paying lip service to it as a means of avoiding Court and that in the event of non-compliance that the Police and the CPS would actively pursue the offender and not write the matter off.
- Offenders should be named and shamed in local press and libraries etc. When doing community service " bibs" should be worn to show that they are on an offender program.
- I ticked yes cso that I could comment onthe question not because I agreed with the question. Question7 is a matter for Probation/the Courts at present and therefore outside Police powers.
- More support for charities dealing with the homeless, addicts, more

rehab centres and workers to assist there. This will cost! Housing which is overseen so that residents cannot commit unsociable behaviours; this is all tied in with lifestyle issues and their resolution.

- I would like to see the police really take community policing seriously. When I was deliberately run off the road by a local person. I was on an 80 year old motorcycle he was in a large pick up truck. Substantial damage was done to me physically and to property. Though I showed photographic evidence of the assault NO ACTION WAS TAKEN. I took the matter to the IPCC and they backed up the police. So I believe that the police need to be serious about this aspect of policing.
- Proper sentence's passed by the courts, and no being released 1/2 way through the term, you get sent down for say 12month's you serve it, plus remove all the luxuries granted while inside.
- Name those via a Community Relations website (were permissible under English Law) who are subject to the more serious remedies. Naming & shaming works as a deterrent!
- Courts are excluded from all of this. Will any involvement in Community Remedies be formally recorded as this would be significant in the event of any subsequent court appearance for similar matters?
- Working in the voluntary charity section of the community i.e. shifts in charity shops, supporting the homeless charity.
- I would like reassurance that all professional staff dealing with victims and offenders are trained in awareness and understanding of autism as per the Autism Act 2009 so that terrible tragedies that have happened in the past do not happen again
- As a community member I would like to suggest that we should look at the root problem that why it takes time to sort out the crimes in local courts. If those problems are sorted then the crime can be treated accordingly and will maintain the law and order in a serious manner. Community agreed actions for crimes or offenders can in a later stage encourage more serious crimes as the punishments are lenient. I think to introduce this kind of system will the offenders a lot of loop holes to escape.
- If damage has been done by youths it is unlikely they will pay or do the work required. In these cases parents should be made responsible for reparation with bailiffs sent in if they do not.
- Group work with those with similar offending behaviour, to increase awareness of impact of offending etc Is there a lower age limit for these proposals? If young people are to be dealt with under these guidelines, it may be that age appropriate alternatives are identified, involvement if parents/ carers
- The voice of the victim is central to this process. There needs to be effective management of this, to ensure fairness, equity and justice. It is unclear who will provide this, how this will be done and what governance process there will be. In terms of Q8, subject to appropriate selection, it would be useful to involve unpaid work in charity shops or on behalf of charities.
- The list provided seems appropriate, however both rely on the offender admitting the offence in the case of a caution or agreeing to the

- community resolution. Will this new proposal remove either of those requirements? Often the sanction selected is somewhere between what the victim wants and what the offender is prepared to do. Being as prescriptive as this list suggests may cause more offenders to refuse to take part. This may result in more less serious cases having to go back to court or the cps deciding to discontinue a higher percentage. Both of which I believe will have a negative impact on public opinion and confidence and by extension the police's ability to reduce harm.
- Important to ensure that reparations requested by the victim are proportionate to the crime/ASB and not vindictive.
  - More training in domestic abuse for the magistrates as they do not seem to understand domestic abuse and the control one can have over another and the mixed messages they give to offenders who has breach a RO - it is there for a reason and the crime should be punishable not a £35 fine. This messages is also not good for the victim who is unlikely to report again due to this decision
  - A follow-up procedure to check if any of the actions has resulted in a change of behaviour going forward.

**9. If you are responding as an individual please indicate which area you live in. Please only tick one answer**

<b>Value</b>	<b>Count</b>	<b>Percent</b>
Herefordshire	12	6.0%
Shropshire	51	25.5%
Telford and Wrekin	16	8.0%
Worcestershire	113	56.5%
Other - please specify	8	4.0%

**Open-Text Response Breakdown for "Other - please specify"**

	<b>Count</b>
<i>Left Blank</i>	204
"Rural" Telford & Wrekin - see previous comments	1
Gloucestershire. I mange land in Worcestershire.	1
Redditch	1
Staffordshire	1
West Midd	1
I am presently working with the Youth Offending service and whilst tghese views are my own, I believe that they apply to all areas of west mercia.	1

**10. If you are responding on behalf of others, please specify the name of the interest group or organisation.**

- ASPIE Ltd
- Age UK Redditch and District
- Anti social behaviour Unit, South Worcestershire, West Mercia Polcie
- Bentley Close Community Assoc - Redditch
- Caribbean Roots Connection
- Church Stretton Community Group
- I do not represent a group
- I work with the homeless.
- NO
- Redditch Community Forum Redditch Chinese Association
- Rooftop Housing Association Evesham Worcestershire
- SOUTH WYE COMMUNITY
- Simply Limitless Wellbeing Centre, Kidderminster
- Spoted West Midlands
- Taking Part Advocacy Services
- Telford & Wrekin CVS
- Telford Christian Council
- The Comet Group, Malvern (a group of people who have learning disabilities)
- Tibberton & Cherrington Neighbourhood Watch
- Victim Support Shropshire, Telford & Wrekin
- Woodrush High School
- Worcester City Council
- Worcester City Mission
- Worcestershire Safeguarding Children Board
- individual
- I doubt taking part in this survey will reflect on the outcome. I have recently been the victim of a crime and what have the courts done, given the offender 2yrs suspended sentence. I am out of pocket to the tune of £80.00 and had NO compensation awarded even though he admitted the crime's x7 theft's and GBH, I wish it had been one of the people that allowed this scumbag to walk free that were the victim. Get the act together in the Courts and punish those that commit the crimes not let them walk free to commit even more, don't you lot realise they are laughing at you while the victims suffer even more. It's wake up time and serve the public who appointed you in the first place.
- I am also responding as a trustee of Worcester City Mission - a Christian charity dealing with help for the poor and needy of society in the City and area.
- I am responding as an individual, but I am a magistrate, and so have considerable experience of dealing with summary offences. If the behaviour is a truly low-level first-time offence i.e. undesirable behaviour impacting on others, I agree that restorative justice can be a useful tool. However it is essential that further and more serious

offending is dealt with by the court, so that victims are not disadvantaged by non-compliance, and any pattern of criminal behaviour and its underlying issues becomes apparent, and can be properly addressed.

- Worcestershire CSPs combined response to initial consultation on what should be included in the list for consultation - to save them responding again as agreed with Tim Rice.
- this introductory sentence does not make sense: "From the list below please indicate if you agree that the action, may be suitable to be carried out by a person who has been engaged in anti social behaviour or committed an offence which it would be better dealt with out of court. " please rephrase and resubmit the questionnaire.
- Bishop's Castle Town Council. We would also like to add that the 7 options would all be suitable in the appropriate circumstances only.
- I manage nature reserves for the Worcestershire Wildlife Trust, which is where I encounter the majority of anti-social behaviour.

**11. If you are responding on behalf of others please specify the area(s) that your interest group or organisation covers: Please tick one or more areas as appropriate**

<b>Value</b>	<b>Count</b>	<b>Percent</b>
Herefordshire	2	5.4%
Shropshire	10	27.0%
Telford and Wrekin	7	18.9%
Worcestershire	22	59.5%
Other - please specify	2	5.4%

<b>Open-Text Response Breakdown for "Other - please specify"</b>	<b>Count</b>
<i>Left Blank</i>	208
Redditch	1
Rural Telford & Wrekin	1



**RECORD OF DECISION**

**TITLE: PROPOSED SALE OF FORMER POLICE STATION: Ref. PCC/D/2014/20**

**EXECUTIVE SUMMARY**

To approve the sale of a former Police Station in Bromsgrove.

This decision request is accompanied by supporting Part 1 and Part 2 reports.

**RECOMMENDATION**

That subject to contract, an offer for a former police station in Bromsgrove in the sum of £875,000 be accepted and the disposal take place on terms and conditions acceptable to the Head of Estates Services in accordance with the Procedure for the Disposal of Surplus Property within the Alliance Estate.

**APPROVAL OF**

**West Mercia Commissioner**

I hereby approve the above recommendation.



Signed

Date 14<sup>th</sup> July 2014

## PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE

### SUPPORTING REPORT

#### 1. INTRODUCTION

Following the development of the New Police Station and delivery of the new policing model and the People Movement Plan, this property became available for disposal.

The property comprises an original Victorian building with a 1970/80s extension together with various outbuildings including an old social club. The buildings comprise 20,069 sq ft (GIA) and the site is 0.707 acres. (See attached plan).

Our agents GJSDillon have dealt with the marketing of the property, which commenced in April 2014. The property has been advertised in the local media together with the regional and national property press. There has been strong interest in the property and offers were invited by the 4<sup>th</sup> July. Seven offers have been made.

#### 2. LEGAL CONSIDERATIONS

The sale price achieves best value as required under Section 123 of the Local Government Act 1972.

#### 3. FINANCIAL CONSIDERATIONS

The sale of the property provides a valuable capital receipt amounting to £875,000 towards the Force's future capital programme, thus reducing borrowing.

The sale of the now vacated police station will reduce the annual running costs by £130,000 and accumulated backlog repairs estimated as £12,700.

At 1.25% the fees for this transaction are expected to be £10,937.50. Legal costs are estimated to be in the region of £1,000.

### PUBLIC ACCESS TO INFORMATION

Information in this form is subject to the Freedom of Information Act 2000 (FOI Act) and other legislation. Part 1 of this form will be made available on the West Mercia Commissioner's website. Any facts and advice that should not be made automatically available on request are not included in Part 1 but instead in the separate Part 2 report.

**OFFICER APPROVAL**

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.



Signature

Date: 14<sup>th</sup> July 2014



## OFFICIAL COPY OF REGISTER ENTRIES

This official copy shows the entries subsisting on the register on 20 September 2004 at 11:44:43  
This date must be quoted as the 'search from date' in any official search application  
based on this copy.

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the  
same extent as the original.

Issued on 20 September 2004.

This title is dealt with by **Coventry District Land Registry**.

A308

## Land Registry

Title Number : **WR87716**

Edition Date : 19 July 2004

---

### A: Property Register

*This register describes the land and estate comprised in the title.*

WORCESTERSHIRE : BROMSGROVE

1. (19 July 2004) The **Freehold** land shown edged with red on the plan of the above title filed at the Registry and being Police Station, Kidderminster Road, Hagley, Stourbridge (DY9 0QN).
2. (19 July 2004) The land has the benefit of the rights granted by a Deed of Grant dated 12 August 1952 made between (1) Bonar Joseph Smith (2) The Leicester Permanent Building Society and (3) The Worcestershire County Council.

NOTE: Copy filed.

---

### B: Proprietorship Register

*This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.*

#### Title Absolute

1. (19 July 2004) PROPRIETOR: WEST MERCIA POLICE AUTHORITY of Police Headquarters, Hindlip Hall, PO Box 55, Worcester WR3 8SP.

## C: Charges Register

*This register contains any charges and other matters that affect the land.*

1. (19 July 2004) A Conveyance of the land in this title dated 31 July 1952 made between (1) The Right Honourable Charles John Viscount Cobham (Vendor) (2) The Honourable Richard Glynne Lyttelton And Others (trustees) and (3) Worcestershire County Council (Purchaser) contains the following covenants:-

"The Purchasers hereby covenant with the Vendor that they will as soon as practicable after the date hereof erect to the reasonable satisfaction of the Vendor's Surveyors a stock proof fence along the south western boundary of the land hereby conveyed and will forever thereafter to the like satisfaction maintain the said fence.

The Purchasers hereby further covenant with the Vendor and his successors in title owner or owners for the time being of the Hagley Estate settled by the said will of the said Right Honourable Charles George Viscount Cobham deceased such covenant to enure for the benefit and protection of the Hagley Estate or the part or parts remaining unsold thereof that-

- (i) no more than two dwellinghouses with an office between to be used for police purposes and as residences for officers of the County Constabulary or other employees of the Purchasers together with the usual outbuildings and garages for each house shall be erected on the land hereby conveyed
- (ii) no trade manufacture or business shall be carried on upon the said land and that no buildings other than those mentioned in the preceding sub-clause shall without the previous consent in writing of the Vendor or his successors in title owner or owners for the time being of the Hagley Estate aforesaid be erected thereon.

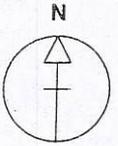
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**END OF REGISTER**

*NOTE: The date at the beginning of an entry is the date on which the entry was made in the Register.*



TITLE NUMBER  
**WR87716**



**WORCESTERSHIRE : BROMSGROVE**

ORDNANCE SURVEY MAP REFERENCE:

SO9180NW

SCALE 1:1250 Enlarged from 1/2500

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This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on **20 September 2004 at 11:44:43**. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 20 September 2004.

This title is dealt with by the **Coventry District Land Registry**.





**RECORD OF DECISION**

**TITLE: PROPOSED SALE OF FORMER POLICE STATION: Ref. PCC/D/2014/21**

**EXECUTIVE SUMMARY**

To approve the sale of a former Police Station in Hagley.

This decision request is accompanied by supporting Part 1 and Part 2 reports.

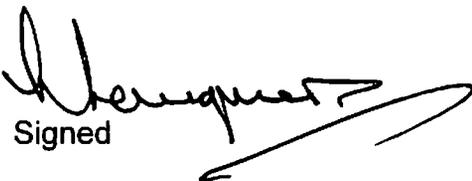
**RECOMMENDATION**

That subject to contract, an offer for a former police station in Hagley in the sum of £580,000 be accepted and the disposal take place subject to the release of the restrictive covenant and otherwise on terms and conditions acceptable to the Head of Estates Services in accordance with the Procedure for the Disposal of Surplus Property within the Alliance Estate.

**APPROVAL OF**

**West Mercia Commissioner**

I hereby approve the above recommendation.

Signed 

Date 21<sup>st</sup> November 2014

## **PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE**

### **SUPPORTING REPORT**

#### **1. INTRODUCTION**

Following the delivery of the new policing model and the People Movement Plan, this property became available for disposal.

The property consists of a purpose built police office with residential quarters to either side. The property has been extensively modernised and no residential elements remain. There is a separate detached double garage to the rear.. (See attached plan).

Our agents Harris Lamb have dealt with the marketing of the property, which commenced in September 2014. A marketing board was erected and details of the property placed on the Harris Lamb, PropRT, EGi (estates gazette) and Right Move websites. There has been strong interest in the property and best and final offers were invited by the 7<sup>th</sup> November 2014. Four offers have been made. Two late offers were also received neither of which were competitive.

#### **2. LEGAL CONSIDERATIONS**

The sale price achieves best value as required under Section 123 of the Local Government Act 1972.

#### **3. FINANCIAL CONSIDERATIONS**

The sale of the property provides a valuable capital receipt amounting to £317,500 (once apportioned with the Hagley Estate) towards the Commissioner's future capital programme, thus reducing borrowing.

At 1.00% the fees for this transaction are expected to be £5,800. Legal costs are estimated to be in the region of £1,000.

### **PUBLIC ACCESS TO INFORMATION**

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**OFFICER APPROVAL**

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature 

Date: 21<sup>st</sup> November 2014



RECORD OF DECISION

**TITLE: Police Pension Scheme Governance Arrangements**

Ref. PCC/D/2014/23

**EXECUTIVE SUMMARY**

The Public Service Pensions Act 2013 (the Act) places greater emphasis on governance. The Police Pension Scheme 2015 will come into effect on 1st April 2015, however, the governance arrangements will also cover the existing schemes which will remain in effect under transitional arrangements.

This decision record is accompanied by supporting Part 1 report. There is no Part 2 supporting report.

**RECOMMENDATION**

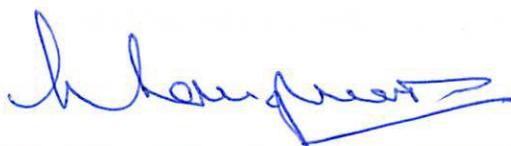
It is recommended that

- a single pension board is created for Warwickshire Police and West Mercia police building on the alliance
- responsibility for the Warwickshire Police and West Mercia Police Pension Board should be delegated to the Director of Finance
- an independent Chair be appointed that is neither an employer nor a member representative
- employer members should consist of the Director of Finance, Head of Accountancy and Financial Services and the Head of HR, or their representatives and a representative of the PCCs.
- scheme member representation should be drawn from serving officers, deferred and pensioner members.
- the Pension Board should meet as a minimum annually and no more than quarterly.
- members with a special interest in police pensions or pensions generally should be sought and reliance placed on existing training materials

**APPROVAL OF  
West Mercia Commissioner**

I hereby approve the above recommendation.

Signed



, Date 12<sup>th</sup> December 2014

## **PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE**

### **SUPPORTING REPORT**

#### **1. INTRODUCTION**

The Public Service Pensions Act 2013 (the Act) places greater emphasis on governance. The Police Pension Scheme 2015 will come into effect on 1st April 2015, however, the governance arrangements will also cover the existing schemes which will remain in effect under transitional arrangements. The purpose of this briefing is to set out the arrangements and responsibilities. It should be borne in mind that the expectation is that the local arrangements should be pragmatic, flexible and proportionate to local circumstances. Recommendations are highlighted in italics.

#### **2. What needs to be in place?**

##### **2.1 National level**

The Act requires governance arrangements to be in place at national and local level. Schedule 2 of the Act provides that the Home Secretary is the Responsible Authority who can make scheme regulations. Under s7 of the Act there must be a scheme Advisory Board to advise the Responsible Authority on the desirability of changes to the scheme. The Police Advisory Board for England & Wales (PABEW) will serve as the Police Pensions Scheme Advisory Board.

##### **2.2 Local level**

2.2.1 The Chief Officer (Chief Constable) will be the designated Scheme Manager with the responsibility to administer the pension scheme, according to scheme regulations in respect of his or her force. Note that the responsibility for a chief officer's own pension is with the relevant Police and Crime Commissioner (PCC) as Pension Supervising Authority.

2.2.2 From April 2015 there will be a legal requirement under the Act for the Scheme Manager (i.e. chief officer) to be assisted by a Pension Board to ensure compliance with scheme regulations and the requirements of The Pension Regulator (TPR) on matters such as record-keeping and publishing information. The legislation allows scheme managers to join together to form arrangements for a single pension board that will cover more than one scheme if they consider that to be the most appropriate arrangement and the best way of securing the level of knowledge and experience required of board members. It is recommended that a single pension board is created for Warwickshire Police and West Mercia police building on the alliance. Wider collaboration can be considered.

2.2.3 The Home Office will not prescribe what the arrangement should be.

### **3. What scheme managers need to do**

- 3.1 Each Scheme Manager, the Chief Constable of Warwickshire Police and the Chief Constable of West Mercia Police, must ensure a Pension Board covering their force is in place by 1st April 2015. Scheme Manager responsibilities for Police Pension Boards can be delegated. It is recommended responsibility for the Warwickshire Police and West Mercia Police Pension Board should be delegated to the Deputy Chief Constable or Director of Finance.
- 3.2 The Scheme Manager must appoint the Chair and Deputy Chair. The Chair then appoints the voting and independent members, with Scheme Manager approval. The primary legislation stipulates that there must be equal numbers of employer and scheme member representatives and scheme regulations will specify those to total from 4 to 12. There may also be up to 4 independent members. It is recommended to have an independent Chair, that is neither an employer nor a member representative, perhaps someone of standing with an interest in pension issues. This would be a similar appointment to that of the Chair of the Audit Committee. Otherwise the Chair should rotate between representatives from the employer and member representatives. It is recommended as a minimum that employer members should consist of the Director of Finance, Head of Accountancy and Financial Services and the Head of HR, or their representatives. Scheme member representation should be drawn from active (serving officers), deferred and pensioner members. Therefore, scheme member representation could be drawn from the rank and file officers or perhaps the Federation and Superintendents' Association. In respect of deferred and pensioner members the National Association of Retired Police Officers may be able to offer potential members. Membership should also include a representative of the PCCs. Consideration should be given to drawing representatives from Warwickshire and West Mercia to maintain a balanced membership.
- 3.3 Once established, a Pension Board will determine its own procedures, subject to the approval of all the relevant scheme managers. There is therefore no set requirement for a specific agenda or frequency of meetings. It is recommended that the agenda can be drawn from the terms of reference, once this is agreed. It is recommended that the Pension Board should meet as a minimum annually and no more than quarterly.
- 3.4 There is a requirement in the primary legislation (schedule 4 to the Act amends the Pensions Act 2004 to create a new s248A) for members of Pension Boards to have knowledge and understanding of the rules and regulations of the scheme and other matters of law relating to pensions. The degree of knowledge and understanding required is that appropriate for the purposes of enabling the individual properly to exercise the functions of a member of the Pension Board. TPR is planning to issue public service scheme educational material to help Board members to get up to speed with public service pensions. It is recommended that members with a special interest in police pensions or pensions generally should be sought and reliance placed on the TPR training materials.

3.5 Before appointing or approving an appointment of any person the Scheme Manager must be satisfied that the person does not have a conflict of interest. This should be kept under regular review. If a member of the Board does have a conflict of interest the Scheme Manager must terminate the appointment. A member or a proposed member of a Board must provide any information the Scheme Manager may reasonably require in order to determine whether such a conflict exists.

#### **4. How Pension Boards might work**

4.1 There is a suggestion below of what the Pension Board might do. This cannot and should not be prescriptive because of the range of administration models and other factors which exist. The main areas might be:

Efficiency/effectiveness – whatever model a force uses for pension administration (local authority, commercial services supplier, in-force) it will wish to keep the arrangements under review and look for efficiencies from continuous improvement. There are likely to be opportunities for increasing collaboration, re-negotiating contracts, business process change, benchmarking, developing and promulgating best practice;

Information management – there may be a need for improvements in quality and management of information for both record-keeping and communications with scheme members, particularly pensioner and deferred members i.e. those who have retired or left the force.

4.2 A Board may wish to address or raise with the SAB the kinds of issues which cause concern. Examples might be ill-health retirement, where perhaps forces might operate varying policies, pensions financing issues, tax where some issues might arise from the interaction of tax rules with the pension scheme and, similarly, some issues might arise from the interaction of the Pension Scheme with pay and conditions regulations and determinations. .

#### **2. LEGAL CONSIDERATIONS**

These proposals would enable the Chief Constables of West Mercia and Warwickshire to comply with their statutory obligations under Public Service Pensions Act 2013

#### **3. FINANCIAL CONSIDERATIONS**

Costs of these proposed governance arrangements will be opportunity costs only, excepting the possibility of an allowance for an independent Chair.

## **PUBLIC ACCESS TO INFORMATION**

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### **OFFICER APPROVAL**

#### **Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature *Andy Cross*

Date 12<sup>th</sup> December 2014



**RECORD OF DECISION**

**TITLE: Victims Services Contract Award**

Ref. PCC/D/2014/24

**EXECUTIVE SUMMARY**

Police and Crime Commissioners assume responsibility for commissioning victims services across the alliance from 1<sup>st</sup> April, 2015. Funding has been transferred from Ministry of Justice for this purpose. On behalf of the Commissioners staff have negotiated a contractual solution for the provision of Victim services post March 2015 via the Thames Valley, Surrey and Sussex framework.

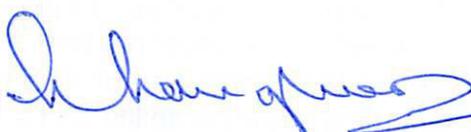
This decision record is accompanied by supporting Part 1 report. There is no Part 2 supporting report.

**RECOMMENDATION**

To approve the funding commitment required to secure the contract for Victim Services from April 2015, a contractual arrangement that sits within both West Mercia and Warwickshire's Victim fund allocation and provides confidence in compliance moving forward.

**APPROVAL OF  
West Mercia Commissioner**

I hereby approve the above recommendation.

Signed  Date 12<sup>th</sup> December 2014

## **PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE**

### **SUPPORTING REPORT**

## **VICTIM SERVICES COMMISSIONING**

### **Recommendation**

1. Both the Commissioning Manager (West Mercia) and Policy Lead for Victims (Warwickshire) recommend that the respective Police and Crime Commissioner across the Alliance:
  - (a) Acknowledge the recommendation made within the July Alliance Governance Group meeting to negotiate a contractual solution for the provision of Victim services post March 2015 via the Thames Valley, Surrey and Sussex framework;
  - (b) Acknowledge the negotiation process which both Commissioning leads for the Alliance have engaged with to find a contractual solution via the framework.
  - (c) Agree to the funding commitment required to secure the contract for Victim Services from April 2015, a contractual arrangement that sits within both West Mercia and Warwickshire's Victim fund allocation and provides confidence in compliance moving forward.

### **Background Information**

- 2) Both West Mercia and Warwickshire Police and Crime Commissioners (PCC) assume responsibility for commissioning victims services across the alliance from 1<sup>st</sup> April, 2015. Funding has been transferred from Ministry of Justice (MoJ) for this purpose. This is a National arrangement with all PCCs across the country, with some being Early Adopters from October 2014.
- 3) Changes to the commissioning landscape for victims' services predominately mean that in the future there may be more than one provider, or indeed a range of alternative delivery models used to provide appropriate levels of support to victims. The move from a nationally commissioned service with Victim Support to a more localised model presents both opportunities and threats, the move therefore to become part of a framework with many other PCCs bears benefits regarding interoperability and a smooth transition from a different contractual arrangement.
- 4) The MoJ therefore has no responsibility for these commissioning arrangements following this transfer of funding to local PCCs, however they will continue to commission court based witness and homicide services at a national level.<sup>1</sup>

### **The Framework for Victim provision**

- 5) This decision paper sets out the position statement for future contractual

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<sup>1</sup> The contract for court based witness has recently been awarded to the CAB. Previously this service was managed by Victim Support.

arrangements for victim services across the Alliance for April 2015. The paper is subsequent to the Alliance Governance Group (AGG) meeting in July where agreement was reached to further develop negotiations within the Thames Valley, Surrey and Sussex framework for the joint benefit of each PCC partner.

- 6) The framework enables the Alliance to “call-off” services from the awarded contractor for victim services, and vary the contract accordingly throughout its duration.
- 7) A significant driver behind the AAG decision was the knowledge of an immature market place where both PCCs were confident in the opinion that a commissioning process would achieve no different outcome to the framework (in terms of a provider or level of service); and the flexibility to call off services or vary the contract meant that in the future the option was there to commission across the Alliance when we felt a market place was ready. It was also believed that the economies of scale of such an arrangement would be more than what the Alliance would achieve on its own. 22 PCCs had signed up by October an interest in calling off services under the framework.

### **Victim Support**

- 8) In October, Victim Support were awarded the Thames Valley, Surrey and Sussex framework contract following a competitive European Tender process. Therefore, any contract negotiation which the Alliance involves itself in with this framework would result in Victim Support providing continuity of support across the alliance – albeit with additional requirements to ensure compliance with recent legislation as identified within the Code of Practice for Victims.
- 9) This paper seeks to gain endorsement and agreement for committing funding to:
  - i) commission through the Thames Valley, Surrey and Sussex framework a regional referral mechanism/single point of contact which will now encompass the referral of crimes subject of current information sharing agreement types (VARC);
  - ii) commission through the Thames Valley, Surrey and Sussex framework a local and front line delivery supporting victims of crime, which will now encompass the referral of crimes subject of current information sharing agreement types
- 10) The paper also seeks to gain agreement and support for:
  - iii) Market development activity over the coming years practices designed to deliver a competitive market place for future tender requirements across the Alliance providing enhanced value for money and enhancements in victim services.

### **Negotiation process**

- 11) A thorough process of negotiation was developed by both West Mercia and

Warwickshire Victim leads, supported by the Framework leads to ascertain the variables and commitments from the specification used in the tender process.

- 12) A commitment from Victim Support to provide open book accounting throughout the process, a commitment through the process that the majority share of investment is funding front line activity and the agreement to vary contract values and volumes based on trends has aided contract negotiations. Victim Support have become aware of our intentions to become compliant within a contextual understanding that funding needs to demonstrate value for money, lean processes which remain outcome focused and victim orientated from start to finish.
- 13) There have been in excess of 5 face to face meetings, and many more correspondence on email and telephone with Victim Support, and we are now in a position where we feel we have brokered a deal which enables Victim Support to function and cater for a complaint service, in addition to having confidence in the costs and figures associated to the delivery.
- 14) We have also checked our value for money with the Framework Leads who have commented that both PCCs have reached the optimum. In order to reduce values in the future we will maintain regular contract monitoring meetings looking at volume and attrition from the number of referrals to those taking up a service. If trends of the additional crime types we will be supporting in the future are 10% below the allocation we have (10,000 for West Mercia and 5,000 for Warwickshire) we will seek to consider varying the contract and therefore the costs associated to this. Agreement of this and the future design of the service will be made under appropriate Governance arrangements.

#### **Financials, Volume, Code and EU Directive**

- 15) This offer provides the following:

##### **West Mercia**

22,000 referrals

10,000 additional referrals (compliance quota, all crime types)

£805,003 per annum

##### **Warwickshire**

11,000 referrals

5,000 additional referrals (compliance quota, all crime types) £ 461,134 per annum

- 16) The MoJ funding for victims once allocated to the framework will cover all costs and remains within the funding allocation currently for both PCC offices. Any additional costs needed to support victims above this Code-compliant arrangement could either be found from Commissioning Fund grant or from any surplus from the victim allocation funding budget from MOJ.
- 17) The contract offers the following benefits:
  - After the first 12 months the commissioner can vary the contract length by

- issuing a variation or requesting an earlier end of contract date
- Vary the value of the contract based on referral trends
- Additional services can be added into the framework agreement above the tendered specification which they were awarded.

18) The provision will adhere to the EU Directive on Victims of Crime providing the following service:

- Which can be contacted by referring organisations or victims (and family members)
- Through which the needs of victims (and family members) can be assessed.
- By which victims (and family members) can be provided with relevant information, and or referred to suitable victim support services, in accordance with their needs.
- By which victims who report crime in a PCC area but who reside in a different PCC area can have their personal details/data transferred to the support arrangements in place in that area of residence.
- That complies with the Data Protection Act 1998

The service specification is also based on the Victims Code.

19) Also in accordance with the EU Directive, the service must prioritise support for victims of more serious crimes, vulnerabilities, and specifically those circumstances where it becomes difficult for them to access support, and repeat or persistently targeted victims. The services must assist them to deal with the crime and its immediate impact, support them through the criminal justice process where appropriate, as well as to help them to overcome the longer term legacy of the crime. This is regardless of whether or not a crime is recorded to the police.

### **Market Shaping in 2015**

20) A range of market testing and tendering from other PCCs across the country has clearly indicated that there is not a market ready to take on current sole duties that the PCC needs to commission from April for Victims. From our own knowledge there is not a market place with the full entitlement of trained volunteers across the Alliance to provide a complete victim solution. It is suggested in this paper that a formal governance arrangement is implemented from 2015 to begin to plan and shape the market and drive forward the existing arrangement and future arrangements with Victim Support. It is proposed that we enter contractual framework arrangements with the intention to replace and improve upon the existing provision.

### **Conclusion**

21) The market place for victim services is not developed to an extent that PCCs are finding other options beyond the existing Victim Support arrangements. The Framework which we seek to enter provides both PCCs value of scale and economies, smooth transition and a call off option enabling a commissioning exercise to be possible in the future at the time of our readiness.

22) The costs negotiated fall into an affordable nature, and we have assurance from the Framework leads that these costs represent true value for money compared to other PCCs.

23) This contract would run from April 2015 making both PCCs compliant with the Victims Code.

## **PUBLIC ACCESS TO INFORMATION**

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## **OFFICER APPROVAL**

### **Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature

*Andy Champers*

Date 12<sup>th</sup> December 2014



RECORD OF DECISION

**TITLE: PROPOSED SALE OF FORMER POLICE STATION: Ref. PCC/D/2014/25**

**EXECUTIVE SUMMARY**

To approve the sale of a former Police Station in Ellesmere.

This decision request is accompanied by supporting Part 1 and Part 2 reports.

**RECOMMENDATION**

That subject to contract, an offer for a former police station in Ellesmere in the sum of £140,000 be accepted and the disposal take place on terms and conditions acceptable to the Head of Estates Services in accordance with the Procedure for the Disposal of Surplus Property within the Alliance Estate.

**APPROVAL OF**

**West Mercia Commissioner**

I hereby approve the above recommendation.

Signed 

Date 16<sup>th</sup> December 2014

## **PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE**

### **SUPPORTING REPORT**

#### **1. INTRODUCTION**

The ethos behind the rationalisation of the estate announced by the Police and Crime Commissioner in July 2013 was to dispose of surplus properties that will not be required to deliver the new policing model. Ellesmere Police Station was identified as surplus within that announcement. Following the delivery of the new policing model and the People Movement Plan, this property became available for disposal.

The property is a detached building with garages and parking. The upper floor is a self contained flat and the ground floor is fitted out and was used as a Police Station until its closure. See attached plan.

Our agents Towler Shaw Roberts have dealt with the marketing of the property, which commenced in early April 2014. The property has been advertised in the Shropshire Star and other media. It was originally on the market at £175,000 but was reduced to £150,000 in November. While there have been a number of viewings over the months, interest in the property has been limited, possibly due to its proximity to the Fire Station. Two offers have been received.

#### **2. LEGAL CONSIDERATIONS**

The sale price achieves best value as required under Section 123 of the Local Government Act 1972.

#### **3. FINANCIAL CONSIDERATIONS**

The sale of the now vacated Police Station will reduce the annual running costs by £33,041 and accumulated backlog repairs estimated as £41,950.

This offer provides a valuable capital receipt amounting to £140,000 towards the organisations future capital programme, thus reducing borrowing. At 0.93% the expected fees for this transaction are expected to be £1,302 plus advertising of circa £500. Legal costs are estimated to be in the region of £750.

## **PUBLIC ACCESS TO INFORMATION**

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## **OFFICER APPROVAL**

### **Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature

*Andy Chappell*

Date: 16<sup>th</sup> December 2014



RECORD OF DECISION

**TITLE: PROPOSED SALE OF FORMER POLICE STATION: Ref. PCC/D/2014/26**

**EXECUTIVE SUMMARY**

To approve the sale of a former Police Station in Newport.

This decision request is accompanied by supporting Part 1 and Part 2 reports.

**RECOMMENDATION**

That subject to contract, an offer for a former police station in Newport in the sum of £320,000 be accepted and the disposal take place on terms and conditions acceptable to the Head of Estates Services in accordance with the Procedure for the Disposal of Surplus Property within the Alliance Estate.

**APPROVAL OF**

**West Mercia Commissioner**

I hereby approve the above recommendation.

Signed

A handwritten signature in blue ink, appearing to be "D. Chapman", written over a horizontal line.

Date 23<sup>rd</sup> December 2014

## **PART 1 – NON-CONFIDENTIAL/EXEMPT FACTS AND ADVICE**

### **SUPPORTING REPORT**

#### **1. INTRODUCTION**

The ethos behind the rationalisation of the estate announced by the Police and Crime Commissioner in July 2013 was to dispose of surplus properties that will not be required to deliver the new policing model. Newport Police Station was identified as surplus within that announcement. Following the delivery of the new policing model and the People Movement Plan, this property became available for disposal.

The property is a detached building with garages and parking. Both floors are fitted out and were used as a Police Station until its closure.

Our agents Towler Shaw Roberts have dealt with the marketing of the property, which commenced in early October 2014. The property has been advertised in the Shropshire Star and other media at £225,000. There has been a great deal of interest in the property and as a result, best and final offers were invited for the 17<sup>th</sup> December. Two offers have been received.

#### **2. LEGAL CONSIDERATIONS**

The sale price achieves best value as required under Section 123 of the Local Government Act 1972.

#### **3. FINANCIAL CONSIDERATIONS**

The sale of the now vacated Police Station will reduce the annual running costs by £24,462 and accumulated backlog repairs estimated as £29,300.

This offer provides a valuable capital receipt amounting to £320,000 towards the organisations future capital programme, thus reducing borrowing. At 0.93% the expected fees for this transaction are expected to be £2,976 plus advertising of circa £750. Legal costs are estimated to be in the region of £750.

#### **PUBLIC ACCESS TO INFORMATION**

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**OFFICER APPROVAL**

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signature *Adele Chapman*

Date: 23<sup>rd</sup> December 2014



RECORD OF DECISION

<b>TITLE: APPOINTMENT OF CHIEF EXECUTIVE</b>	Ref: PCC/D/2013/21
<b>EXECUTIVE SUMMARY</b> <ol style="list-style-type: none"><li>1. To report the appointment of a Chief Executive to hold office from 1 April 2014.</li><li>2. The Commissioner is required by law to appoint a Chief Executive Officer in accordance with Schedule 1, para 6 of the Police Reform and Social Responsibility Act 2011.</li><li>3. The incumbent appointee retires on 31 March 2014.</li><li>4. A competitive interview process was held on 20 &amp; 21 November 2013 and a report presented to the Police and Crime Panel on 10 December 2013.</li><li>5. The Police and Crime Panel formally confirmed the appointment.</li><li>6. This decision report is accompanied by a Part 1 report. There is no Part 2 report.</li></ol>	
<b>PROPOSAL</b> <p>The appointment of Mr Andrew Champness as Chief Executive to the West Mercia Police and Crime Commissioner to take effect from 1 April 2014.</p>	
<b>APPROVAL OF</b> <b>West Mercia Commissioner</b> <p>I hereby approve the above proposal.</p> <p>Signed <i>[Signature]</i> Date <i>10<sup>th</sup> January 2014</i></p>	

## **PART 1 – NON-CONFIDENTIAL REPORT**

### **SUPPORTING PART 1 REPORT**

#### **1. INTRODUCTION**

- 1.1 The Commissioner's current Chief Executive retires on 31 March 2014.
- 1.2 By virtue of Schedule 1 para 6 Police Reform and Social Responsibility Act 2011 the Commissioner must appoint a Chief Executive.

#### **2. BACKGROUND**

- 2.1 A competitive process was followed to select a Chief Executive and the proposed appointment was reported to the Police and Crime Panel seeking their confirmation as required by Schedule 1 para 11 Police Reform and Social Responsibility Act 2011 copy report to the Police and Crime Panel attached marked 'Appendix A'.
- 2.2 On 10 December 2013 the Police and Crime Panel confirmed the appointment and issued their report on 18 December 2013 attached marked 'Appendix B'.

#### **3. FINANCIAL COMMENTS**

- 3.1 The necessary budgetary provision has been made for this statutory post.

#### **4. LEGAL CONSIDERATIONS**

- 4.1 The appointment is a legal requirement and has been made in conforming with the statutory requirements.

### **PUBLIC ACCESS TO INFORMATION**

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**OFFICER APPROVAL**

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

*Sarah Price*  
Signature

Date

*10th January 2014*



**REPORT OF THE  
CHIEF EXECUTIVE  
OFFICER**

**WEST MERCIA POLICE  
AND CRIME PANEL  
10 DECEMBER 2013**

**CONFIRMATION OF APPOINTMENT OF CHIEF EXECUTIVE FOR WEST  
MERCIA POLICE AND CRIME COMMISSIONER**

**1. PURPOSE**

- 1.1 As provided for by virtue of Schedule 1 Police Reform and Social Responsibility Act 2011, the Panel's confirmation to the appointment of Mr Andrew Champness as Chief Executive to the West Mercia Police and Crime Commissioner with effect from 1 April 2014 is requested.

**2. BACKGROUND**

- 2.1 This appointment is a statutory requirement and arises due to the retirement of the existing post holder, Mr David Brierley.
- 2.2 The post was subject to local and national advertising which resulted in a high quality field of applicants.
- 2.3 The interview process, the questions and exercises for candidates and the scoring regime was discussed and agreed with a recruitment adviser, being the Senior Occupational Psychologist with the College of Policing.
- 2.4 The criteria used to select the candidate were those exploring the requirements set out in the information pack but for convenience may be summarised under the following headings:-
- Communication skills
  - Problem solving
  - Leadership
  - Strategic awareness
  - Partnership working
  - Professionalism
  - Managing pressure
- 2.5 The information pack\* contained the following summary of the role and also emphasised the importance of Commissioning, especially for Victim services:

*The Police and Crime Commissioner is very clear that the person must:*

- *have excellent executive leadership, vision and drive to deliver success;*
- *be a strategic thinker who can offer clear advice and guidance to the Police and Crime Commissioner on policy and strategy;*
- *have a strong command of the policing landscape and appreciation of the legal and constitutional framework attaching to the Police and Crime Commissioners role.*
- *be a decisive decision maker;*
- *foster and develop the positive and challenging relationship between the Office of the Police and Crime Commissioner and the Force;*
- *foster and develop positive relationships with stakeholders and other partners at local, regional and national level.*

2.6 The candidates were assessed by two Panels focussing on community engagement awareness and finance respectively and by a series of exercises including a Q & A session assessed by the main Interviewing Panel. The shortlisting selection and interview processes were observed by a representative of the Police and Crime Panel.

2.7 Mr Champness performed well in all areas of assessment.

2.8 Mr Champness is the current Chief Executive of the Gloucestershire Police and Crime Commissioner and before that was the Chief Executive to the Gloucestershire Police Authority. Mr Champness, who is a barrister and Fellow of the Chartered Management Institute, is a leading member of APACE and in that role has been an adviser to the Ministry of Justice in respect of victim services and has significant contacts with the Home Office.

2.9 Mr Champness has very detailed understanding of the current policing and criminal justice landscape, has direct experience of the Chief Executive role and the Commissioner is confident he will be an enormous asset both to the Commissioner and to the oversight of policing in West Mercia.

2.10 Mr Champness has been appointed at the bottom of the ACC scale with a commencement salary of £91,636. His terms of appointment are otherwise the standard terms for all Police Staff applied mutatis mutandis. The salary awarded is well within the range assessed independently by the Hay Group as appropriate for this role. It represents a small increase only on his current salary.

2.11 Mr Champness will be based at Hindlip and at Shrewsbury with office staff based in both locations. While it is proposed that Mr Champness will

take up his formal role on 1 April 2014 it is hoped that hand over arrangements will be negotiated with the Gloucestershire Police and Crime Commissioner to allow handover arrangements to take effect from 1 March 2014.

- 2.12 In addition, Mr Champness will, subject to the exigencies of his own current position, make himself available for key dates prior to 1 March 2014 including the precept consideration meeting of the PCP on the 4 February 2014.

### **3. RECOMMENDATIONS**

- 3.1 The Panel are requested to consider the proposed appointment of Mr Champness and to confirm his appointment.

# West Mercia Police and Crime Panel

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Appendix B

Mr Bill Longmore  
West Mercia Police and Crime Commissioner  
PO Box 487  
Shrewsbury  
SY2 6WB

18 December 2013

Dear Mr Longmore

## **CONFIRMATION HEARING: PROPOSED APPOINTMENT OF MR ANDREW CHAMPNESS TO THE POST OF CHIEF EXECUTIVE FOR THE WEST MERCIA POLICE AND CRIME COMMISSIONER**

In accordance with Schedule 1 to the Police Reform and Social Responsibility Act 2011, I write to inform you of the West Mercia Police and Crime Panel's recommendation with regard to your proposed appointment of Mr Andrew Champness to the office of Chief Executive for the West Mercia Police and Crime Commissioner with effect from 1 April 2014.

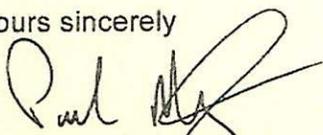
The Panel held a public Confirmation Hearing on 10 December 2013 and had the opportunity to ask questions of your Deputy, Mr Barrie Sheldon, (who was representing you at the meeting) and of Mr Champness in relation to the proposed appointment to the post of Chief Executive. The Panel was grateful that you made Mr Sheldon available for questions and that it was stated that you were willing to take the Panel's views into account when considering the proposed appointment.

The Panel acknowledged that, as its representative, the Vice Chairman of the Panel had observed the recruitment and appointment process for this post. The inclusion of a Panel representative in the process had been welcomed and demonstrates the positive approach between the Panel and your office.

The Panel reviewed the proposed senior appointment.

**The Panel agreed to recommend that you confirm the appointment of Mr Andrew Champness to the post of Chief Executive for the West Mercia Police and Crime Commissioner.**

Yours sincerely



Clr Paul Middlebrough  
Chairman of the West Mercia Police and Crime Panel

Clr Paul  
Middlebrough  
Chairman, West  
Mercia Police and  
Crime Panel

c/o Legal and  
Democratic Services  
Worcestershire  
County Council  
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**RECORD OF DECISION**

**TITLE: VARIATION OF THE CONTRACT OF EMPLOYMENT OF THE DPCC**  
Ref: PCC/D/2013/23

**EXECUTIVE SUMMARY**

1. To vary the terms and conditions of appointment of the Deputy Police and Crime Commissioner.
2. To ensure the continuity of employment in the event of incapacity or death of the Commissioner.
3. The Police and Crime Commissioner is recommended to approve a contract variation to make provision for the continuation of employment of the Deputy Police and Crime Commissioner in the event of the incapacity or death in office of the Police and Crime Commissioner.

**PROPOSAL**

1. That the contract of employment of the Deputy Police and Crime Commissioner be varied as follows:
  - Condition 7 of Appendix B – insert after the words ‘for any reason’ the words ‘save as provided in condition 10
  - Add Condition 10 of Appendix B (a new condition) – ‘In the event of incapacity or the death in office of the Police and Crime Commissioner this contract shall continue for a period not exceeding the date of election of a successor Police and Crime Commissioner’.

**FINANCIAL COMMENTS**

1. The financial implications can be contained within the existing budget.

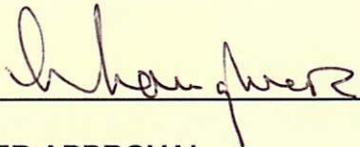
**LEGAL CONSIDERATIONS**

1. The proposals are lawful and clarify the operation of the contract in the event of the circumstances prescribed in s.62 Police Reform and Social Responsibility Act 2011.

**APPROVAL OF**

**West Mercia Commissioner**

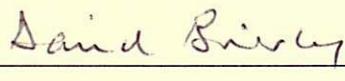
I hereby approve the above proposal.

Signed  Date 8<sup>th</sup> Jan 2014.

**OFFICER APPROVAL**

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signed  Date 8<sup>th</sup> January 2014



RECORD OF DECISION

**TITLE: STAFFING REVIEW/VICTIM SERVICES** Ref: PCC/D/2013/24

**EXECUTIVE SUMMARY**

1. To make additional staffing provision in order to prepare and thereafter administer the new Victim Services and Rehabilitation responsibilities falling on the Commissioner from 2014.
2. In addition to creating two additional posts some duties of existing post holders will be adjusted..
3. This decision report is not accompanied by any supporting reports.

**PROPOSAL**

1. To establish the following additional posts:
  - Commissioning Manager
  - Policy Officer (Commissioning).

**FINANCIAL COMMENTS**

1. The necessary budget provision has been made. The costs are offset by central government grants for the period 2014 – 2016/17.

**LEGAL CONSIDERATIONS**

1. The Commissioner is being made responsible for significant new commissioning responsibilities around Victim Services and Rehabilitation and these posts are essential to enabling the Commissioner to deliver these new responsibilities .

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on the separate Part 2 form. (A Part 2 form is not required in this case).

**APPROVAL OF**

**West Mercia Commissioner**

I hereby approve the above proposal.

Signed *Sandra Bricey* Date *10. January 2014*

**OFFICER APPROVAL**

**Chief Executive Officer**

I have been consulted about the proposal and confirm that financial and legal advice have been taken into account in the preparation of this report. I am satisfied that this is an appropriate request to be submitted to the West Mercia Commissioner.

Signed *[Signature]* Date *10<sup>th</sup> January 2014*