

**WEST MIDLANDS POLICE
AND CRIME
COMMISSIONER**

NON-CONFIDENTIAL

NOTICE OF DECISION

003/2014

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Title: **United Kingdom Border Agency – Provision of Independent Custody Visiting to Birmingham Airport custody site**

EXECUTIVE SUMMARY

The proposal is to provide a custody visiting service to the UKBA at Birmingham Airport custody site. As detailed in the background information.

DECISION

I agree to sign an agreement between the UKBA and myself to provide a custody visiting service.

West Midlands Police and Crime Commissioner

I confirm that I do not have any disclosable pecuniary interests in this decision and take the decision in compliance with the Code of Conduct for the West Midlands Office for Policing and Crime. Any interests are indicated below.

Signature...Bob Jones.....

Date.....5 March 2014.....

NON - CONFIDENTIAL FACTS AND ADVICE TO THE POLICE AND CRIME COMMISSIONER

INTRODUCTION AND BACKGROUND

1. Although Independent Custody Visiting is not a statutory requirement for the UK Border Agency (UKBA) it has been decided that for reasons of public confidence and transparency a scheme be introduced to visit the custody site at Birmingham Airport. UKBA has made a request that the WMOPC Custody Visiting Scheme provide this service behalf of the UKBA.
2. It is proposed that a team of trained and experienced ICVs undertake at least one unannounced visit per month to the custody site. In addition when a person is detained in custody the Custody Officer will contact the PCC Scheme Manager who will ascertain whether a pair of ICVs would be available to conduct a visit. As it is not a regular occurrence for persons to be detained at the site it was thought that this would be an additional mechanism to increase both public confidence and transparency. This means that detainees are offered visits and it helps to prevent visits to empty custody sites. This 'pre planned' notification procedure is the same as for visits to the Terrorist Act custody site.
3. A quarterly report will be provided to the UKBA giving a general overview of the visits made.
4. The ICV service shall operate in line with the WMOPC Custody Visitor Policy. Given the small scale of the requested service it will not be necessary to increase the level of resources currently in place.
5. UKBA has prepared a draft contract which sets out the nature of the agreement and the requirements of each organisation. In return for providing the service, the Commissioner shall receive a nominal payment.

FINANCIAL IMPLICATIONS

6. The administrative costs associated with the proposed provision of a custody visiting scheme to the UKBA will be contained within the fee provided for the service by the UKBA.

LEGAL IMPLICATIONS

7. Police and Crime Commissioners (PCCs) were appointed as a result of the Police Reform and Social Responsibility Act 2011. Their responsibilities under the Act include duties to:
 - review opportunities for collaboration; and
 - have a role in ensuring the effectiveness of the wider criminal justice system
8. A contract to govern the operation of the custody visits to UKBA has been agreed, and this has been checked by legal services.

EQUALITY IMPLICATIONS

9. There are no equality implications directly arising from this decision.

Schedule of Background Papers

10. Contract prepared by UKBA.

Public Access to Information

11. Information contained in this decision is subject to the Freedom of Information Act 2000 and other legislation. This decision will be made available on the Commissioner's website.