

**Community Policing Teams****Report by Eibhlin McHugh, Director of Health and Social Care****1. Purpose of Report**

The purpose of this report is to bring to Council recommendations set out for the remit and operation of Council funded Community Policing Teams, following the motion approved at Council on 23 May, 2017;

*“Midlothian Council recognises that the removal of funding for the Police Community Teams by the previous Council Administration was extremely unpopular with Midlothian residents who saw the value of the additional expenditure on this Police resource.*

*The last few months, over which the Community Action Teams were being phased out, has coincided with a significant rise in highly visible anti-social behaviour and damage to property across a number of our towns, placing massive pressure on existing police resources.*

*Council therefore agrees the principle of the reinstatement of the funding of the 2 Community Action teams and instructs officers to negotiate with Police Scotland to determine the following:*

- *The timescales required for this to be achieved.*
- *The cost of implementation in the current financial year.*
- *The annual cost of implementation in future years.*
- *The basis of a service level agreement between the Council and Police Scotland, which ensures, and is able to evidence, that the funding used will provide police officers in addition to that which is available through centrally funded resources.*

*Council expects the results of the negotiations to be presented to the next full meeting of Midlothian Council, or as soon as possible thereafter, with a view to then obtaining a final decision on the reinstatement at that point.”*

**2. Background**

Midlothian Council previously provided funding of £0.500 million per annum to resource two additional teams of police officers to act as a tactical police response to crime and anti social behaviour in Midlothian and address identified community priorities. Each team consisted of one sergeant and six constables, and were governed under a Service Level Agreement (SLA) between Midlothian Council and Police Scotland.

Funding for the 2 teams of 7 police officers was phased out as part of a savings package approved by Council during the budget setting process. Midlothian Council agreed to initially reduce the level of funding in the years 2015/16 and 2016/17 resulting in the complete withdrawal of the Midlothian Community Action Teams from April 2017.

At the first meeting of the new Midlothian Council on Tuesday 23 May 2017 councillors approved a motion instructing council officials to negotiate with Police Scotland on the costs of implementing the change in the current and future years, and to determine the timescales in which this could be achieved.

Councillors have also called for a service level agreement to be negotiated with Police Scotland to ensure that Council funding would provide police officers additional to those posts which are funded centrally.

### **3. Justice in Scotland**

*The Justice in Scotland Strategy: Vision and Priorities published in July, 2017 reports that Scotland has become a safer place. The report states that; overall levels of crime and victimisation have fallen. We are less likely to be a victim of violence or property crime, or to be injured, or die, as a result of a fire. The number of people experiencing crime had either held stable or reduced across all crime types measured in Scotland to 2014-15.*

People also feel safer in their communities, with fear of crime continuing to decrease. People are worrying less about most types of crime and are feeling safer when walking alone after dark in their local area. Recorded crimes of handling offensive weapons are the lowest in 32 years. The number of people under 18 convicted of handling an offensive weapon has fallen by 81% since 2006-07. There has been a 59% fall in emergency admissions to hospital due to assault with a sharp object between 2006-07 and 2015-16. Action has been taken to reduce and prevent violence including through the Violence Reduction Unit, Mentors in Violence Programme, Medics Against Violence and No Knives Better Lives Programme.

The “Whole Systems Approach” to Youth Justice is based on prevention, early intervention and support. There is a strong focus on a multidisciplinary approach to keeping young people out of the criminal justice system and minimising statutory intervention. This approach, which followed a bold shift to prevention in 2008 and continues through the youth justice strategy Preventing Offending: Getting It Right for Children and Young People (2015), has contributed to a fall of 78% in the number of under 18 year olds being prosecuted in court since 2006-07. Offence referrals to the Children’s Reporter have decreased substantially as more young people are diverted from prosecution and kept out of the justice system.

We know that effective, person-centred interventions and effective supervision with support are key to addressing the underlying causes of reoffending for the adult population too. Evaluation of the mentoring approach

and services provided through the Reducing Reoffending Change Fund shows that mentoring, when combined with other support, is an effective approach which helps mentees to learn and implement constructive, non-criminal ways of addressing problems in their lives and to reduce risk factors associated with offending behaviour.

#### **4. Safer Midlothian**

Community Safety is essential to the quality of life of people in Midlothian, although it is strongly influenced by the quality of service delivery it is an outcome rather than a service. Community safety embraces a range of issues including crime prevention; antisocial behaviour; drug and alcohol misuse; domestic abuse; road safety; fire safety and accident prevention. It is about ensuring everyone has the right to live in safe and secure communities, feeling safe and with reduced incidence of crime.

In addition, the Midlothian Community Safety and Justice Partnership was developed to replace the previous Lothian and Borders Community Justice Authority. The new Community Justice structure became part of the broader community planning structure. This allows a review of the Community Safety service proposed as alignment to the new national objectives will allow management of these 2 separate service teams to be combined in 2017.

A redesign of the services will determine current areas of service and development into those that contribute to reducing reoffending.

The Council has continued to work collaboratively to ensure these outcomes are being delivered locally through partnership with local solutions to focus on the drivers for anti social behaviour and criminality and take steps to reduce offending and build safer communities. Police Scotland report locally that in the period 01/04/2017 to 31/07/2017, there has been an increase of 14.5% in incidents of anti- social behaviour (ASB). In the same period at year to date, in 2016/17; there were 2,018 ASB incidents, while in 2017 year to date there have been 2,310.

#### **5. Service Level Agreement**

The reinstatement of the Council funded Community Policing Teams would be subject to a Service Level Agreement requirement (Appendix 1).

The previous arrangement was governed by a Service Level Agreement, which was reviewed annually and signed off by the Council Chief Executive and Local Divisional Commander. Monthly reports were produced for the Community Safety Delivery Group members and quarterly reports provided to Midlothian Police and Fire & Rescue Board for scrutiny.

The proposed level of funding shall provide two dedicated teams of one sergeant and six constables per team. These will be uniformed officers,

working on different shift patterns to maximise visibility and be tasked via the weekly Partnership Tasking and Coordination (TAC) meeting to address identified community issues throughout Midlothian. Where officers are abstracted the proportionate costs shall be refunded.

The following areas of business are key to the role:

- Tackling antisocial behaviour and disorder
- Tackling substance misuse (both drugs and alcohol)
- Road Safety (reduce road casualties)
- Tackling housebreaking
- Reduce youth related calls
- High visibility patrols for community reassurance
- Community engagement

However, the teams will remain flexible to address emerging issues or threats.

## **6. Resource**

The cost for Police Scotland to provide 2 full time Sergeants and 12 full time Constables to deliver the service in accordance with the terms and conditions set out in the Service Level Agreement will be £0.557 million per annum and subject to a 1% per annum inflationary increase for the 3 year period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2021 The fee will be pro rata where the service is only delivered for part of a year.

There is no budget within Customer and Housing services to reinstate the Community Policing Teams therefore if the service is reinstated during the current financial year it will require Council to approve a supplementary estimate (estimated at £46,000 for each month of operation) which will reduce the available General Fund Reserve. In addition the full team reinstatement would require a budget provision of £0.563 million to be incorporated into the 2018/19 budget projection, so increasing the budget shortfalls for 2018/19 and future years from those reported to Council on 27 June 2017. This will in turn require savings to be made elsewhere in the budget to meet the cost of the Community Policing Teams.

## **7. Report Implications**

### **6.1 Single Midlothian Plan and Business Transformation**

Themes addressed in this report:

- Community safety
- Adult health and care
- Getting it right for every Midlothian child
- Improving opportunities in Midlothian
- Sustainable growth and housing
- Business transformation and Best Value

None of the above

## 8. Recommendations

Council is requested to:

a) consider the report and decide whether to reinstate funding of the 2 Community Action teams based on these terms and the basis of the draft Service Level Agreement which is to be concluded by officers, and;

b) note the financial implications of reinstatement on both reserves and future years budget shortfalls.

Date: 28<sup>th</sup> July 2017

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Appendix 1 - DRAFT



# **SERVICE LEVEL AGREEMENT APRIL 2018 TO MARCH 2023**

**BETWEEN**

**MIDLOTHIAN COUNCIL**

**AND**

**POLICE SCOTLAND**



## 1. **Introduction**

Antisocial behaviour (ASB) has the potential to impact any community, adversely affecting people's quality of life. It is recognised that no single agency can necessarily manage this in isolation.

The introduction of the Antisocial Behaviour etc. (Scotland) Act 2004 placed a legal requirement upon local authorities and Police to work in partnership to develop strategies specifically to tackle antisocial behaviour. In Midlothian the Community Safety Partnership (CSP) was already formed and this legislation gave it specific focus with regards to ASB.

Over the years the CSP has evolved and a large number of agencies are partners now, working together to tackle community safety issues, including ASB, throughout Midlothian. The commitment given through the CSP has led to focused community planning and the development of effective measures in order to best address ASB issues and improve the lives of people who live, work grow up in and visit Midlothian.

Midlothian Council and Police Scotland have entered into a Service Level Agreement (SLA) which outlines specific identified resources provided by the Police at agreed levels. These will work alongside and give added value to the current operations of partners within the Midlothian Community Safety Partnership. Midlothian Council contributes significantly to the funding of these resources.

## 2. **Parties**

This is an agreement between Midlothian Council, Health and Social Care Directorate, based at Fairfield House 8 Lothian Road, Dalkeith, EH22 3ZN. ("The Council") and Police Scotland, Newbattle Road, Dalkeith, EH22 3AX. ("The Police").

The Police are respectively liable for meeting the terms of this agreement to ensure the delivery of agreed services.

## 3. **Statement of Purpose**

Community Action Teams (CAT) will work jointly with Midlothian Council and key partners, using an intelligence led approach to sustain performance in dealing with Anti Social Behaviour, reduce crime,

improve the quality of life and promote safer communities within Midlothian.

The purpose of this SLA is to provide sound governance, accountability, performance management structures and measures to provide integrity and transparency in the management of CAT, Anti-Social Behaviour Liaison Officer and Community Safety Partnership Analyst

#### **4. Context of Working Agreement**

- 4.1 The funding provides for 2 x CAT based in Bonnyrigg, covering all of Midlothian.
- 4.2 The methodology of the CAT's supports the Midlothian Antisocial Behaviour Strategy focusing on prevention, disruption and enforcement. It also contributes to the outcomes and priorities as detailed in the community safety section of the Midlothian Single Plan 2017- 18; based on the strategic assessment and the Midlothian Local Policing Plan as agreed by the Midlothian Safer Communities Board.

#### **5. Duration**

This agreement will operate from 1 April, 2018 until 31 March, 2023 or an earlier date as may become necessary due to variation or termination as provided for in the SLA (see section 14). Subject to the approval of both parties this agreement may be extended or replaced beyond 2023.

#### **6. Financial Arrangements**

- 6.1 The Council shall pay to Police Scotland the sum of £557,000 per annum in 2017/18, for the provision of 2 full time Sergeants and 12 full time Constables to deliver the service in accordance with the terms and conditions set out in this agreement. The fee will be pro rata where the service is only delivered for part of a year.

The inflationary increase for the 3 year period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2021 will be held at 1% per annum.

The Police will invoice Midlothian Council on a quarterly basis for the above services. These invoices will be submitted by the 10<sup>th</sup> day of the month following the end of each quarter.

#### **7. General Aims & Objectives**

- 7.1 The aim of the CAT is to impact positively on the quality of life within the communities of Midlothian, concentrating on preventing antisocial behaviour and crime.

- 7.2 Through a partnership and community focused approach the CAT's aim to provide sustainable long-term solutions to the diverse range of antisocial behaviour and quality of life issues that occur within Midlothian.
- 7.3 Objectives include providing an enforcement and proactive capability to areas, identified by intelligence analysis, as being in need of concentrated attention. This will be a flexible resource responding to 'hotspots' of antisocial behaviour and disorder by working in problematic areas for intensive periods of time, bringing relief to communities under stress and targeting individuals who are identified as antisocial.
- 7.4 The CAT's will consider all avenues of engagement, problem solving and disposal methods and may utilise a variety of tools including early intervention and diversionary activities to deal effectively with early signs of problem behaviour. The CAT's form part of a wider 'Community Team' which has a separate but complementary preventative remit and is not funded by Midlothian Council.

## **8. Specific Services to be provided**

- 8.1 Officers funded by Midlothian Council consist of:
- 14 Police Officers consisting of 2 Sergeants and 12 Constables and formed into 2 teams to be known as Community Policing Teams.
- 8.2 The overall vision of the CAT will be to impact positively on life quality within the communities of Midlothian by reducing all types of antisocial behaviour through prevention, disruption and enforcement. (See appendix 3)
- 8.3 The activities of the CAT's will focus on 6 key areas these being: high visibility patrolling, recidivist offending, youth engagement, licensed premises, support partners and colleagues and road safety.
- 8.4 The recruitment, selection and appointment of the CAT officers will be the responsibility of the police, although funding for these posts will be the responsibility of Midlothian Council.
- 8.5 The CAT's will be located in police accommodation and no routine additional charges will arise from this arrangement. The Police will absorb any associated costs (i.e. utilities, stationery etc).
- 8.6 The Police will provide the minimum of two vehicles for the CAT and absorb any associated costs.

- 8.7 Training for officers and police staff will normally be provided for by the Police; requests for specific courses could be made to the Community Safety Manager and considered on an individual basis.
- 8.8 Deployment of CAT resources will be made subject to an intelligence led approach based on analysis and available intelligence. With a primary focus on antisocial behaviour and quality of life issues, the CAT's will be a resource for actions generated weekly through Community Safety Tasking and Co-ordinating Group. The Safer Midlothian Group will provide scrutiny and oversight on a monthly basis.
- 8.9 On a daily basis the work of the CAT's will be co-ordinated by CAT Sergeants taking operational direction from Community Inspectors.
- 8.10 The CAT's will be deployed using a shift system that addresses the respective needs of the community to address anti social behaviour and quality of life issues.

## **9. Accountability**

- 9.1 CAT Officers will be accountable to the Local Area Commander, and Midlothian Council's Head of Customer and Housing Services.
- 9.2 Unless there are exceptional circumstances, CAT Officers, will not be routinely abstracted from their core role. For the purposes of this agreement the term 'abstraction' means that when CAT's are 'on duty' they will not be routinely utilised in any other capacity other than their core function as agreed within this service level agreement. The number of abstraction hours must be provided in the monthly performance report. Where officers are abstracted the proportionate costs shall be refunded.
- 9.3 Any absence through sickness over a period exceeding one month will require consultation between Local Area Commander and Midlothian Council's Head of Customer & Housing Services as to whether the officer should be replaced.
- 9.4 CAT Officers will remain under the direction of the Chief Constable, who retains exclusive rights over the deployment of resources, having regard to prevailing wider operational issues and requirements. The rationale for any abstraction as referred to in 9.2 will be recorded to ensure transparency. Performance reports will detail the number of hours in relation to abstracted periods. If the abstraction period exceeds 7 consecutive days then agreement should be sought from Midlothian Council's Head of Customer & Housing Services

## **10. Performance**

10.1 CAT performance information will be collated by the Police on a monthly basis and submitted for the information and consideration of any Council scrutiny group considered appropriate. Feedback on actions generated through the tasking process will be fed back through the Community Safety Tasking and Co-ordinating Group. The Safer Midlothian Group will provide operational scrutiny.

10.2 The headline areas for measuring performance in relation to CAT will be based around the prevalent types of antisocial behaviour offences they address.

10.3 Each CAT will therefore be monitored on their contribution towards

### **Reducing incidents of Anti-Social behaviour measured through:**

- number of hours of high visibility patrols undertaken providing reassurance and deterring ASB offences,
- monitoring ASBO's

### **Reducing alcohol and drug misuse through:**

- number of licensed premises visits,
- number of positive stop searches for drugs/alcohol

### **Reducing violent crime through:**

- number of positive stop searches for weapons

### **Reducing crimes of dishonesty through:**

- Searches for stolen property

### **Reducing re-offending measured through:**

- number of pro-active bail curfew/condition checks
- number of warrant checks/arrests

### **Contribute to protecting Midlothian's children and adults at risk Measured by:**

- number of concern forms raised reflecting the team's understanding and engagement with multi-agency public protection work

### **Contribute to Road Safety by detecting offences measured by:**

- Number of warnings and vehicle seizures in relation to anti-social behaviour involving vehicles.
- number of ASB fixed penalties issued
- number of road traffic based reports submitted
- number of road traffic based Fixed Penalty Notice's issued
- number of vehicle seizures under section 165 RTA
- number of breath tests carried out

They will also work alongside partners and facilitate joint patrols where this is deemed most effective and will instigate and contribute to operations and initiatives.

CAT activity is primarily enforcement however, where appropriate, officers can be used in a preventative manner by involvement in diversionary activities.

All supported by contextual information where necessary and appropriate.

10.4 A report detailing activity and performance will be submitted to Midlothian Police and Fire & Rescue Board as part of the local police scrutiny process.

10.5 These performance criteria will be subject to continuous review as the role of the CAT develops and becomes embedded in local communities.

## **11. Police Obligations**

11.1 The Police will maintain adequate insurance arrangements, and produce evidence of this cover annually for inspection by the Council when requested.

11.2 The Police will be responsible for meeting all relevant statutory and other requirements including those related to:

- Employment Legislation
- Health and Safety Legislation
- Equal Opportunities Legislation

Generally the Police will have responsibility for ensuring that they or anyone acting on their behalf complies with the relevant law.

11.3 The Police will ensure that staff have the appropriate training, expertise and, if required, the qualifications to deliver the funded services.

## **12. Complaints and User Feedback**

12.1 Any complaints received against any Police employee in a role covered by this agreement will be dealt with under the normal police complaints and discipline procedures.

## **13. Variation**

Variations in the extent, duration, nature or grant funding of the services provided under this agreement may be made by mutual agreement.

## **14. Termination**

14.1 The Council may terminate this agreement if either or both of the providers:

- Commits a material breach of its obligations under the Agreement
- Persistently fails, after a reasonable period of notice has been given, to provide the service in accordance with the terms of this agreement
- Is unable to represent, in accordance with Clause 10, satisfactory performance

14.2 The Council shall not be entitled to terminate this agreement in respect of a material breach of the Police's obligations in terms of 14.1 unless and until they have given written notice to the Police stating the basis of the breach and allowing the Police a reasonable period, as stated in the notice, to remedy the alleged breach and the Police have failed to do so within the period specified in the notice.

14.3 The Police or Council may terminate this agreement on giving six months notice in writing stating the reasons why they wish to or require to withdraw from it.

14.4 Upon termination of this agreement, the Police will repay to the Council the balance of any money paid as detailed in 6.1 which has not been used in accordance with this agreement.

## **15. Resolution of Disputes**

15.1 If any dispute should arise between the Council and the Police in respect of the terms of this agreement or either parties' rights or obligations under this Agreement both parties and their officers shall use all reasonable endeavours to reach an amicable and working resolution of the matter in dispute as quickly as possible.

15.2 If any dispute is unable to be resolved then the dispute shall be referred to a single independent arbiter mutually agreed by both parties. The findings and awards of such arbiter shall be final and binding upon both parties.

15.3 For the avoidance of doubt, if any matter arising out of this agreement is subject to dispute or referred to arbitration, the Police shall continue to remain responsible for the continuing provision for the service and the Council and the Police should consider whether the payments should continue in the context of the dispute. If after investigation the Council removes funding then the Police are no longer required to maintain running the service.

**16. Nominated Officer**

16.1 The Council shall nominate, in writing, to the Police an Officer (the “Nominated Officer”) responsible for contact and exercising all rights and responsibilities of the Council under this Agreement and may by notice in writing change the identity of the Nominated Officer from time to time. At present the Community Safety Manager will be responsible for the operational elements of the SLA. The Community Safety Manager will be responsible for attending the Midlothian Communities meeting as well as fulfilling ‘Following the Public Pound’ duties.

**17. Assignment & Sub-contracting**

17.1 The Police shall not assign, or sub-contract, their responsibilities under this agreement without the prior written consent of the Council.

**18. Confidentiality**

18.1 Both parties agree to adhere to the Pan Lothian information sharing protocol.

18.2 Documents and information relating to this Service Level Agreement shall not be disclosed by the Police or the Council to any other person without the other parties permission unless disclosure is authorised by Statute or Court Order.

18.3 Reference is made to the Freedom of Information (Scotland) Act 2002, applicable to Midlothian Council, as a Scottish Public Authority under Schedule 1 of that Act. Both the Police and the Council acknowledge that unless an exemption applies under that Act, that the Council may be under a regulatory obligation to provide information on this Service Level Agreement and relating records to members of the public making a Freedom of Information Act request.

**19.0 Law of Scotland**

19.1 The construction, validity, performance and all other matters arising out of, and in connection with, this agreement shall be governed by the Law of Scotland and subject to the exclusive jurisdiction of the Scottish Courts in WITNESS THEREOF these presents typewritten on this and the 10 preceding pages are executed as follows.

Signed:..... Date: .....

( ) on behalf of Police Service of Scotland

Witness:..... Date: .....

( ) on behalf of Police Service of Scotland

Signed: ..... Date: .....

Kenneth Lawrie, Chief Executive, on behalf of Midlothian Council

Witness: .....Date: .....

Kevin Anderson, Head of Customer and Housing Services, on behalf of Midlothian Council

## Appendix

### Community Policing Teams - Midlothian

#### Vision & activities

##### Vision

Impact positively on life quality within the communities of Midlothian by reducing all types of antisocial behaviour through prevention, disruption and enforcement.

##### Activities

- 1. High Visibility Patrolling:** the provision of community support and reassurance by undertaking high visibility vehicle, foot and cycle patrols focusing on identified antisocial behaviour issues.
- 2. Offenders:** intelligence led focus on individuals known to engage in antisocial behaviour, drugs use/supply and persistent alcohol abuse, with specific attention being given to persons subject to ASBOs and judicial bails (including curfews).
- 3. Youth Engagement:** actively engage with youths and foster a positive image of the police and their local communities. Act as primary first responders to youth calls, disrupt antisocial behaviour and enforce appropriate legislation firmly but fairly. Maximise alcohol seizures. Engage with partners and CBO colleagues to identify appropriate support and diversionary activities.
- 4. Licensed Premises:** monitor licensed premises activity and act as first responders to antisocial behavior related incidents whenever possible.
- 5. Support Partners & Colleagues:** engage with community partners to work together towards the vision and promote joint patrolling. Support divisional colleagues by acting as first responders to antisocial behaviour related incidents that are occurring in real time whenever possible. Instigate and contribute to operations and initiatives linked to the core vision.
- 6. Road Safety:** tackle antisocial vehicle use, giving specific attention to inconsiderate vehicle use on the Midlothian road network and the illegal use of off-road motorcycles. Maximise the appropriate use of ASBO warnings and vehicle seizures.











