



Chief Constables' Council

Minutes of the meeting held on Thursday, 25 January 2013, Leicester

1. ATTENDANCE

1.1 Present

CC Sir Hugh Orde	President (Chair)
CC Alfred Hitchcock	Bedfordshire
CC Simon Parr	Cambridgeshire
DCC Helen King	Cheshire
AC Ian Dyson	City of London
T/CC Jacqui Cheer	Cleveland
T/CC Bernard Lawson	Cumbria
CC Mick Creedon	Derbyshire
CC Shaun Sawyer	Devon and Cornwall
A/CC Debbie Simpson	Dorset
T/CC Michael Barton	Durham
T/CC Jackie Roberts	Dyfed Powys
CC Jim Barker McCardle	Essex
DCC Kevin Lambert	Gloucestershire
CC Sir Peter Fahy	Greater Manchester
CC Carmel Napier	Gwent
CC Alex Marshall	Hampshire
CC Andy Bliss	Hertfordshire
CC Tim Hollis	Humberside
T/ACC Matt Nix	Kent
CC Steve Finnigan	Lancashire
CC Simon Cole	Leicestershire
T/CC Neil Rhodes	Lincolnshire
CC Jon Murphy	Merseyside
CC Sir Bernard Hogan-Howe	Metropolitan Police
AC Cressida Dick	Metropolitan Police
AC Mark Rowley	Metropolitan Police
CC Mark Polin	North Wales
CC Adrian Lee	Northamptonshire
DCC Mark Gilmore	Northumbria
CC Chris Eyre	Nottinghamshire
DCC Collette Paul	South Wales
CC David Crompton	South Yorkshire
CC Mike Cunningham	Staffordshire
CC Simon Ash	Suffolk
ACC Robin Merrett	Sussex
CC Sara Thornton	Thames Valley
CC Andy Parker	Warwickshire
CC David Shaw	West Mercia
T/CC John Parkinson	West Yorkshire
CC Patrick Geenty	Wiltshire

1. ATTENDANCE (cont.)

1.1 Present

CC Andy Trotter	British Transport Police
DCC Peter Davies	SOCA/National Crime Agency
Mr Tom Flaherty	ACPO Chief Executive

1.2 In attendance

Nick Gargan	Avon & Somerset
Jane Dench	ACPO Director of Policy
David Lewis	ACPO Chief of Staff
Oliver Cattermole	ACPO Director of Communications
Marie Daniels	ACPO Police Reform
Richard Hamlin	Staff Officer to the ACPO President
Rose de la Cuesta	Minutes Secretary

1.3 In attendance for specific items

Cmdr Allan Gibson	Metropolitan Police
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1.4 Observers

Emma Wright	ACPO Press Officer
Jo Doyle	Staff Officer to CC Phil Gormley
Sherry Traquair	FOI Central Referral Unit
Mark Fraser	FOI Central Referral Unit

1.5 Members noted the Rolling Attendance Log

OPEN SESSION

2. WELCOME AND APOLOGIES

2.1 Apologies were received from: Mr Whatton, Mr Leppard, Mr Matthews, Mr Learmonth, Mr Mackey, Mr Byrne, Mr Allison, Mr Gormley, Ms Sim, Mr Madgwick, Mr Baggott, Mr Vaughan, Mr Richards, Miss Beaton, Mr Brook, Mr Smith, Mr Pearce, Mr Griffiths and Mr Love.

3. MINUTES OF THE PREVIOUS MEETING

3.1 The Minutes of the meeting held on 18 October 2012 were agreed as a true record.

4. MATTERS ARISING

4.1 Action log: Status report

4.1.1 Mr Flaherty drew Members' attention to the publication of the ACPO Guidance document on Gifts, Gratuities and Hospitality and the progress surrounding the United Kingdom Protected Persons Service (UK PPS); it was suggested that clarity was required on the legal duties emanating from the ECHR and how this might be transferred from chief officers to the Regional Protection Units.

Action: Mr Murphy

4.1.2 Further updates were provided on the following:

- Police ICT Company – A presentation by Jennie Cronin had been arranged for the April meeting of Council
- Final Police Response to the EHRC Report on Disability Related Hate Crime – 'Hidden in Plain Sight' – Mr Cole agreed to circulate a copy of the NCALT report to Members

- Update on the Mental Health Disability Portfolio – Mr Cole would be circulating an update for Members’ information.

Action: Mr Cole

- Police National Database Facial Recognition Functionality – Members emphasised that further clarity was needed on any cost implications before this could be formally approved for further development. Mr Barton agreed to revisit this aspect.

Action: Mr Barton

- Ms Thornton also provided an update on paragraph 12.4 of the Minutes. She advised that the President had written to the Home Secretary proposing that Council be placed on a statutory footing, but that a reply had yet to be received. The President agreed to seek a response.

Action: President

- Finally, it was pointed out that the action relating to secondments to the HMIC from 24 October could now be discharged as the bilateral meeting did not take place.

4.1.3 Members agreed the Council Action Log.

4.2. Cabinet Decision Log

4.2.1 Members noted and agreed the contents of the Cabinet Decision Log.

5. STANDING ITEMS

5.1 Presidential Update

5.1.1 The President opened his update by expressing his regret at the sudden death of Paul McKeever, Chairman of the Police Federation. A private memorial service has been arranged for next Friday, whilst a public memorial service would take place on Saturday, 9 February.

5.1.2 The President reported that Andy Marsh was the designated new Chief Constable for Hampshire Constabulary and would be taking up the post in February. Justine Curran was the preferred candidate to take over Humberside Police, whilst Jacqui Cheer was the preferred candidate to take over Cleveland Police.

5.1.3 The President offered his congratulations to all recipients of awards in the Queen’s New Year’s Honours List, particularly to the MPS Commissioner Sir Bernard Hogan-Howe, AC Frank Armstrong, CC Mike Cunningham, DCC Mark Gilmore, CC Phil Gormley, DCC David Griffin, CC Jackie Roberts and CC Peter Vaughan. The President expressed some disappointment that there had not been more recognition for the significant effort that had gone into the successful security planning of the Olympic Games.

5.1.4 The Chief Executive had written to all Police and Crime Commissioners (PCCs) requesting funding for financial year 2013/14 for the continued provision of ACPO services. Chief Constables were asked to discuss the request with their PCC, however, the President would be available to discuss this with PCCs whenever helpful.

5.1.5 Derek Barnett, President of the Police Superintendents’ Association, would be invited to a future Chief Constables’ Council.

5.1.6 Finally, the President advised that this would be Mr Ash’s final Chief Constables’ Council meeting and thanked him for his substantial contribution to the work of the Association and the police service as a whole.

5.2 Professional Committee Update

- 5.2.1 Mr Marshall commended the professional handover of ACPO Cabinet to the Professional Committee, which took place on 24 January. Those present were advised that the inaugural meeting considered the Business Area Heads' current national priorities for their respective business areas and discussed ways of making this work more inclusive.
- 5.2.2 Mr Marshall advised that work on the detailed design of the College of Policing would now commence and would be discussed at a future Council meeting.

Items for information

5.3 CHARGING

- 5.3.1 Mr Barker-McCardle reported on the outcome and evaluation of the five pilots on forces undertaking charging decisions for cases of low-level criminality and advised that there appeared to be no significant differences in terms of outcome regardless of whether the CPS or police made the charging decision; however, there were potential savings involved for the CPS. The CPS would be recommending to the Director of Public Prosecutions that its guidance on charging be revised and Mr Barker-McCardle undertook to write to forces with a copy of the evaluation report and a suggested way forward.

Action: Mr Barker-McCardle

- 5.3.2 On a separate issue, it was reported that Ministers queried why decisions on possession of a knife varied with some individuals being charged and others cautioned. It had been explained that it required a case by case consideration, for example persons found in possession at an airport would invariably result in a caution to avoid the UK picking up the costs of them remaining in the country. Members noted that the Home Office had been written to with an explanation.
- 5.3.3 Members noted the update.

6. NATIONAL METAL THEFT TASKFORCE PROGRAMME UPDATE

- 6.1 Mr Trotter introduced a paper which provided an update on the National Metal Theft Taskforce Programme. Mr Trotter commended the achievements of this programme and advised that the Department of Transport (DfT) had in the past provided £5m to fund metal theft operations, which in turn had led to significant crime reduction. However, the DfT would not confirm further funding for the programme and had suggested that future funding should be a matter for the Home Office. Mr Trotter stated he was continuing to explore options for funding.
- 6.2 He also added that the Scrap Metal Dealers Bill and planned legislation would hit this mid-level criminality, which caused significant harm and disruption yet fell below the SOCA's horizon.
- 6.3 Members noted the update and highlighted that this was a 'good news' media story.

7. LEVESON

- 7.1 Mr Trotter advised that the naming of suspects to the media continued to be a topic of contention. The Law Commission supported a presumption on naming people on arrest, while Lord Leveson took a contrary viewpoint. Draft guidance incorporating proposals on this matter would be circulated for views in the near future.

Action: Mr Trotter

Items for information

8. ACPO UPDATE ON PROFESSIONAL STANDARDS AND INTEGRITY ISSUES

- 8.1 Mr Cunningham introduced a paper which provided an update on issues relating to professional standards and police integrity.
- 8.2 Members were requested to:
- i. Prioritise the recommendations from the HMIC "Without Fear or Favour" re-inspection especially in those areas where it was deemed more progress was required
 - ii. Endorse and support the ACPO Police Integrity Model as the Service response to the Transparency International report and oversee its implementation
 - iii. Endorse and support in principle the approach being taken with the College and the Home Office in relation to the areas set out in paragraph 2.4 of the paper, recognising that some individual areas would have to be brought back to Chief Constables' Council for approval.
- 8.3 Mr Cunningham reported that the HMIC had been commissioned to review police professional standards and that work was underway on vetting issues. Those present were advised to look into the vetting of their chief officer teams. However, as well as expensive, vetting could not be seen as a panacea that would route out all ills as it provided no more than a snapshot at a given time.

Action: Members

- 8.4 Transparency International had published its report on '*Benchmarking Police Integrity Programmes*'. Mr Cunningham reported on a check list of actions to address integrity issues that had either already been undertaken by the police service or would be undertaken to respond to the recommendations in the Transparency International report.
- 8.5 The merging of the Professional Standards and Ethics Portfolios was discussed; a Constitutional Portfolio, under the remit of the President, would be re-established to consider the issues emerging from the current and future government reform proposals. Mr Marshall confirmed that the College of Policing would be designing a business structure that was simple and easy to understand.

Action: Mr Cunningham/Mr Marshall/President

- 8.6 Members recognised the importance of ensuring that the public had access to the proposed registers outlined in the paper at 2.4(i); however, it was felt that the overall responsibility for the registers should rest with ACPO and not the College of Policing.
- 8.7 Mr Lawson referred to the draft police integrity model that had been produced to support and underpin the Statement of Mission and Values and the National Decision Model. Members supported the approach, although it was further suggested that a Code of Ethics, similar to that of PSNI, be introduced for the benefit of the Service.
- 8.8 Members supported recommendation 5.1 (i) of the paper, reproduced at 8.2(i) above, but suggested that further work was required on recommendations 5.1 (ii) and (iii) and 8.2 (ii) and (iii) above.

9. ASSESSING THE IMPACT OF A UK OPT-OUT OF EU THIRD PILLAR CRIMINAL LAW AND POLICING MEASURES UNDER THE LISBON TREATY

9.1 Mr Barker-McCardle introduced a paper which discussed the complexities and potential detrimental impact on British policing if the UK were to opt-out of the EU third pillar criminal law and policing measures under the Lisbon treaty. The President pointed out that the approach had already been supported at Cabinet but because of its significance had been tabled at Council.

9.2 Members were requested to:

- i. Consider the impact assessment
- ii. Agree to recommend that 13 separate Third Pillar Measures (TPMs) were opted back into in the same terms that were currently held
- iii. Agree to recommend that 12 TPMs should not be opted back into
- iv. Agree to recommend that the European Arrest Warrants (EAW) be opted back into under the same arrangements that were currently in place.

9.3 Members supported the recommendations contained in the paper, noting that it adequately reflected the CT perspective; however, it was suggested that further efforts should be placed on ensuring better and faster access to data and that ideally the police service should have the same level of data available for foreign national offenders as it did for national offenders. For example, in terms of practicality, it would also be helpful to have a direct link to DNA and fingerprint databases in other countries and for a sharing process to be enforced.

9.4 Mr Sims emphasised the complexities and reputational risk involved in the sharing of forensic and biometric data and that caution should be exercised on sharing sensitive data with other countries, in light of the uncertainties on how such material might be used in other jurisdictions.

9.5 Members endorsed the recommendations outlined at paragraph 8.1 of the paper and at 9.2 above and confirmed that the document should be shared with PCCs.

10. MISSING PERSON DEFINITION

10.1 Mr Geenty introduced a paper which provided an update on the pilot scheme that was conducted for the joint ACPO leads for Reducing Bureaucracy and Missing Persons which involved an amendment to the current definition of a missing person.

10.2 Members were requested to support a change in the ACPO definition for a 'missing' person, from *'anyone whose whereabouts is unknown whatever the circumstances of disappearance. They will be considered missing until located and their well-being otherwise established'* to ***'anyone whose whereabouts cannot be established and where the circumstances are out of character or the context suggests the person may be subject of crime or at risk of harm to themselves or another'***.

10.3 Mr Geenty confirmed that the pilot scheme indicated reduced demands on front line police officers, whilst also producing savings and safeguarding our process. Mr Sims added that this was an opportunity to utilise the National Decision Model (NDM) in a live operational context and assist officers in their decision-making. It was emphasised that this was not primarily about ensuring savings, but about focusing on protecting the public more effectively.

10.4 Members endorsed the revised definition.

11. DEVELOPMENT OF CHAPLAINCY IN THE POLICE SERVICE

- 11.1 Mr Hitchcock introduced a paper which requested Members to agree the following:
- i. That the provision of chaplaincy was both desirable within a wider welfare framework and an integral part of police engagement with diverse local communities
 - ii. That the resourcing of a lead chaplain in each force was considered good practice, although this may require funding support within a force
 - iii. That Chief Constables adopt the principles, standards and examples of good practice in this document within their own unique contexts and in line with local need
 - iv. That the National Association of Chaplains to the Police (NACP) be recognised and resourced as the professional body which would draw together all police chaplains, accredit and equip them for the role and be the national point of contact for police chaplaincy matters.
- 11.2 Mr Hitchcock reported that there were currently 330 chaplains registered and that the proposal to develop chaplaincy in the police service carried no cost implications.
- 11.3 Members acknowledged the significant support being provided by chaplains on operational and welfare issues and endorsed the recommendations contained in paragraph 4.1 of the paper and 11.1 above, with the caveat that relevance to funding at point 4.1 (ii) and 11.1 (ii) was clarified.

12. MOU ON MUTUAL AID PRINCIPLES BETWEEN THE POLICE AND NOMS FOR DEPLOYMENT OF SPECIALIST DOG TEAMS

- 12.1 Mr Shaw introduced a paper on behalf of Mr Gormley which formalised existing arrangements in a number of forces and sought Members' support for the MoU on the mutual aid deployments of dog assets between the National Offender Management Service (NOMS) and the police service in the UK.
- 12.2 Members agreed the MoU document for publication.

13. PUBLIC ORDER MOBILISATION PROGRAMME UPDATE

- 13.1 In the absence of Mr Gormley, Mr Adams introduced a paper which sought Members' approval for the latest version of the Police National Public Order Mobilisation Plan.
- 13.2 The document was consistent with the National Policing Requirements (NPR), which had been based on planning assumptions and released this year. The regional requirements were articulated, with some regions needing to either upscale or downscale; but those present were advised that these tensions needed to be dealt with regionally. Forces should update PNICC regarding capability changes.
- 13.3 Members agreed the amendments to the Police National Public Order Mobilisation Plan, which would be addressed on a regional basis.

14. RANK REPRESENTATIVES: MEMBERSHIP OF COUNCIL

- 14.1 The President introduced a paper which requested Members' views on whether the four rank representatives for DCCs/DACs and ACCs along with two other individuals representing Commanders and senior police staff, should become members of Chief Constables' Council.

- 14.2 It was suggested that conferences and other events might be a better forum to ensure the inclusion of other Chief Officers. It was added that other rank representatives were already included in business areas and working groups. A meeting bringing together the wider ACPO family was being arranged to discuss how ACPO operates going forward and this matter would be discussed at that meeting.

Action: Mr Flaherty

15. REGIONAL ORGANISED CRIME UNIT FUTURE FUNDING

- 15.1 Mr Creedon introduced a paper which advised on the developments being carried out around Regional Organised Crime Units (ROCU) and requested Members' support for potential additional funding.
- 15.2 Mr Creedon reported that there was potential for additional investment from the Home Office to further develop the ROCU structures if Chief Constables were able to reach a consensus on a way forward.
- 15.3 Members' attention was drawn to the list of specialist units contained in paragraph 4.11 of the paper and Mr Creedon clarified that this was not intended to be exhaustive. He advised that any new investment should be equitable and based upon building a consistent and standard network. The challenge lay in identifying capabilities.
- 15.4 Some concerns were raised over the detail of the design for producing a funding model that would work for each force, and it was suggested that minimum level of requirements should be identified which could be mobilised depending on risk and threat.
- 15.5 Mr Creedon suggested that regional structures might not be the only way forward, and that sharing units between forces could increase protective capabilities. Members suggested that there might be merit in liaising with PCCs individually and that it was essential that ACPO agreed a collective viewpoint.
- 15.6 A further debate developed which raised the following points:
- There was a need to identify the minimum requirements for the level of risk, threat and demand
 - The regional structure would be difficult to replicate when some forces within regions could be affected disproportionately
 - The proposal would place regional serious crime units in good stead in three to four years
 - Cross regional issues could prove challenging, but there was a need to recognise this as an opportunity to secure funding for the development of ROCUs
 - The NCA would support forces, but this could prove difficult in the absence of a regional structure; it was suggested that although it would be difficult to work on a cross regional basis, this could be alleviated if a network was established.
- 15.7 Members expressed broad support for the principle, but clarified that any new structure should not include operational teams. Members therefore concluded that further work was needed.