

26 January 2024

Report by the Clerk to the Police and Crime Panel

Public and Panel Questions to the Commissioner

Below is a schedule of the questions received prior to this meeting and where possible responses have been included. Responses will be tabled at the meeting that were not available at the time of despatch. Written questions must be received two weeks before a meeting of the Panel and the Commissioner or Panel Chairman is invited to provide a response by noon of the day before the meeting.

Questions relating to operational matters of Sussex Police are passed to a relevant officer at Sussex Police for a response, with a brief summary of such questions provided below. For the current meeting, 10 questions have been received for responses from the Commissioner.

An operational question regarding crime and anti-social behaviour in Chichester city centre was received and signposted to the District Commander.

Written question from John Cole of Brighton, East Sussex.

Is the Commissioner happy that Sussex Police are enforcing e-bicycle regulations adequately or appropriately? Or sufficiently?

Thank you for your question.

I regularly scrutinise the performance of Sussex Police during my monthly webcast Performance & Accountability Meetings with the Chief Constable and her senior team, which includes checking whether enforcement activity remains appropriate, proportionate and balanced. Similarly, I have scrutinised the policing response to electrically assisted pedal cycles [better known as e-bikes].

As you may already know, many e-bikes can be used on public roads and shared cycle paths, providing that they use pedals to propel them, are within appropriate power and speed ranges and are used legitimately and safely in the same way as pedal cycles. The riders of these electric bikes must also be 14 years old or over.

Some e-bikes can, however, exceed legal limits and fall into the legal definition of a motorcycle, rather than a pedal cycle. As such, they are illegal to use on public roads, cycle paths and pavements without the rider holding the correct licence, insurance and necessary safety equipment.

Members of the public with any information about the illegal use of these e-bikes are encouraged to report this to Sussex Police by calling 101 or making a report using the following link:

<https://www.sussex.police.uk/ro/report/ocr/af/how-to-report-a-crime/>

This information enables Sussex Police to develop intelligence regarding repeat offenders, times and locations which can then be used to plan, target and deploy police resources effectively. This intelligence can also be used by the Force to make further enquiries into the legal status of any e-bike, alongside any home visits to the rider that may be required.

The approach demonstrated locally is an escalating one and will vary depending on the individual circumstances involved through a range of different actions. Where Sussex Police find any evidence of anti-social, nuisance and/or dangerous usage of e-bikes, the Force has the power to issue a verbal or formal warning, alongside the seizure and/or destruction of these electric bikes.

I regularly meet with the Chief Constable to work towards improving local policing issues and the correspondence received by my office is used to inform these discussions, identify local priorities and ensure that the response provided is both balanced and proportionate.

Written questions from a West Sussex resident.

However, why does our Police and Crime Commissioner cost us so much money and why have a large police station that is rarely open?

The role of Police & Crime Commissioners (PCCs) was established by the Police Reform and Social Responsibility Act (PRSRA) 2011 to provide greater oversight, transparency and effective scrutiny of police forces than had been delivered by police authorities previously, for which there is a cost.

The net Sussex Police revenue budget for 2024/25 is estimated at £395million which comprises funding of 42% from local council taxpayers and 58% from central Government.

My salary, on-costs and other costs [including travel expenses] are budgeted at £119,000 which represents 0.03% of the overall police budget. The total cost of my office to deliver the core roles and responsibilities and statutory functions required is £1.9million [which represents 0.50% of the overall police budget].

The remuneration of all PCCs in England and Wales are determined by the Secretary of State as set out within the PRSRA. It is also worth emphasising that PCC salaries have not been matched with consumer price inflation nor the pay awards applied to police officers and staff since the role was first established. Further information can be viewed through the following link:

www.legislation.gov.uk/ukpga/2011/13/schedule/1/enacted

It is not clear from the question above as to which large police station you are referring to. As the Sussex PCC, I am responsible for the Sussex Police estate and, as the landlord, I have developed an Estates Strategy to enable the effective governance of all land and property. A new Estates Strategy for 2024/27 is currently under development and will be published during 2024/25.

I have continued to ensure that the property used for policing is in the right place, is fit for purpose and is efficient. This approach means that no police facility with a public reception will be closed or removed until a suitable local alternative is identified, examining options for sharing with partners and disposal for redevelopment wherever the police estate is under-used.

Each of the police stations in Sussex are set in key strategic locations to ensure that resources can be deployed effectively across the whole of the county, whilst providing supporting public interaction and partnership liaison at these operational sites. Without knowing any more specific details about the police station you describe as being "rarely open", I am unable to comment any further.

Further information about your nearest police station or contact point and the opening times for this can be viewed through the following link:

<https://www.sussex.police.uk/contact/find-a-police-station/>

Why do our police force not patrol our streets every day as in other towns? Not in sight no deterrent.

This is not an accurate assertion nor is this the experience of the many people I have spoken to or who have responded to our engagement surveys where residents have noticed an increase in police visibility. In recent years, Sussex Police have made tremendous strides to increase their capacity in crime prevention, response and investigations and to re-establish vital communication and engagement with local people.

This has included providing the Chief Constable with additional resources to recruit and maintain police officers and Police Community Support Officers (PCSOs) to undertake visible neighbourhood policing activity and proactive police patrols in locations throughout Sussex, according to threat, risk, and harm.

Why does our PCC keep asking for more money via council tax?

It is worth highlighting that the police precept in Sussex was not increased in 2013 and 2014 because the Government provided all PCCs with a grant towards mitigating the loss of any income.

Since then, the precept has been increased to provide Sussex Police with the funds required to recruit additional police officers, PCSOs and specialist staff, alongside making improvements to policing services and capabilities, including investment in technology and telephony.

As Sussex PCC, I am seeking to increase the police element of the council tax in 2024/25 to ensure that Sussex Police can preserve the improvements in capacity, visibility and accessibility built up since 2018 to maintain these police officer and PCSO numbers.

However, even if the maximum amount of funding is received from the precept in 2024/25, Sussex Police will still have a savings requirement of £8.2million to find during the year.

This has been set alongside meeting the increased costs for the police service caused by consumer price inflation [driven by national pay awards for police officers and staff] and additional costs for supplies and services which have increased at a faster rate than the increase in Government funding.

It is worth emphasising that Sussex Police has the 12th lowest Net Revenue Expenditure per head of population nationally at £195.23 [national average of £232.57]. This is the 7th lowest precept of any PCC in England and Wales at £239.91 per Band D equivalent household [for 2023/24] and 6th lowest total funding per head of population at £210.35 [including all grants and precept].

The Chief Constable has also informed me that, without the maximum increase in precept funding locally, Sussex Police will need to consider whether it stops delivering some areas of policing next year and beyond.

Written questions from an East Sussex resident.

In response to a previous question to PCC Bourne about the failure of Crackdown and Sussex Safer Roads Partnership to adhere to the Policing Principles, PCC Bourne claimed the Policing Principles were "embedded" in Sussex Police. I was advised by PCC Bourne to write to Chief Constable Shiner with my concerns.

I did and was advised that decisions made by Crackdown were final and could not be challenged even though mistakes were made and working practices needed updating. And even their website states that they will not accept any emails regarding their decisions. I wrote to PCC Bourne and emailed her office regarding the response from Sussex Police, but did not get a reply.

Is the Commissioner concerned that Crackdown and SSRP are not accountable to residents for their actions and in some cases lack of action?

Currently, the Crackdown and SSRP data portals are not being updated monthly. The latest data on Crackdown website is for April 2023 and the data on the SSRP and Crackdown data portals is for October 2023 and camera data 2020. I did advise SSRP through their website and wrote to the public confidence team. Neither responded.

Is the Commissioner concerned about their failure to update the data monthly as they claim they will?

Thank you for your questions.

I understand the importance that the residents of Sussex place on road safety and am fully supportive of the work carried out by Sussex Police and the Sussex Safer Roads Partnership (SSRP) to tackle and prevent the main causes of serious injuries and deaths on the county's roads, including inappropriate and excessive speed.

As you already know, Operation Crackdown is a joint initiative run by Sussex Police and the SSRP which provides the communities of Sussex with an opportunity to report specific instances of anti-social driving on the roads.

Operation Crackdown continues to receive a significant number of reports from the members of the public and, whilst it is not possible to provide progress updates in respect of each of the reports submitted through this platform, the information received enables Sussex Police and the SSRP to develop intelligence regarding repeat offenders, vehicles, times and locations which can then be used to plan, target and deploy police resources. It is important that these resources are deployed to those locations where they will have the greatest impact and generate the most casualty reduction outcomes.

The Operation Crackdown website currently displays historic data and is up to date for the rolling year period to 30 April 2023. Sussex Police remain committed to being open and transparent about the significant work that goes into resourcing Operation Crackdown and aim to publish the information as quickly as possible.

The data contained within the SSRP Data Portal is generated through investigations into road traffic collisions that result in an injury. To ensure the accuracy of the data provided through this platform, a manual validation is conducted once each investigation is completed. This process currently means that there is three-month delay in the data being published on the portal.

Written questions from Ms Serena Wallace of Eastbourne, East Sussex.

Does the PCC have any statistics as to how often an individual is investigated more than once on the basis of the same complaint? This may include complaints which are essentially about the same behaviour on different occasions.

Thank you for your questions.

I shared these with Sussex Police because the content specifically related to operational policy and procedure.

I am happy to provide you with the following answers that I have now received:

- Each allegation received by Sussex Police is treated on its own merits.
- The National Crime Recording Standard directs a victim-focused approach to crime recording. This seeks to ensure that those reporting crimes are treated with empathy and that their allegations are taken seriously, in line with the statutory entitlements set out within the Code of Practice for Victims of Crime.
- Any subsequent investigation that may be required is then taken forward by Sussex Police with an open mind to establish the facts and the truth.
- All recorded crimes will be investigated.

Any individual can be investigated more than once when:

- ✓ A person who is arrested and released with no further action, the complainant makes a similar complaint regarding a new incident and the person is arrested.
- ✓ A person who has been bailed and is alleged to have breached conditions can be arrested for the same behaviour. Although this is the offence of breach of bail, it is attached to the original complaint and the person could be charged or released on bail again.
- ✓ A person is arrested and taken to custody where their detention is not authorised but further evidence comes to light later and they are re-arrested.
- ✓ A person who is issued with a Community Protection Warning (CPW), followed by a Community Protection Notice (CPN) and/or Community Behaviour Order (CBO) which specifically bans them from certain behaviour, may be arrested if they breach these restrictions.

No statistical information is held by my office about the number of individuals who are investigated more than once on the basis of the same complaint. This information should be formally requested from Sussex Police through the following email address: foi@sussex.police.uk

Is the PCC satisfied that Sussex Police has adequate procedures in hand to ensure that individuals are not, in essence, harassed by Sussex Police through repeated investigation when those individuals have had no action against them on the basis of previous allegations?

The Police and Criminal Evidence Act 1984 (PACE) permits the re-arrest of a person who has been released on bail, for the offence which they were initially arrested, if 'new' evidence has come to light since their release [section 47(2)]. Section 41(9) of the same Act also contains a similar provision and permits the re-arrest of persons released from police detention without charge with or without bail at the expiry of twenty-four hours after the relevant time if such grounds exist.

- All reported crimes are allocated to a triage team or response unit to determine where the report should be investigated.
- The report will have an initial write up from the investigator which will be seen by their supervisor and case direction set.
- All persons held in police custody will be reviewed at various times through their detention by an Inspector and will have the opportunity to raise any concerns and representations.
- There is a PACE Inspector on duty daily from 0600–2300hrs who can be contacted if the person wishes to speak with them.
- Persons can be interviewed voluntarily if they agree, which can prevent arrest if the officer deems it appropriate.

A person who deliberately makes a false allegation of a crime in the knowledge that there is a risk that the police will conduct an investigation would have committed one of the relevant offences [perverting the course of justice or wasting police time] and is liable to be prosecuted subject to public interest considerations.

It is also worth emphasising that:

- ✓ Article 6 of the Human Rights Act 1998 provides citizens the right to a fair trial. Section 2 of Article 6 states, "Everyone charged with a criminal offence shall be presumed innocent until proven guilty."
- ✓ The burden of proof lies upon the prosecution to find the person guilty rather than upon the individual to prove their innocence.
- ✓ To achieve a conviction, the prosecution must prove "beyond reasonable doubt" that the person has committed the crime of which they have been accused.

Are there any improvements you would welcome in this area?

I would like to reassure you that all investigations undertaken by Sussex Police continue to remain victim led.

Last year, Sussex Police introduced an overarching programme of transformational change to improve investigative standards throughout local policing, called Operation Unify.

I am satisfied that the delivery of this programme will support the Force to put victims first and deliver better on a Forcewide commitment to complete high-quality investigations that bring more offenders to justice.

Written question from Mr Nigel Jacklin of Normans Bay, East Sussex.

I live just under a mile away from the Northeye site where the Home Office are proposing to set up a secure detention centre for asylum seekers. A decision has yet to be taken as to whether they will proceed with these proposals. There is much concern locally, which I share. I do want illegal arrivals stopped and realise that secure detention centres may play a part in this if illegal arrivals are deported, and this deters further arrivals. I am very concerned about reports from RAF Wethersfield that, as the number of asylum seekers accommodated there grew, there were increasing calls to the emergency services due to fights and other incidents between residents of different ethnic origins. I am also concerned by reports that many people arriving here illegally have funded their passage through honour debt and those seeking to collect this debt may help people break out of the detention centre. These proposals appear unprecedented in terms of scale and nature.

Is the PCC confident that Sussex Police have been consulted about the resources required if these plans go ahead? Is the PCC confident that Sussex Police will be provided with timely and appropriate information by the Home Office about these new proposals?

Thank you for your questions.

Sussex Police are members of the Northeye Multi-Agency Forum, chaired by the South East Strategic Partnership for Migration, alongside the representatives from the Home Office, other emergency services and key partner agencies.

Sussex Police has also made representations to this partnership to ensure that it remains fully sighted on any plans to develop the Northeye site in Bexhill into an Asylum Accommodation Centre (AAC), to allow the Force to consider these and the impact any potential site may have on policing resources at the earliest possible opportunity.

In my role as Sussex Police & Crime Commissioner, I have been monitoring closely the Home Office proposals for the AAC. I am reassured to note that Sussex Police has established appropriate operational oversight and governance arrangements and developed plans to respond once further details about the site are confirmed. The learning and best practice identified from other AACs that have already gone live continue to be shared with the Force for further consideration too.

Sussex Police is continuing to liaise with the Home Office to plan for the most effective deployment of resources. The Force and local partners recognise that the timely sharing of information from the Home Office remains key to developing any plans around impact, demand and deployment to the site.

If the AAC is validated, the Force remains committed to ensuring that the wider partnership plans seek to prevent crime, anti-social behaviour and disorder and, should this occur, to adopt a comprehensive response that accurately records what has happened, holds those responsible to account, supports victims of crime and safeguards those who are vulnerable. Any proposed approach would need to be agreed between partners prior to the site becoming operational.

In the meantime, I am reassured to note that Sussex Police remain engaged with other police forces in England and Wales, through the National Police Coordination Centre, to ensure that the delivery of any policing response required is appropriate, robust and consistent, without compromising the local policing arrangements in place for Bexhill, Rother district and more widely across East Sussex.

I hope the above provides you with some reassurance about the ongoing work of Sussex Police to plan for the proposed AAC at Northeye. I will continue to work closely with the Chief Constable to provide further scrutiny around these proposals, as and when any further decisions are made, to ensure that any policing response required remains appropriate.