

OPEN MINUTES

POLICE COMMITTEE HELD AT THE SECRETARIAT ON 16 JANUARY 2014

These minutes are draft minutes until confirmed by resolution at the next meeting of this Committee

Present: Mrs Sandra Tyler-Haywood, Head of Governor's Office - Acting Chair
Mr Keith Padgett, Chief Executive
Mr Mark Lewis, Attorney General
Chief Supt Barry Marsden
Hon Mike Summers OBE
Hon Dr Barry Elsby
Mr Anton Livermore JP
Mr Keith Biles JP

In Attendance: Mrs U Wallace, Secretary to the Committee

Part I

Action

1. **Apologies for Absence**

1.1 Apologies for absence were received from His Excellency the Governor and Mrs Ruth Taylor JP.

2. **Declaration of Interest**

2.1 There were no declarations of interest.

3. **Confirmation of Minutes of Meeting held on 3 July 2013**

3.1 The minutes were confirmed as a correct record.

4. **Matters Arising**

4.1 There were no matters arising.

5. **Noise Nuisance**

5.1 The Attorney General explained the background to his report and advised that the Working Group set up following the last meeting of the Committee had met on two occasions. The report was the culmination of their discussions.

5.2 MLA Summers asked what evidence there was to indicate the extent of the problem. The Chief Police Officer confirmed that noise nuisance had not been raised as a major issue during the customer survey. The Attorney

General reported that he understood that complaints had occasionally been received by the police. The CPO stated that the main noise problem came from entertainment locations rather than domestic dwellings. The AG explained that the recommendations of the report would take what was presently a civil offence into a criminal environment. He confirmed that it was currently possible for a civil action to be taken but the effectiveness of the civil route could be questioned. The Chair commented that if a nuisance was being caused by entertainment premises, it could be dealt with under the licensing regime.

5.3 MLA Summers explained that he was concerned about creating more legislation for something which had not been properly identified as a major problem. He felt that there could be a tendency to attempt to push the issue towards Government to legislate rather than trying to deal with neighbours face-to-face. However if there were persistent offenders then there were obviously persistent victims which was a more serious matter. The Chief Police Officer commented that at present noise nuisance appeared to be an occasional problem and if it were persistent the RFIP would attempt to deal with it as a community issue. He had concerns about some of the proposals in the report from an enforcement viewpoint. MLA Elsby commented that enforcement could be a huge problem given that noise nuisance did not only apply to parties but could include operation of machinery, animals, etc.

5.4 The Committee agreed to commission further investigation into the extent of the problem. If the Working Group had relevant information which would be useful they requested that this be fed back to the Committee.

5.5 The Committee recorded their thanks to the Working Group.

6. **Reports of the Chief Police Officer - Quarter 4 of 2012/13; Quarters 1 and 2 of 2013/14**

6.1 The Committee thanked the Chief Police Officer for the reports and noted the contents.

7. **RFIP Annual Report & Summary 2012/13**

7.1 The Chief Police Officer introduced his report and explained that the RFIP had experienced a very busy year with an increase in the number of incidents reported. They were now dealing with several serious investigations which were putting additional strain on staff.

7.2 MLA Summers noted that detection rates were now 65% which compared favourably with those in the UK. The CPO explained that the discrepancy between the figures contained in the quarterly and annual reports was due to the time-line when dealing with incidents.

7.3 The CPO highlighted that, during the period covered by the report, there had been a huge increase in violent crime which could largely be attributed to one incident involving numerous individuals. This trend was not being followed in the present period. The Chief Police Officer explained that he had split the crimes between violent and acquisitive.

7.4 MLA Summers commented that the report indicated an extremely busy period for the RFIP and he thanked them for their continued hard work.

7.5 The Committee agreed to the publication of the summary report.

8. **Proposed 2013/14 and 2014/15 Objectives for the RFIP**

8.1 The Chief Police Officer introduced his report and explained that the process was behind schedule due to meetings of the Committee having been cancelled last year. The report therefore contained the objectives for 2013/14, together with the proposed objectives for 2014/15.

8.2 The CPO drew the attention of the Committee to Objective No SL2, and explained that, due to the expansion of Stanley, he was proposing that the objective be changed to allow for a Police Officer to be on-site at any urgent incident in Stanley during normal working hours within 10 minutes, rather than 5 minutes as at present. The Committee endorsed this change.

8.3 MLA Elsby noted Objective No SL4 relating to reducing the number of violent and acquisitive crimes. The Chief Police Officer explained that the RFIP would be undertaking a campaign of public awareness and were seeking to encourage the reporting of sexual and domestic crime. He therefore believed that the number of crimes perpetrated would reduce, although the target set may not initially be met. MLA Summers suggested that sexual and violent crimes should be split and this was agreed by the Committee.

8.4 Mr Livermore commended the Chief Police Officer on the implementation of Neighbourhood Management Policing.

8.5 The Chief Police Officer advised that the report would be submitted to Executive Council in February. However, MLA Summers understood that the terms of reference for the Police Committee stipulated that the report should be considered by Executive Council before the end of January. It was agreed that the CPO would verify this point and submit the report to Executive Council as appropriate.

9. **Report of Board of Prison Visitors Recommendations**

9.1 The Chief Police Officer explained that the Board of Prison Visitors visited the prison on a regular basis. On occasion the RFIP were notified of the visit in advance; on other occasions the Board's visit was unannounced. Following each visit the Board submit a report and the CPO was now

suggesting an improved method of dealing with the recommendations of each report.

- 9.2 Mr Biles noted that the report of the Overseas Prisons Advisor, Keith Munns, had not yet been published. The Chair explained that it was anticipated that the final version of the report would be received before the end of January. The report would be presented to Executive Council prior to publication.
- 9.3 In response to a question from MLA Elsby, the Chief Police Officer advised that the remit of the Board was to check the welfare of prisoners and that the Board reported directly to the Governor. The Chief Executive advised that, following discussions with the Governor, he had agreed that the Police Committee was the most appropriate forum for the reports to be discussed.
- 9.4 MLA Elsby asked the CPO if he was satisfied that he was able to meet the request in recommendation 4 of the report, ie “That resources be made available to the prison authorities to enable them to provide courses and training in order to further their stated aim and duty to try and rehabilitate” given the number of prisoners currently serving. The CPO responded by explaining that there were several complications, including resources, a training provider and a room in which to undertake any training. However the issues were being looked at and would be discussed further with the Director of Education. The appointment of a Probation Officer was a positive step towards making progress. The Chair commented that once prisoners had been released they should be included within the Vulnerable People’s Strategy which was under development. MLA Elsby stated that there was a need to do our best to rehabilitate prisoners and requested that the CPO advise what resources he required.
- 9.5 MLA Summers noted that recommendation 5 concerned the restructure of the prison and included the statement “..... concerned by the apparent procrastination being shown in other quarters.” He questioned who was procrastinating or was it an unfounded comment. The Chief Executive remarked that the statement did not necessarily mean that there was procrastination. MLA Summers commented that FIG could only act on acceptable, affordable plans for the prison. The Chair explained that the visit of the Prison Advisor had been brought forward due to prison issues and once that report had been received it should draw a line under recommendation 5. She undertook to contact Mr Munns for his final report which she would circulate to the Committee.
- 9.6 Turning to recommendation 3, Mr Biles commented that the issue of the screen around the prison wall had been under discussion for some considerable time. The Chief Executive explained that the delay had been caused by priorities and lack of ownership for the works. There had been debate between the RFIP, Public Works Department and Treasury and the matter had been resolved and the works timetabled.

10. **Liquor Licensing**

- 10.1 The Chief Police Officer explained that his report had originated from a meeting of the Licensing Justices and that the current Ordinance made it problematic to attach conditions to existing licences.
- 10.2 Mr Biles commented that various provisions in the current Ordinance appeared odd and out-of-date. One problematic issue involved the granting of occasional licences in non-licensed premises, ie dances in the Town Hall and FIDF Hall. Currently it was not an offence not to comply with the conditions of the licence and therefore no sanctions could be imposed on the organisers. There had been breaches of the licence issued for the recent Philippine typhoon fundraiser. Mr Biles went on to state that the Licensing Justices felt that the Ordinance was not fit for purpose.
- 10.3 The Attorney General accepted that there were issues with the current Ordinance with regards to occasional licences but he believed that the general regulation of licensed premises worked well and he did not therefore accept that the Ordinance was not fit for purpose. The number of breaches of the provisions had been low and he felt that the Philippine fundraiser was an exception. MLA Summers commented that if an occasional licence was refused the function would continue as a “bring your own”.
- 10.4 Mr Biles explained that during the last round of licensing renewals, each premises had been inspected by the Fire Officer and Planning Officer. The response from publicans had been good and where necessary changes had been made to premises on a voluntary basis.
- 10.5 MLA Elsby remarked that disturbances happened outside of all public houses fairly regularly and now that the same thing was happening at premises with occasional licences there appeared to be attempts to impose sanctions. The Chief Police Officer commented that the majority of licensees did a very good job in preventing problems and the RFIP encountered more issues at BYO events than those with occasional licences.
- 10.6 MLA Summers stated that the aim was to allow the community to enjoy itself and prevent it from causing crimes and causing a nuisance to others and he wished to see consistency.
- 10.7 The Attorney General clarified that if the conditions attached to an occasional licence relating to the sale of alcohol were breached then an offence would have been committed. Conditions attached to the licence which were not an offence included taking alcohol outside of the building and those relating to readmission.

10.8 MLA Elsby remarked that it appeared that conditions could be attached to occasional licences, but at the moment he did not believe there was any evidence to show that there were more problems at the venues having occasional licences than occurred at licensed premises.

10.9 The Committee agreed that, having identified that the Licensing Ordinance needed to be reviewed, it should be included on the list of outstanding legislation. They therefore supported a report being presented to Executive Council. The Committee noted that, in the interim, guidance notes were being drawn up which would help to ensure that licensees understood the provisions of the Ordinance.

11. **Confirmation of Date of Next Meeting**

11.1 It was confirmed that the next meeting of the Police Committee would be held at 1400 on Wednesday 16 April 2014 in the Liberation Room.

12. **Exclusion of the Press and Public**

12.1 The Committee resolved to exclude the press and public on the grounds that the next items of business to be considered were exempt within the terms of paragraph 17 of Schedule 3 of the Committees (Public Access) Ordinance 2012 relating to budgetary information.

Part II

13. **Confirmation of Exempt Minutes of the Meeting held on 3 July 2013**

13.1 The date of the meeting in the heading was amended to read “3 July 2013”. The minutes were then confirmed.

14. **Matters Arising**

14.1 There were no matters arising.

15. **Proposed Organisational Structure of the RFIP**

(Not for publication by virtue of Paragraph 17 of Schedule 3 of the Committees (Public Access) Ordinance 2012, relating to Budgetary Information)

15.1 The Chief Police Officer introduced his report and explained that the current complex cases being brought before the Court were placing additional demands on the RFIP.

15.2 MLA Summers commented that until the report of the Overseas Prisons Advisor had been received it was difficult to make any comment on the CPO’s recommendations. The CPO confirmed that, as far as he was aware, the recommendations of his report were in accord with the recommendations contained in the report of the Prison Adviser.

- 15.3 The Committee supported the recommendations of the report, which would now be presented to Executive Council and then form part of the budget process.

21 January 2014