



Safer Waverley Partnership

**Domestic Homicide Review
Overview Report**

**Report into the death of Victims:
Anna and Brenda
February 2014**

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Date: May 2018

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PART ONE

THE DOMESTIC HOMICIDE REVIEW PROCESS

1. Introduction

- 1.1 This Domestic Homicide Review (DHR) follows the tragic deaths Anna and Brenda, a mother and daughter who were both shot and killed by Colin in February 2014.
- 1.2 Although both Anna and Brenda were residents of the borough of Runnymede in Surrey, they were staying temporarily in the Waverley borough area, at the home of Colin, the perpetrator, prior to the point of their deaths. For this reason, the Chairs of each area Crime and Disorder Partnership mutually agreed that the Safer Waverley Partnership¹ should commission the DHR.
- 1.3 This overview report examines agency responses and support given to Anna and Brenda, prior to the homicides. In addition, the review will also examine the past to identify any relevant background or trail of abuse, whether support was accessed within the community and if there were any barriers to accessing support. By taking a holistic approach, the review seeks to identify appropriate solutions to make the future safer
- 1.4 This review considers agencies' contact and or involvement with Anna, Brenda and Colin, together with Colin's deceased former partner Eleanor from 1989 up to the date of the homicides. This period goes back to when Colin was first granted a shotgun certificate by Surrey Police, which was shortly before the start of his relationship with Anna. Some earlier information is included to provide a fuller picture of Colin's background.
- 1.5 The overview author has liaised with family members of Anna, Brenda and Eleanor in connection with the review. Their views and comments are included in this report. The DHR Panel and the Safer Waverley Partnership would like to acknowledge their contributions and thank them for their help with the DHR.

2 Purpose of the Review

- 2.1 Domestic homicide reviews were established under Section 9 of the Domestic Violence, Crime and Victims Act 2004. The Act requires a review *'of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by a person to whom he was related or with whom he was or had been in an intimate personal relationship or a member of the same household as himself'*.
- 2.2 The key purpose for undertaking DHRs is to enable lessons to be learned from homicides where a person is killed as a result of domestic violence and abuse. In order for these lessons to be learned as widely and thoroughly as possible, professionals need to be able to understand fully what happened in each homicide, and most importantly, what needs to change in order to reduce the risk of such tragedies happening in the future.
- 2.3 The Home Office's multi-agency statutory guidance for the conduct of domestic homicide reviews states the purpose as being to:
 - *establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually and together to safeguard victims;*
 - *identify clearly what those lessons are both within and between agencies, how and within what timescales they will be acted on, and what is expected to change as a result;*

¹ The Crime and Disorder Partnership for Waverley Borough area.

- *apply those lessons to service responses, including changes to policies and procedures as appropriate; and*
- *prevent domestic violence homicide and improve service responses for all domestic violence victims and their children through improved intra and inter-agency working.*
- *contribute to a better understanding of the nature of domestic violence and abuse; and highlight good practice.*

2.4 For the purpose of this overview report, the definition of domestic violence is in accordance with the current cross-government definition²:

‘Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.’

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and victims are not confined to one gender or ethnic group.

3 Conduct of the Review

The Review Timetable

- 3.1 The Chairman of the Safer Waverley Partnership wrote to the Home Office on 20 March 2014 to confirm that the circumstances surround the murders of Anna and Brenda met the criteria set out in the statutory guidance for a domestic homicide review and of their intention to conduct a review.
- 3.2 This review began on 10 July 2014 and finally concluded in November 2017. The Chair of the Safer Waverley Partnership notified the Home Office in September 2014 that the DHR would take much longer than six months due to the murder trial and investigation by the Independent Police Complaints Commission (IPCC). Given this, an interim DHR report setting out initial findings and recommendations was considered by the Safer Waverley Partnership in November 2015, to avoid any unnecessary delay in implementation of the recommendations by partner agencies.
- 3.3 The DHR timetable was affected due to the IPCC investigation, as the final report was not published until the end of April 2017.

² In December 2015, a new domestic abuse offence to tackle coercive and controlling behaviour was commenced in legislation.

- 3.4 At this point, there was further uncertainty about whether the Coroner would decide to hold an inquest or not and that if he did, if this would provide any additional relevant information to the review. It was agreed that the review should be concluded after this had been decided. The Coroner then requested a copy of this overview report to enable him to decide if he should hold an inquest. Given that information provided to the Coroner is normally made public, the Chair of the DHR Panel sought advice from the Home Office about whether she could forward the report to him prior to the report having been subject to their Quality Assurance process. This advice was only received in mid-August 2017.

Confidentiality

- 3.5 The findings of this review are confidential. Information is available only to participating officers/professionals and their line managers. Pseudonyms are used in the report to protect the identity of the individual(s) involved.

Subjects of the review

- 3.6 The subjects of this review are:

Subject	Age at time of homicides	Relationship	Ethnicity
Anna Female	66	Victim - Mother of Brenda and Deborah, former partner of Colin.	White British
Brenda Female	40	Victim – daughter of Anna and sister of Deborah, partner of Fred.	White British
Colin Male	82	Perpetrator	White British

- 3.7 Other associated family members mentioned in this review:

Deborah Female	Daughter of Anna and sister of Brenda
Eleanor Female	Former partner of Colin who died in March 2013 aged 84
Fred Male	Partner of Brenda
Georgina Female	Sister of Anna, aunt of Brenda and Deborah
Helen Female	Elder daughter of Eleanor
Isobel Female	Younger daughter of Eleanor
Jordan Male	Son of Eleanor
Kieron Male	Husband of Deborah
Larry Male	Ex-husband of Anna

- 3.8 Colin had no children with either Anna or Eleanor. Deborah said that she and her sister Brenda considered him as a father figure and at times referred to him as their father or stepfather.
- 3.9 Colin had a long term relationship with Eleanor and lived with her, other than for very brief periods until her death (from natural causes) in March 2013. Eleanor was a widow when she met Colin. She had three children by her late husband, two daughters and one son. Eleanor and her children lived with Colin as a family until the children left home.
- 3.10 Colin is believed to have two biological children, a daughter who was adopted as a baby and a son whose circumstances or whereabouts are unknown. Colin’s daughter subsequently traced him some years ago but it is understood that they did not remain in contact.

Terms of Reference

- 3.11 The DHR Panel agreed the Terms of Reference (TOR) on 3 November 2014. The complete terms of reference are set out in Appendix 1.
- 3.12 The aims of the DHR are set out below.
- To review the significant and relevant events that led to the deaths of Anna and Brenda by Colin, in February 2014 and whether there are any lessons to be learned from the case about the way in which local professionals and agencies worked together to safeguard the persons involved.
 - To establish if the death of Brenda meets the criteria for a Domestic Homicide Review; irrespective of this given that both homicides were linked and if there are relevant lessons to be learned in this respect.
 - To identify what those lessons are, how and within what timescales they will be acted upon and what is expected to change as a result.
 - To establish the appropriateness of agency responses - both historically and at the time of the incident leading to the homicides.
 - To establish whether single agency and inter-agency responses to any concerns about domestic abuse were appropriate.
 - To identify, on the basis of the evidence available to the review, whether the homicides were predictable and preventable, with the purpose of improving policy and procedures across the borough of Waverley, Surrey and if appropriate more widely.
 - To establish whether agencies have appropriate policies and procedures in place to respond to domestic abuse; and recommend and apply changes as a result of this review process with the aim of better safeguarding families where domestic abuse is a feature.
 - To prevent domestic abuse homicides and improve service responses for all domestic abuse victims and their families through improved intra and inter-agency working.
- 3.13 The review excludes consideration of how Anna and Brenda died or who was culpable as such matters have been addressed by the Criminal Courts.

Equalities and Diversity

- 3.14 The importance of equalities and diversity has been considered in this report. The Terms of reference of the agency Individual Management Reports (IMRs) asked authors to consider the protected characteristics under the Equality Act 2010 if relevant to the review, whether these were a factor in this case, and if they were considered fully and acted on if required. This is addressed in the analysis section of the report.

Methodology

- 3.15 The Chair of the Panel initially requested chronologies indicating the contact relevant statutory and other agencies had had with Anna, Brenda, and Colin. Subsequently when further information arose about Colin's relationship with Eleanor, it was felt that a better understanding of this relationship would be helpful to the review therefore the Chair asked for chronologies to be updated to reflect contact with Eleanor as well.
- 3.16 All agencies asked to complete chronologies did so. Some agencies had no record of any contact with any of the persons involved or their contact was not relevant, therefore the IMRs were only requested from those with relevant contact.

- 3.17 In the guidance on IMRs issued to agencies, they were asked to ensure that these were produced by independent persons not directly involved with the subjects of the review. Specific Terms of Reference for the IMR authors were developed to help them identify the key lines of enquiry to explore. These are listed below and are considered further in the analysis section of this Report.
1. Did agencies communicate effectively and work together to safeguard and promote the welfare of the individuals referred to?
 2. Was the level and extent of agency engagement and intervention appropriate? Were assessments undertaken in a timely manner, was the quality adequate and did they include the extended family and all historical information?
 3. Was information known by agencies about any domestic abuse and if so was appropriate consideration given to how these affected the individuals concerned and were appropriate referrals made?
 4. Was information known by agencies about mental health issues, safeguarding issues and/or substance misuse? If so, was appropriate consideration given to the impact on the individuals concerned and were appropriate referrals made?
 5. Was any information known by agencies about threatening, abusive or violent behaviour on the part of Colin towards family/household members or other persons? If so, was appropriate consideration given to this and how this affected those concerned and were appropriate referrals made?
 6. Was Colin's failure to engage or co-operate with agencies considered as a safeguarding risk?
 7. Were any identified safeguarding issues in respect of Anna, Brenda or Colin or others acted on appropriately and in a timely way by all agencies?
 8. Was there any assessment of the risk potentially posed by Colin to Anna, Brenda and any other persons following the allegation by Deborah (Anna's other daughter) that Colin threatened her with a shotgun in March 2013? Was the action taken appropriate?
 9. Was there any further assessment made of the risk posed by Colin to Anna, Brenda and any other persons following the withdrawal of the allegation by Deborah in March 2013?
 10. Was there any further assessment made or other appropriate action taken in connection with the return of the guns?
 11. Were the decisions and actions that followed assessments appropriate and were detailed plans recorded and reviewed?
 12. Was race, religion, language, culture, ethnicity, gender, sexuality, age or disability a factor in this case and was it considered fully and acted on if required? How was the uniqueness of this particular family recognised?
 13. Were there any organisational or resource factors which may have impacted on practice in this case?
 14. Were appropriate management/clinical oversight (supervision) arrangements in place for professionals making judgments in this case?
- 3.18 The chronologies and IMRs provided the primary source of evidence for the review. Where necessary, further enquiries and clarification was by email or telephone with the authors or persons referred to in these documents. A meeting was also held with the IPCC lead investigator who explained the terms of reference of their investigation and agreed to share

the findings of final IPCC investigation report, lessons learned and recommendations. This has been extensively used to supplement the Police IMR. Further information was also gained from family members.

Involvement of family friends work colleagues or others

- 3.19 Contact was made with family members of Anna, Brenda and Eleanor. This was followed up through a combination of interviews, telephone conversations and email correspondence. No other friends, work colleagues, other persons, or support networks were identified or put forward for involvement in the review process. All contact has been through the Chair of the Review Panel.

Anna and Brenda's family

- 3.20 The Chair contacted the family members of Anna and Brenda after the conclusion of the trial on 3 November 2014. All were sent letters, which included the relevant Home Office DHR leaflet and terms of reference of the review. The Police Family Liaison Officers delivered the letters. They were offered the opportunity to meet with the Chair of the Panel, speak by phone or provide information by letter or email. Specialist and expert advocate help by Advocacy After Fatal Domestic Abuse (AAFDA) was also offered to all family members. The Chair also advised that if they were willing to meet, they would be welcome to have a friend or supporter present. Family members were also asked to suggest other people such as friends or work colleagues that might wish to be involved but none were identified.
- 3.21 Deborah, Anna's daughter responded soon afterward receiving the letter and the Chair of the Panel interviewed her on 21 November 2014. Her husband, Kieron, was also present. Subsequent contact has been via Deborah's solicitors.
- 3.22 Fred, the partner of Brenda, did not reply initially so a follow up email was sent to him asking if he would be willing to speak to the Chair. After speaking initially by phone, he agreed to answer questions via email.
- 3.23 Anna's sister responded sometime after the initial approach. The Chair met her on 24 April 2015. Her husband was present briefly at the end of the meeting.

Colin

- 3.24 The Chair also wrote to Colin via his solicitor on 19 December 2014 and 4 March 2015 and asked if he would like to contribute to the review or put forward the names of any of his family or friends that he felt might be able to contribute. No reply was received.

Eleanor's Family

- 3.25 During the course of the review, it was felt that the family of Eleanor should also be approached given their knowledge of Colin and his life with Eleanor. In March 2015, the Chair wrote to one of Eleanor's daughters to ask if she or her siblings might wish to contribute to the review. Relevant information about the DHR and the Home Office leaflet was included in the letter as was use of any medium they preferred.
- 3.26 Isobel, Eleanor's younger daughter declined to meet the Chair and said that she wanted to move on from the past, although she spoke briefly to her by telephone about Colin and her mother's relationship with him and said her sister would probably agree to speak to her. Helen was happy to contribute and the Chair met her on 24 March 2015.
- 3.27 The contributions from family members have been extremely useful and the report includes background provided by the family members of Anna, Brenda and Eleanor to provide additional context and insight into the relationships between Colin and Anna, Brenda and Eleanor where appropriate. Their views have also been included in the analysis section of

the report. They have also had the opportunity to comment on this report and some amendments have been made to clarify information in the report.

Contributors to the Review

3.28 The agencies that completed chronologies and IMRs are set out below:

	Asked to produce a Chronology	Asked to produce an IMR
Surrey Police	✓	✓
Surrey and Sussex Probation Trust	✓	Not required as no contact prior to the homicides
Waverley Borough Council	✓	✓
Surrey County Council Adult Social Care	✓	✓
Health – NHS England	✓	✓
Virgin Care	✓	✓
Surrey and Borders Partnership NHS Foundation Trust	✓	Chronology provided sufficient information.
Royal Surrey County Hospital (RSCH)	✓	Not required as contact not relevant to DHR
Chapter 1 – South West Surrey Domestic Abuse Outreach Services	✓	Not required as no contact with persons involved
RSPCA	✓	✓
Hampshire Police	✓	Not required as contact incidental and would not add to DHR findings

3.29 The independence of authors was stated in the IMR's or otherwise clarified during the Panel discussions of the IMR's at meetings.

3.30 The RSPCA requested advice about this as they only employ a small number of staff to cover an extremely wide area. They advised that the only person who could realistically complete the IMR was the Operations Superintendent who had line management responsibility for the RSCPA inspector covering Surrey, but had never met the subjects of the review.

3.31 The Chair agreed that, under the circumstances, he should complete the IMR on behalf of his organisation and could be a member of the Review Panel. On its receipt, she was satisfied that the IMR was objective and that the Panel's questions were answered fully and appropriately.

The Review Panel Members

3.32 The Review Panel comprised senior representatives of relevant partner organisations oversaw the review. This included most of the agencies asked to produce chronologies and/or IMR's with the exception of the Royal Surrey County Hospital and Hampshire Police.

3.33 Full membership of the Panel is set out below:

Kim Rippett (Independent Chair and report Author) Head of Housing Advice	Guildford Borough Council
Helen Blunden Designated Nurse for Safeguarding Vulnerable Adults in Surrey.	Surrey Downs Clinical Commissioning Group (Hosted Service)
Simon Jones Senior Probation Officer, Surrey Court Team	National Probation Service
Damian Roberts Director of Operations	Waverley Borough Council
Stewart Ruston Senior Manager, Waverley Locality Adult Social Care	Surrey County Council
Clare Rice Service Manager	Chapter 1 (Provider of refuge and DA outreach services)
Detective Superintendent Jon Savell Surrey Police	Surrey Police
Peter Sims Assistant Chief Executive	Runnymede Borough Council
Paul Stilgoe Operations Superintendent, London and South East Region	RSPCA
James Tigwell Assistant Group Commander, Waverley	Surrey Fire and Rescue Service
Dr Paola Valerio Trust Lead for Safeguarding Adults and Domestic Abuse	Surrey and Borders Partnership
Clare Arnold Communities Support Officer Assistant to the Chair of the Panel	Waverley BC

3.34 All Panel members put forward by their respective organisations and were considered sufficiently independent and senior within their organisations, and had authority to commit on behalf of their agency to decisions made during a panel meeting. The IMR authors were invited to Panel meetings to present their reports.

3.35 The Panel met eight times and there were exchanges of emails and information between meetings. Given that there was a gap between the completion of the interim report and this final report, some of the original panel members have left their respective organisations. Since their departure, the main changes and additions to the report relate to Surrey Police in connection with the IPCC investigation, together with revisions to the Home Office Firearms Licencing guidance but this did not significantly affect the overall conclusions of the report or the recommendations.

Overview Report Author

3.36 Kim Rippett, the Head of Housing Advice at Guildford Borough Council, was appointed by the Safer Waverley Partnership to Chair the review and write the overview report.

- 3.37 Kim has worked as a housing professional for over 30 years in South Wales and Surrey. As a Housing Officer, she has had direct experience of dealing with domestic abuse and safeguarding children and adults as both as front line officer and at a strategic level. She is the safeguarding Lead for Guildford Borough Council, chairing their Corporate Children and Adults Safeguarding Group, which also includes the remit for domestic abuse.
- 3.38 Kim has extensive experience of multi-agency working across Surrey, previously representing the 11 Surrey Housing Authorities on the former Surrey Area Child Protection Committee and the Countywide Drug and Alcohol Action Team. Until 2015, she represented the borough and district councils on the Strategic Management Board that over sees the Multi-Agency Public Protection Arrangements for sexual and violent offenders. Recently Kim stepped down as the Chair of the Surrey Chief Housing Officers Association. Kim has also served on the local Domestic Violence Forum. She has also been on a previous DHR Panel and has participated in a number of serious case reviews involving children. Kim has not worked in the Waverley Borough area or for any of the agencies involved in this DHR.

4 Parallel Reviews and Proceedings

- 4.1 As already indicated, in parallel with this DHR was an IPCC investigation into the decision by Surrey Police to return shotguns to Colin in July 2013, following an earlier allegation that he made a threat to kill Deborah (the daughter of Anna and sister of Brenda). The IPCC investigation report was published at the end of April 2017 and the relevant findings are referenced in this report.
- 4.2 In addition to the IPCC investigation, there were separate criminal proceedings for fraud involving both Colin and Deborah in connection Eleanor, the former partner of Colin, who died in March 2013. These concluded in March 2017. This report makes no comment on the detail of these offences, although some information obtained through the IMR of individual agencies and the IPCC is included as appropriate.
- 4.3 The Coroner has yet to decide if there will be a formal inquest into the deaths of Anna and Brenda and has requested a copy of this overview report to take into account when making his decision.

5 Dissemination of the report

- 5.1 The Final Overview report will be provided to:
- The members Review Panel for internal dissemination within their agency
 - The Safer Waverley Partnership
 - Surrey Police
 - Waverley Borough Council
 - Surrey County Council
 - Surrey Fire and Rescue Service
 - National Probation Service
 - Kent, Surrey and Sussex Community Rehabilitation Company
 - Clinical Commissioning Groups (Guildford & Waverley and North East Hampshire & Farnham)
 - Surrey Safeguarding Adults Board

- HM Coroner for Surrey
- Family members

5.2 An Executive Summary of this report and the letter including comments from the Home Office DHR Quality Assurance Group will be published on the Safer Waverley Partnership website.

PART 2

BACKGROUND AND CHRONOLOGY

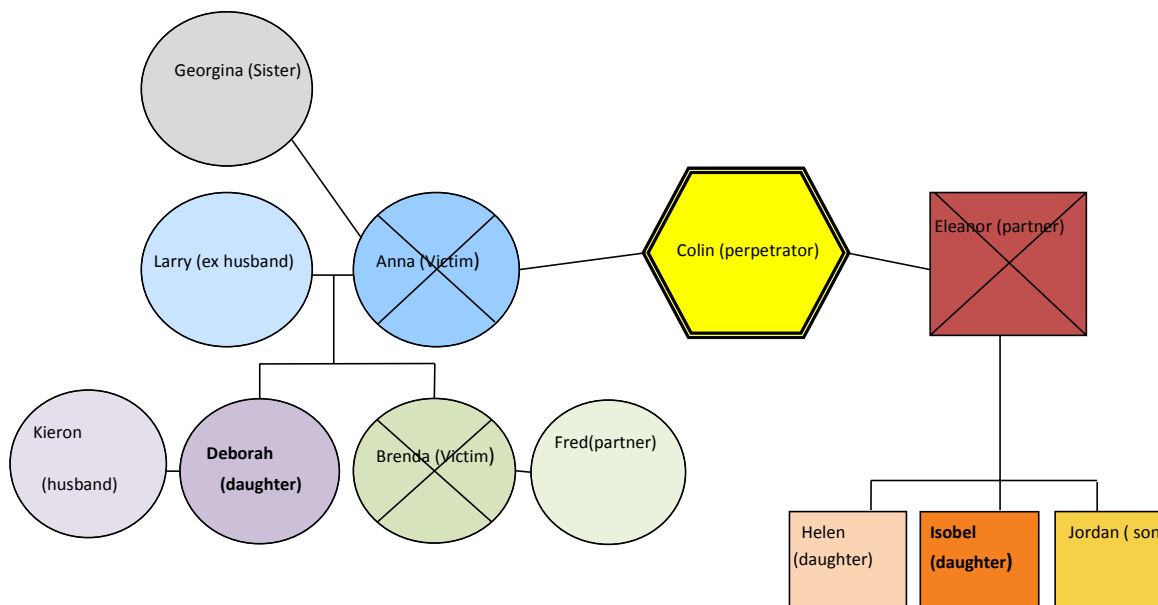
6 Background

- 6.1 This section of the report provides details about the subjects of this review and in particular the relationships between Anna, Brenda and Eleanor with Colin. It also presents additional background information together with significant events over the timeframe of the review. This information is from the chronologies and IMRs provided by the agencies indicated in paragraph 3.27 above together with information from family members.
- 6.2 Although this DHR arose due to what happened to Anna and Brenda, this report includes analysis of Colin's relationship with Eleanor, to determine if this was abusive as this lasted until her death in March 2013, and was ongoing during the time he was involved with Anna.
- 6.3 Colin's relationship with Anna is understood to have begun around 25 years ago in around 1990 and that with Eleanor more than 50 years ago in the late 1950's/early 1960's. The chronologies and IMRs were commissioned on this basis. Although this is a very long period, IMR authors were asked to focus on any incidents of domestic abuse from the start of Colin's relationship with Anna during the period 1990 to February 2014 but if other significant historical events were identified to bring these to the attention of the Panel.
- 6.4 Over this period, the definition of domestic abuse has changed; it is much broader than it was, likewise individual and agency understanding of the issue has improved greatly with associated changes in practice. The Panel also recognises that some agencies may no longer have records that go back that far, or be able to give advice on the historic policies or procedures that may have been in operation. Nonetheless, historical information is often able to give context to current understanding of situations and it cannot be assumed that all organisational policy and/ or practice has necessarily kept pace with the wider understanding of domestic abuse that exists today.

7 Firearms Legislation and Guidance

- 7.1 The deaths that occurred to initiate this DHR relate to the use of a shotgun, and the fact that Colin was lawfully in possession of shotguns at that time. The licencing of shotguns has been required since the 1968 Firearms Act. Authorisation to hold a shotgun (or other firearm) is issued by the Chief Officer of Police (either as grant or renewal) who must be satisfied that the applicant can be permitted to possess a shotgun without danger to the public safety or to the peace.
- 7.2 Firearms Certificates require a specific fitness test for applicants and whilst the statutory test for shotguns does not use the term *'fit'* or *'fitness'*, many of those considerations will be relevant when granting a shotgun certificate. When looking at whether someone can be permitted to possess a shotgun, facts such as conviction history together with police intelligence about criminal activity, dishonesty, mental health, intemperate habits and domestic abuse as well as ability and safety in use and storage are taken into account, among other checks. Once the certificate is issued, if there are factors that might bring into question the *'fitness'* or suitability of the applicant or reason to believe he or she might present a risk or *'danger to public safety or the peace'* the Chief Officer of Police may have grounds to revoke the certificate.
- 7.3 It should be noted that since the commencement of the DHR, there have been a number of changes in Government guidance and requirements in relation to licencing of firearms and shotguns. These are explained later in this report.

8. Genogram³ and relationships between the subjects



- 8.1 Colin lived on a large isolated property in the Waverley Borough area of Surrey, referred to in this report as ‘the Farm’. Eleanor lived with Colin as his partner/common law wife from the late 1950’s/early 1960’s and moved to the Farm with him and her children in 1967. She lived there other than for some brief absences until she died in March 2013. Her children had left home several years before Anna began her relationship with Colin.
- 8.2 Anna and her daughters, Brenda and Deborah, stayed at the Farm at various times from about 1990, when she began a relationship with Colin. Colin is said to have described it as an ‘on and off’ relationship over a number of years. It is believed continued until at least 2007 but possibly up to 2010 when Anna moved to another area.
- 8.3 Anna began staying on the Farm again from about July 2013 and Brenda began staying there regularly⁴ from September 2013. Both continued to do so until their deaths in February 2014.

9 Events on day of homicide

- 9.1 At 09:47, South East Coast Ambulance contacted the Surrey Police Contact Centre to report receiving a call from a very distressed female who stated that her mother (Anna) had been shot by Colin, and she, the caller, (Brenda) was running for her life. The caller stated that she was going to go back to the house for her mother but feared she would die. The call then fell silent.

³ This is not a complete genogram as some family members are excluded but it shows the persons referred to in this report. See Paragraph 3.7 which sets out the detailed relationships set out in the genogram.

⁴ Georgina says that Anna and Brenda stayed at the Farm from 2 and 4 nights each week over this period.

- 9.2 The Police identified the alleged perpetrators address and found that he was a registered firearms holder. Armed Response Vehicles together with the police helicopter and dog units were deployed immediately.
- 9.3 When the Armed Response Officers (AROs) arrived at the Farm, they had to shoot a guard dog as they entered the location and then they surrounded the property. A body (Brenda) could be seen lying outside at the rear of the property. Colin was instructed to come out of the house. He exited unarmed via a door towards the rear of the house. Colin was compliant and informed the Officers that there was another deceased female (Anna) inside the house. He said that he had shot them both and was arrested for murder and taken into police custody. There were no direct witnesses to the fatal shootings.

10 Legal Proceedings

- 10.1 Colin was formally charged with the murders of Anna and Brenda and possession of a firearm with intent to endanger life and remanded in custody.
- 10.2 Post-mortem examinations on Anna and Brenda revealed that Anna had been shot once in the chest. The Consultant Pathologist opined that it would have been a rapidly lethal injury and gave a cause of death as gunshot injury to the chest. Brenda had sustained two gunshot injuries – to her chest and head. The Consultant Pathologist advised that the injury to her chest was the more significant injury and would have led to immediate incapacitation, collapse and death. The cause of death was given as gunshot injury to the chest.
- 10.3 At the time of their deaths, Anna and Brenda were 66 and 40 years of age respectively and Colin was 82.
- 10.4 Colin was found guilty of the murders of Anna and Brenda and was sentenced to life imprisonment and is to serve a minimum of 25 years before being considered for release. Due to his age, he will spend the rest of his life in prison.
- 10.5 The Coroner has held the case open at present and it is yet to be confirmed if an inquest will be carried out.

11 Background to Anna and Brenda to 1991

- 11.1 Anna was born in October 1947. She lived in the London area until the early 1990's, when she moved to Surrey. Anna has an older brother and sister, Georgina. Anna married Larry when she was 19 years of age and they had three children together. Their first child (gender unknown) was born in 1971 but died four hours after the birth. They then had two daughters Brenda born in March 1973 and Deborah born in May 1974. It appears that Anna and her husband separated during the early 1980's, as her General Practitioner (GP) records report her as describing Larry as her ex-husband in 1983, but it appears they reconciled for a period in 1989. It is understood that they subsequently divorced (date unknown).
- 11.2 Anna had a long history of mental health problems dating back to 1972. The first entry in the GP notes referring to mental health issues was in November 1972 when it was noted that she was suffering with depression and was prescribed an anti-depressant and tranquilisers. There are no indications about what might have given rise to the depression but it is possible it may have been linked to the loss of her baby the previous year.
- 11.3 Anna's ex-husband has a history of offending and has served time in prison for serious offences. Family members say he was a violent and abusive man, who assaulted Anna during their marriage. This allegation is supported by GP notes in August 1976, which say that Anna was being hit by her husband who was '*always out late*' and that she was nervous.

The notes stated 'History of wife beating last event hair pulling head butting' and that she was prescribed tranquilizers.

- 11.4 Brenda's medical records indicate that she had a long history of mental health problems arising from allegations of abuse by her father⁵.
- 11.5 Anna seems to have reconciled with her husband in or around March 1989, as medical records in August that year indicate that they had been back together for six months. It is not known when they separated again, but in March 1990 there is an entry in Brenda's GP records about a letter received from Social Services placing her on the Child Protection register 'Re: - *Very grave danger in view of threats made by father towards the family*'. It is believed that around time (late 1989 or early 1990) Anna and her daughters moved to the Surrey/Hampshire area to get away from her husband.
- 11.6 In June 1990, Anna's GP notes that she was suffering from anxiety with depression in connection with her ex-husband's behaviour and that the family were in turmoil.
- 11.7 Anna saw her GP regularly over the next few months, who diagnosed that she was suffering from stress. The notes also indicated in the September and October 1990 that she was in financial difficulties and that the Department of Health and Social Security (DHSS) was paying her mortgage. They also stated that her husband was due to be released from prison.
- 11.8 In December 1990, Anna advised the GP that she was facing the repossession of her home. On 8 January 1991 there is a note referring to the Court hearing regarding the repossession scheduled for 31 January 1991. There is an entry in March 1991 stating that Anna had a severe reactive depression referring to a DHSS review and the following week there is a note stating that she may lose her house, as she was £14,000 in arrears. In November 1991, the notes record that her mood was better and in December 1991, that she was receiving counselling.
- 11.9 Georgina confirmed that Anna's house was repossessed but does not recall the date. Housing Benefit Records indicate that she lived at three different addresses between April 1993 and 2003, prior to moving to the Waverley borough area.
- 11.10 It is understood that Anna, first met Colin sometime in 1990 when she went to the Farm to buy a puppy for her daughters, and this was the start of their relationship.

12 **Background Colin -1950's to 1990**

- 12.1 Colin was born in the London area but he has lived most of his life in Surrey. There is little information about his early life or his immediate family or relatives. Colin was previously married (date unknown) but divorced in November 1971 having lived apart from his wife for many years. The divorce papers cite irreconcilable differences. There is no indication that there were any children from this marriage. It is reported that he had two children when he was quite young and that both were adopted. His daughter made contact with him many years later but they do not appear to have stayed in touch. The whereabouts of his son are unknown.
- 12.2 Colin met Eleanor in the late 1950's or early 1960's. She was originally from Poland and was three years older than he was. Eleanor had been married to an RAF officer with whom she had three children, a son and two daughters (Jordan, Helen and Isobel) but her husband died

⁵ There are several references in her GP records to Brenda's mental health suffering allegedly due to abuse by her father, but it should be noted that these are only mentioned in medical records and have not been substantiated by any criminal proceedings.

when her youngest daughter was aged one. After he died, she and her family moved to a council house, where she was living when she met Colin.

- 12.3 At that time, Colin was working as a salesman and Eleanor had her own dog grooming business. He moved in with Eleanor and her family and sometime later, she, Colin and the children moved in with his mother who lived in her own home. They lived there for about a year before they moved to the Farm.
- 12.4 In 1967, Colin and Eleanor bought the Farm, which comprised a detached house set amongst approximately 20 - 30 acres of woodland and pasture in a rural area in Waverley borough. Eleanor's son, Jordan, told Surrey Police that his mother's savings were used to purchase the Farm but only Colin's name was on the deeds.
- 12.5 On 21 July 1989, Colin applied to Surrey Police for a shotgun certificate for the first time, which was granted. The application stated that he needed shotguns to control foxes and vermin on the Farm. The certificate was renewed on 16 July 1992.
- 12.6 Over time Colin and Eleanor added kennels and stables running the property as a farm and it would appear that they made a good living in the 1980s and 1990s breeding dogs and buying and selling cars but it appears that this began to tail off when Eleanor became unwell in the late-1990s.

13 Anna and Colin - 1990 to 1997

- 13.1 Colin and Anna began their relationship in about 1990, despite the fact he was still living with Eleanor. According to Deborah, Colin took her mother out the day after they first met and that Anna began staying at the Farm shortly afterwards with her and her sister. Deborah said they stayed there for weeks or months at a time but then Anna would return to her home for a period. She said that even when her mother moved from the Farm she would still see Colin most days as they might go out or he would visit her at night.
- 13.2 Deborah says that she and her sister craved Colin's affection and became very close to him and both considered him as their stepfather. She said that they both loved being at the Farm and helping with the animals.
- 13.3 Georgina said that her sister, Anna, was happy in her relationship with Colin despite their age difference. She added that Anna enjoyed the attention Colin gave her and the fact he took her out for meals regularly. She said that she thought that the immediate 'gloss' of their relationship probably waned after about six months or so, but they remained together. She was not aware that Colin had been or was still in a relationship with Eleanor. Georgina said her sister told her that Eleanor lived at the Farm but was the 'housekeeper' and she never questioned this.
- 13.4 Deborah says that she was very fond of Eleanor and that she thought of her as a 'courtesy auntie'. She said Eleanor was good to her and her sister and she recalled that she taught her how to ride a horse. She said that looking back she thought there were some tensions between her mother and Eleanor.
- 13.5 The relationship between Anna, Colin and Eleanor appears unusual and it is not known why either woman accepted the arrangement, but both did so. Helen says that Colin had had a number of affairs with other women whilst he had been living with her mother, who just seemed to accept the situation.
- 13.6 In 1992, Colin first came to the attention of Waverley Borough Council in connection with a planning application for the erection of an entrance wall, fence and posts at the Farm. This application was refused and presumably as Colin had carried out or commenced the works

an enforcement notice action was authorised but not served. In 1993 a planning application to erect extensions and alterations to the Farm were approved.

- 13.7 Waverley BC received a complaint about Colin in 1995 relating to the alleged use of the premises as a dog-breeding establishment, which was the start of complaints and reports about this issue over a number of years.
- 13.8 Surrey Police approved the renewal of Colin's shotgun certificate in July 1995.
- 13.9 Medical records indicate that in or around November 1995, Anna was offered alternative accommodation by a housing association and was pleased about this. It appears that she moved to a housing association property with her daughter Deborah in January 1996. Housing Benefit records indicate that Deborah moved out some time in 1997 leaving Anna in the house on her own.

14 **Domestic Violence Incidents involving Colin and Eleanor – 1996 & 1997**

- 14.1 There are two domestic violence incidents involving Colin and Eleanor recorded by Surrey Police that they attended at the Farm, which occurred on 27 August 1996 and 11 April 1997 respectively.
- 14.2 In the first incident Colin called the police and alleged that Eleanor (whom he referred to as his *'housekeeper'*) had attacked him with a knife and had tried to kill him. Police officers attending noted that he had a slight injury.
- 14.3 Eleanor told the police officers that one of her fingernails caused the injury to Colin during a squabble. She said that Colin was seeing another woman (Anna) and he was trying to evade selling the Farm so that he would not have to split any profit with her. She claimed that Colin had threatened her on many occasions and had frequently been violent towards her.
- 14.4 There is a statement from Eleanor's younger daughter, Isobel, in relation to this incident (although she did not witness it) in which she voiced concerns about Colin's mental state. She described him as being *'on the edge of a nervous breakdown'* and questioned his suitability to own a shotgun. Isobel alleged that Colin had threatened to shoot her mother and when she confronted him about it, he confirmed that he had made such a threat but would never carry it out.
- 14.5 There was no police investigation around Colin's allegation about Eleanor and it is reported that the police officers believed her version of events.
- 14.6 Following this incident, a police supervisor applied to his police manager to have Colin's shotgun certificate revoked due to his concerns about him. He said that he was concerned that Colin had a drink problem, that he very aggressive towards Eleanor and that he was capable of using extreme violence towards her or anyone including the police. He said he was concerned that Colin *'is no longer a fit and proper person to hold a shotgun'*. The police Supervisor requested that Colin's shotguns be seized immediately and his licence be revoked.
- 14.7 The police manager (a police Inspector) rejected this application on the basis that there was insufficient evidence / corroboration to justify such action. He also questioned whether a drink problem was sufficient to challenge Colin being a fit and proper person to possess a shotgun. The Inspector added that the statement of Isobel contained opinion and hearsay and he suggested it would be more beneficial to obtain a statement from Eleanor (there is no indication that this was done). The Inspector's written decision dated 28 August was filed within Colin's shotgun file.

- 14.8 On 23 September 1996, a Firearms Enquiry Officer⁶ (FEO) recorded that the situation regarding whether to revoke Colin's certificate or not had not been properly resolved. The FEO requested that a statement should be recorded from Eleanor and further enquiries made with the Domestic Violence Unit (DVU) regarding any previous contact the unit may have had with Colin. Enquiries with the DVU revealed that they had no previous knowledge of Colin or Eleanor. It would seem that a FEO contacted Isobel's husband rather than obtaining a statement from Eleanor regarding Colin's suitability to own shotguns. Eleanor's son in law's statement shows that he was of the view that Colin's guns should not be seized as he had obtained a court order preventing Eleanor from returning to the Farm and as a result, they were now living apart. The outcomes of these enquiries led to the Manager of the Firearms Licencing Department (FLD) deciding not to revoke Colin's shotgun certificate.
- 14.9 The second domestic incident was on 11 April 1997. Eleanor's solicitor called the police to say his client was concerned about her safety at the Farm, as Colin had just arrived. The police deployed an Armed Response Unit to attend. The police report indicates that officers spoke to both Colin and Eleanor separately and advised that there was an on-going dispute about ownership of the Farm and the dog breeding business. Colin stated that he had found a flat for Eleanor to rent but she would not move out. The report said that no threats had been made and no criminal allegations were forthcoming and that both parties were advised to avoid contact with each other.
- 14.10 The police did not take any further action in connection with the incident but it was recorded on Colin's shotgun file by the FEO with a comment that *'this couple are living together again which is clearly bad news'*. The Firearms Licencing Supervisor (FLS) requested that a FEO should contact the DVU to determine whether there was sufficient evidence to revoke Colin's shotgun certificate. Checks with the DVU revealed there had been no further incidents between Colin and Eleanor. On 10 May 1997 it was recorded in Colin's shotgun file that there was *'still little evidence of public danger'* to revoke Colin's shotgun certificate.
- 14.11 A Police FEO visiting the Farm on 6 June 1997 subsequently warned Colin that any further incidents of a similar nature could result in the revocation of his shotgun certificate. No mention was made of the previous similar domestic incident in 1996. His licence was not revoked.
- 14.12 During that visit, Colin told the officer that his relationship with Anna was over and that Eleanor had moved back into the Farm but they now lived separate lives under the same roof. It is not certain if Colin's relationship with Anna was over in 1997, although police records indicate that she moved out of the Farm later that year. The records also indicate that Eleanor became very ill during the hostility with Colin and returned to live at the Farm permanently.
- 14.13 Surrey Police records show that there is report by a Detective Inspector (no longer serving in Surrey Police) within Colin's shotgun file dated 11 June 1997 regarding ungraded intelligence that he was seeking someone to carry out a contract killing on Eleanor. Following enquiries, the record states that Inspector decided that the intelligence was not credible as the same informant had apparently given similar intelligence regarding another unconnected contract killing. It was felt that someone was possibly trying to *'set up Colin'*. The report records that the intelligence did not enable any further action to be taken against Colin and the situation would be monitored. There is no further information regarding the source of this piece of intelligence or any further enquiries undertaken as a result.

⁶ An FEO has responsibility for issuing and managing Shotgun/Firearms/Explosives Certificates in Surrey

15 Anna and Brenda - 1998-2010

- 15.1 Throughout the 1990's according to her medical records, Anna was receiving treatment for stress associated with the difficulties she had experienced with her ex-husband and in particular his alleged abuse of her daughters⁷. In January 1999, her GP described her as suffering from acute depressive episode with a chronic anxiety state and referred her for psychotherapy. She was offered an appointment with family therapist at the beginning of February 1999. The records show that Anna received counselling for a number of years.
- 15.2 There are notes from Anna's Counsellor on the GP file and these make frequent reference to Anna's concerns about her daughters. In October 2001, a report from the Counsellor states *'Anna needed to express her anger and tell her story. The family had experienced years of unpredictable behaviour and violence from her former husband.'*
- 15.3 The Counsellor continued to see Anna throughout 2002 and into 2003. Reports from the Counsellor state that Anna is *'trying to deal with her very deep and moving feeling regarding her daughters experiences'*. In September 2002, she says *'Anna is trying to hold her family together. Anna is exhausted by the never ending support she needs to give out'*. There is no reference to Anna's relationship with Colin recorded in the Counsellor's or GP's notes.
- 15.4 It appears that Anna continued to see her GP regularly about her depression until August 2004 and was receiving prescriptions for sleeping tablets and anti-depressants as there is an entry stating *'Depression - reluctant to come off sleeping tablets'*. The records from 2004 only record diagnosis and detail of consultants.
- 15.5 Anna's medical records also report two assaults. The first was on the 27th December 2001 whilst she was in a carpet store that resulted in her right hand being hurt. It says the police were informed but there is no record of this by Surrey or Hampshire police, but the whereabouts of the incident are not known, so may have been in another police area. The second was on 13 May 2003, which she reported to her GP on 19 May advising the police had advised her to attend. The medical record shows that she had bruises on right upper arm, lower right leg, knee and had been kicked in the left buttock and that her left knee felt twisted but no bruising was visible. The record also comments *'No reference as to who inflicted the injuries'*. Both Surrey and Hampshire police have no record of this assault but as with the previous assault, it is not known where it occurred.
- 15.6 Anna and Brenda first became known to Surrey Police in 2001 when they were arrested for fraud offences following a complaint about the pedigree papers they had supplied for a puppy they had sold. The crime report indicates that they were working for Colin at this time.
- 15.7 According to Council Tax records, on 25 August 2003 or thereabouts Anna moved and was in receipt of Housing Benefit at the same address.
- 15.8 Between 2003 and 2008, it seems there were difficulties in the relationship between Deborah and her mother and sister. It appears that Anna and Brenda fell out with Deborah because of their dislike of her male partners at that time. Over this period police records indicate that Anna was a complainant in six incidents relating to allegations of assault, domestic violence and criminal damage. All related to incidents involving Deborah, Brenda and two former partners of Deborah.
- 15.9 In 2006 and 2007, there were five domestic incidents whereby Anna and her daughter were in dispute with Deborah. In 2007, Deborah was involved as a complainant and as a suspect in four domestic incidents involving her mother and sister.

⁷ See footnote 5

- 15.10 This family dispute escalated into Deborah making a number of allegations of harassment against Anna and Brenda for which they both received First Course of Conduct letters (non-conviction) for harassment offences against Deborah in 2007.
- 15.11 During the homicides investigation, Deborah told the Police that she stopped speaking to her mother in 2007 and they saw less of each other after this time. She attributed this to differing views they had regarding the parenting of her children. Deborah advised that her mother and sister were very close and that Brenda decided to support their mother and stopped speaking to her.
- 15.12 Anna contacted the Housing Department at Waverley BC on 17 June 2008 to apply for rehousing. She stated on her application that she wanted to move due to abuse from her daughter's (Deborah) ex-partner who lived next door⁸ to her and because she was under-occupying a two bedroomed house. In August 2008, following a number of conversations with an officer in the Domestic Violence Outreach Service (which was at that time run directly by the Council) and discussion with the police, the recommendation was that Anna should not be rehoused but should look for a mutual exchange (home swap). It is understood that Anna accepted this and had decided to stay where she was for the time being.
- 15.13 Council Tax and Housing Benefit indicate that she lived at the same address until 7 February 2010, when she moved to out of the Waverley borough.
- 15.14 Deborah said that she and her husband, Kieron, who was in the army, moved away in 2007. She does not know if Anna continued to live or stay at the Farm between 2007 and 2010 but believes her mother continued to see Colin over this period.

16 **Colin - 1998-2011**

- 16.1 In the period from 1999 onwards, there were increasing concerns about Colin's dog breeding business. Police records indicate that there was a multi-agency meeting held on 3 February 2000⁹ (attended by the Police Manager FLD, Customs & Excise, Surrey Trading Standards, Environmental Health and Animal Warden, Waverley BC). The minutes of the meeting indicate that during July 2000¹⁰ West Sussex Trading Standards began looking into Colin's dog breeding business amidst numerous complaints that pedigree dogs he was selling did not have the requisite breeding documentation and allegations that puppies being sold had the fatal Parvo virus. The minutes of the meeting record that the Manager of the FLD stated that there had been allegations about firearms offences involving Colin but these had not been substantiated. [*The police systems including ICADs*¹¹ indicate that there were no reports relating to firearms offences prior to this meeting]. Agencies agreed that there was insufficient evidence for them to take any action against Colin but they would all monitor the situation. There are no further minutes held by Surrey Police relating to this multi-agency group. Waverley BC does not have any record of this meeting.
- 16.2 In 2001 the police arrested Anna and Brenda in connection with the sale of a pedigree puppy.

⁸ Deborah advised that this was her ex-husband who was violent. She advised that he lived in the next road, not next door to her mother.

⁹ The date of this meeting was probably February 2001 as there is a discrepancy between the date recorded and the subsequent date referred to in the minutes. It is thought that the earlier date is more likely to be incorrect.

¹⁰ See previous footnote.

¹¹ ICAD stands for Integraph Command and Dispatch and is a system Surrey Police use for recording information about incidents.

- 16.3 On 25 March 2003, Colin was granted a licence to keep breeding establishment for dogs by Waverley BC at the Farm. On 16 October 2003, an Environmental Health Officer (EHO) from the Council visited the Farm for the first time, and met both Colin and Eleanor. She noted that Eleanor had a bandaged foot. On 21 November 2003, the EHO spoke with Colin on the telephone. During the conversation, Colin advised that his 'housekeeper' Eleanor had recently had a stroke and that he now had his girlfriend's daughters (Brenda and Deborah) helping him.
- 16.4 On 6 January 2004, the EHO carried out an inspection of the premises. Both Brenda and Deborah were present, and were introduced as members of staff. Brenda described herself during this visit as the Kennel Manager. They advised that Eleanor 'helped out'.
- 16.5 Police records note that on 27 January 2004, a female who had purchased a puppy from Colin complained that he had attended her home and tried to take the dog from her. A tussle ensued whereby Colin fell and damaged a trellis. The matter was reported to the RSPCA and Trading Standards. No further police action was taken as there was no specific intention to cause damage. The complainant accepted this outcome.
- 16.6 On 12 January 2004, Waverley BC's Licencing and Regulatory Committee resolved to refuse an application for the renewal of a licence to keep a breeding establishment for dogs at the Farm.
- 16.7 On 17 March 2004, the BBC South Programme 'Inside Out' screened a documentary exposing Colin's breeding establishment and the conditions that the puppies were kept in, together with the poor practice in running the business. On 19 March 2004, the EHO carried out an inspection of the Farm, accompanied by the Council's appointed vet. Brenda was present at that visit.
- 16.8 On 16 July 2004, Waverley BC's Licencing and Regulatory Committee again resolved to refuse an application for the renewal of a licence to keep a breeding establishment for dogs at the Farm. In October that year, the Council approved the institution of criminal proceedings against Colin in connection with his ongoing dog breeding activity.
- 16.9 On 7 February 2005, the Council successfully prosecuted Colin for continuing to trade without a breeding establishment licence, and for breaches of the conditions of his licence. Colin pleaded guilty and was disqualified from keeping a dog-breeding establishment for two years. The EHO remembers that Brenda and Deborah also attended court, with another woman who she believes was Anna.
- 16.10 On 20 May 2005, Surrey County Council Trading Standards convicted Colin and another person, using a trade name, of an offence under the Enterprise Act 2002.
- 16.11 On 3 August 2005, the Police FLD approved the renewal of Colin's shotgun certificate (expiry date 20 July 2010). An accompanying file note, dated 11 February 2004, records that Colin had been accused of causing criminal damage but there was no evidence to support the allegation.
- 16.12 On 28 May 2008, following numerous further complaints from people who bought puppies from the Farm, the EHO executed a warrant and carried out an inspection of the premises, accompanied by the Council vet, the RSPCA and the police. The police records corroborate this. The EHO says she did not meet Brenda or Deborah during that visit, but did meet Eleanor on arrival at the Farm. Prior to the execution of the warrant, the EHO became aware that Colin had guns, as she recalls police colleagues discussing the need to be prepared for firearms at the premises.
- 16.13 Surrey Police arrested Colin on 6 August 2008 in relation to an allegation of theft of a dog that a client had left with him to undergo training. When the client returned to collect the dog it was not at the Farm and Colin stated he had put the dog down as it had bitten a

member of kennel staff. The matter was discussed with the Crown Prosecution Service who advised that the complaint was a civil matter and that no further police action would be taken.

- 16.14 It is believed that BBC South did an update on their expose about the Farm in November 2008, which indicated ongoing dog breeding at the premises.
- 16.15 On 26 March 2009, Colin was prosecuted By Waverley BC for keeping a breeding establishment for dogs with no licence. He was sentenced to a five -year disqualification from keeping a breeding establishment for dogs, and the magistrates also ordered that nobody else be permitted to keep a breeding establishment at the premises for the same five-year period.
- 16.16 In July 2010, Colin applied to renew his shotgun certificate. The renewal application was dated 18 July 2010 and date stamped as received on 20 July 2010 (which was the expiry date of the certificate issued in 2005). On 22 July 2010, the EHO at Waverley BC received a call from the FLM at Surrey Police to advise that Colin had applied to renew his firearms licence and had not declared his conviction relating to illegally running a dog breeding establishment. It was also noted that dog breeding convictions were not on the police National Computer (PNC) as they were 'Section 1' Offences under the Breeding of Dogs Act 1973 [i.e. civil offences].
- 16.17 On 29 July 2010 the FLM wrote to Colin informing him that his renewal application had been refused as the countersignature information was illegible (overwritten and scored out) and he had failed to disclose any convictions. The letter included a new renewal application form, which Colin was advised to complete and re-submit. He was also advised that as his current licence had now expired and he should lodge his guns with another certificate holder or with a registered firearms dealer and to notify the FLD when this had been done.
- 16.18 On 6 August 2010, the FLD received another renewal application from Colin. This time he disclosed prosecutions by Trading Standards¹². [There is no formal record within Colin's shotgun file regarding these convictions. As these prosecutions were brought by other agencies, they are not recorded on the PNC.] On 17 August 2010, the FLM wrote to Colin informing him that he had received his renewal application but was concerned that someone else had completed the form (there are disparities in the writing style on question 14, which relates to any convictions). He had also failed to submit any photographs with his application and had not provided proof that his shotguns had been lodged in alternative authorised safe custody. He was reminded that possession of shotguns without a valid shotgun certificate is an offence punishable by imprisonment or a fine or both.
- 16.19 On 24 August 2010, the FLD received a letter from Colin enclosing a receipt from a registered firearms dealer showing that his guns had been deposited with the dealer on 19 August 2010 together with a new set of identity photographs. Colin gave some explanation that the Trading Standards¹³ prosecutions were in relation to allegations that he had misrepresented the pedigree/breed of a number of dogs he had sold and he thought these were civil matters.
- 16.20 On 23 September 2010, a FEO visited Colin at the Farm regarding his current renewal. The file note records that Colin was pleasant and compliant. He informed the FEO that he did not initially disclose the Trading Standards prosecutions¹⁴ as he believed it was a civil matter

¹² It is not clear if the police record may be confusing Surrey CC Trading Standards prosecutions and Waverley BC prosecutions in connection with the dog breeding licence. It is not possible to clarify this as Trading Standards no longer hold a complete file although their computer record indicates they received several complaints about Adult C selling puppies during the 1990's.

¹³ See previous footnote

¹⁴ As above

as opposed to a criminal conviction. The FEO advised him that he was required to disclose any prosecutions/convictions no matter which agency brought the proceedings. Colin was asked about manner in which his renewal form had been completed. He explained that he had been in hospital for a minor operation that developed complications. By the time he was discharged his expiry date was almost due, his counter signatory had completed the wrong sections on the form and he thought it best to submit the renewal before the expiry date. The FEO recorded that Colin had declared no medical conditions on his application form and there was no evidence of any intemperate habits or other substance abuse. The FEO recorded that he gave Colin stern words of advice concerning the correct completion of his renewal form. The renewal was granted on 28 September 2010 and a new certificate was issued backdated to 20 July 2010.

- 16.21 The RSPCA were also involved in dealing with various complaints about Colin and the welfare of animals at the Farm including, cats, horses, dogs and birds. Their records do not date back earlier than 2010, but the local RSPCA inspector and Local Officer recall dealing with Colin and seeing other parties at the Farm over many years. According to their records, they received complaints about animal welfare in December 2010, January, July, October, and December 2011 and on each occasion tried to make contact Colin, by phone or by visiting. Some of the complaints were unsubstantiated but where there was any concern, they offered him appropriate advice such as keeping the environment for the animals clean or for treatment of parasites.

17 **2012 to 14 March 2013**

- 17.1 In February 2012, Deborah and her family moved back to the area. She met Colin by chance in town and he invited her to visit him at the Farm. Deborah says that when she visited the Farm, she found the house in a mess and Eleanor in poor health. She said that she was extremely concerned about the condition of Eleanor; she was frail and looked neglected. She said that she offered to help Colin about the Farm and in caring for Eleanor.
- 17.2 During 2012, Deborah began breeding dogs on the Farm and it was reported by Colin that they had an agreement that he would receive a share of any profit she made.
- 17.3 Waverley BC's Environmental Health team received a complaint on 25 September 2012 that the complainant had bought a puppy from the Farm however on taking it to the vet, its microchip revealed that it was five years old and had been stolen.
- 17.4 At the end of September 2012, the latest concerns regarding illegal dog breeding were added to the Environmental Health Services weekly 'Cases of Note & Interest' (CONI) report to the Council's Corporate Management Team. On 4 October 2012, a further complaint was made about dog breeding at the Farm. The case remained on the CONI report, with regular updates, until September 2013.
- 17.5 Waverley BC Environmental Health team received information that a raid was carried out by the Metropolitan Police at the Farm on 15 November 2012 as a stolen dog had been recovered from Colin. The premises were searched for other stolen dogs. The police records indicate that Colin was arrested by the Metropolitan Police in relation to a burglary at an address in Kent (entering a building and taking a dog) on 2 November 2012. The information was recorded on the PNC and there is a note on the National Firearms Licencing Management System (NFLMS) that the Surrey Police FLD was aware of the incident. The Metropolitan police took no further action against Colin.

Health and Care of Eleanor

- 17.6 Eleanor's health appears to have deteriorated towards the end of 2012 and there was involvement from Community Nursing Services, Adult Social Care and Community Psychiatric

Services for the following period prior to her death in March 2013. Agency chronologies detail various visits and meetings from 6 December 2012 when Eleanor was referred by the GP practice nurse to the Community Nursing team for wound care to a chronic right leg ulcer. Although the health and care of Eleanor are not directly relevant to this review, information from community nursing and ASC records highlight some safeguarding issues. Her death in March 2013 was a catalyst for future events leading up to the homicides in February 2014. The chronologies and IMR's also provide context to the life at the Farm and the relationship between Colin and Deborah.

- 17.7 Community Nursing Services raised concerns about the environment and condition in which Eleanor was living on several occasions. On 10 December, the attending community nurse recalls beeping her horn to enable Colin to open the gates to let her enter the grounds and that she had then been asked to wait for Eleanor in an outbuilding, due to the unfriendly nature of the large guard dog chained up by the gate. CN 1 observed Eleanor walking unassisted slowly down the uneven and icy path towards the outbuilding. She advised Colin that this was not advisable due to the risk of Eleanor falling. CN 1 found out that Eleanor did not have a bed but slept in a chair at night. Eleanor's inability to elevate her legs on a bed may have affected the healing of her leg ulcer¹⁵. She reported that Colin was amenable to the purchase of a bed for Eleanor. CN 1 noted that the current wound dressing was wet and dirty. She advised that it was not suitable for Eleanor to be seen in a cold and dirty outbuilding, exposing the wound to a risk of infection. Deborah (who Colin described as his stepdaughter) arrived later and both agreed that the next visit would be in the house. Prior to leaving the Farm, CN1 again requested that the dogs should be locked away prior to the next visit.
- 17.8 After this visit, there was a discussion about Eleanor with the Safeguarding lead for community nursing and a referral was made to Surrey CC Adult Social Care on 11 December 2012.
- 17.9 On 13 December, the community nurse (CN2) visited the Farm to attend Eleanor. Despite the previous request from CN 1, that Eleanor should be seen in the house, she was again brought to the outbuilding, which was described as a chicken shed¹⁶.
- 17.10 Adult Social Care (ASC) records show that they received a referral from the community nursing service on 13 December 2012 expressing concern for Eleanor's wellbeing and ability to care for herself requesting assessment as the environment was unsafe. The record notes that ASC assessed the referral as not meeting the threshold for Safeguarding but an assessment of eligibility for services was initiated.
- 17.11 ASC tried to contact Eleanor on 17 December by telephone but there was no answer and no message facility for calls on the line. Their records show that they contacted Eleanor's eldest daughter, Helen, and advised her of referral from the community nurse re her mother. The record notes that Helen and her sister, Isobel, had not visited their mother since July 2011, as they did not get on with Colin. The notes say that Helen described him as a very controlling man who did not like anyone coming to the Farm and had lost his breeding licence but was still breeding dogs. She described her mother as frail with difficulty walking.
- 17.12 On 17 December, CN 2 visited Eleanor and attended to her in the house. It was noted that Eleanor seemed confused and appeared unkempt. The dressing had also been removed.
- 17.13 On 20 December, an ASC social worker and CN2 carried out a joint visit. Eleanor's care needs were discussed and the social worker completed a Support Self-Assessment (SSA)¹⁷.

¹⁵ National Institute of Clinical Excellence 2012

¹⁶ Deborah confirmed that it was a chicken shed.

¹⁷ This is a financial assessment to determine if the person needs to pay for their social care.

Further community nurse visits to Eleanor took place on 24 27 and 31 December and the records noted that Eleanor's leg was improving. On 31 December 2012 daily visits to Eleanor by a reablement carer began.

- 17.14 On 2 January 2013 there was a discussion between the ASC assistant practitioner, practitioner and reablement staff) about the need to provide some respite care for Eleanor as Colin was due to go to hospital on 3 January 2013 for a scan to see if it was possible for him to have a knee replacement. The record also states that Colin was in denial about Eleanor's care needs and his ability to carry on running the Farm. It goes on to say his stepdaughter (Deborah) was currently managing the Farm under pressure from him without payment. It was also reported that the reablement carer has assisted Eleanor with a fresh cut on her leg that morning and would refer this to community nurse to check.
- 17.15 The community nursing records indicate that they did a follow up visit that day to check and dress Eleanor's new leg wound. The notes say that Colin was due to be admitted to hospital for an operation from 8- 14 January 2013 and that Eleanor had refused the offer of respite care as Deborah would stay with her.
- 17.16 On 3 January, ASC undertook a further assessment visit to see Eleanor. The SSA noted that Eleanor had about £150,000 capital. Messages were left with Deborah and Helen to contact the ASC practitioner. On 4 January, Deborah telephoned and said that she was going to move into a mobile home on the Farm to look after it and Eleanor. Deborah reported Eleanor as having deteriorated in the last eight months. It was agreed that there was a need for a review meeting.
- 17.17 The community nurses continued to visit to dress Eleanor's leg over the next couple of weeks. On 17 January, CN1 reported that she was unable to gain access as the guard dogs were roaming around despite sounding the car horn for someone to come out. She also tried telephoning and left a message.
- 17.18 On 21 January, CN1 visited Eleanor, however the front door had jammed and Eleanor had to obtain a screwdriver to open the door. CN1 reported that Colin was in the house but did not assist Eleanor to open the door.
- 17.19 At the same visit, CN1 recorded on her notes that despite the GP having sent a letter asking Eleanor to stop taking warfarin; Colin had continued to administer it, saying he was unaware of the letter. Colin stated that Deborah would now give the care.
- 17.20 Deborah said she would move into a mobile home on the site, as she was exhausted and struggling to look after the Farm, animals and Eleanor. Deborah also reported that the bank was stopping all funding from Eleanor's account to pay for her food and equipment due to her being deemed unable to make her own decisions. Deborah also said that she was paying for Eleanor's food. The record states that CN1 was unsure who informed that bank of this and who had diagnosed Eleanor as having no capacity re her finances. It goes on to say that, CN1 explained to Deborah that ASC were involved in assisting her look after Eleanor by providing a package of care. It was noted that Deborah said she would contact ASC about this. After her visit, CN1 discussed this with their Safeguarding lead and made a referral to ASC for a multi-disciplinary meeting to review the level of care for Eleanor. It was also noted that she would complete a risk assessment re the dangerous dogs at the Farm for staff.
- 17.21 The community nurse records show that they visited on 26 and 28 January but stated that there were still guard dogs on the land.
- 17.22 In January 2013, Eleanor's GP referred her to the community mental health services due to concerns over poor memory and inappropriate behaviour. She had a history of Transient Ischemic Attacks (mini strokes) in 1994 and 2000 and had strokes in 1995, 2000 and 2003.

- 17.23 On 30 January, the Community Psychiatric Nurse (CPN) made a home visit to carry out an assessment. The CPN's notes say that the property looked very dis-organised, with old farm equipment, derelict buildings and a number of barking aggressive dogs. It states that Colin was just getting in his car and did not appear to know the CPN was coming despite being sent a letter. The CPN explained that he had been asked by the GP to assess the memory of Eleanor. Colin said he was late in meeting people so a new appointment was made for the 1 February.
- 17.24 The CPN visited on 1 February. He noted that Eleanor answered his questions but was regularly interrupted by Colin. He said he was unable to complete fully a Mini Mental State Examination (MMSE)¹⁸ as there was too much noise and disruption with dogs barking, parrots squawking and workmen drilling. However from the parts of the MMSE completed he found that there were cognitive difficulties, but no obvious evidence of clinical depression. He reported that Eleanor told him she was happy where she was and did not want to move or have a short convalescence break anywhere else. He commented that she said this when Colin was present and it would be useful to speak to Eleanor on her own at some point.
- 17.25 The CPN advised that he had no obvious safeguarding concerns about Eleanor following this meeting and the basic plan was to continue to assess her. He also notes that Colin was due to go into hospital for a knee operation and details his proposed care plan and that that he would liaise with ASC and the community nurses and attend the joint review scheduled on 20 February 2013.
- 17.26 On 31 January, the community nurse again failed to gain access due to the guard dog. On 4 February, they tried to contact the family but were unable to do. On 6 February, they tried to contact the family again without success and left a message for Deborah on her phone to advise them to make an appointment for Eleanor to see the GP practice nurses as they were failing to get access. A letter was also sent explaining this.
- 17.27 On 12 February the community nurses were advised that Eleanor had been seen at the GP surgery and that as she was not housebound she was no longer in the community nursing remit. Deborah left a message for the community nursing team via voicemail on landline and requested telephone contact back re Eleanor's leg care. She said she felt this had been neglected by the community nurses as Eleanor must now attend the practice nurses, which was not possible. The community nursing notes say that they subsequently spoke to Deborah who was not happy and said that she did not feel that there was any threat to visiting nurses, that no one had tried to visit or contact her with a view to visit and she has redressed Eleanor's leg. The notes say Deborah was informed of the risks for the visiting nurse, the attempted visits with no access and the number of attempted telephone contacts to enable Eleanor to receive appropriate care. Deborah was advised to contact the community nursing management.
- 17.28 On 13 February, Eleanor was seen at her GP practice and formally discharged from the community nursing service. On 15 February, Deborah advised the GP surgery that Eleanor would be staying with her from later that day as Colin was going into hospital for his knee operation and she was unable to come to the practice. The nurse visited Eleanor at the Farm and was able to gain access without the guard dog.
- 17.29 On 14 February, the CPN notes a telephone conversation with Eleanor's solicitor who advised that she was planning to make a capacity assessment for an Enduring Power of Attorney for Eleanor in favour of Deborah later that day. The CPN also reports that he

¹⁸ A MMSE is a copyrighted screening tool to assess mental cognition or impairment.

received a phone call on the same date from the Bank Manager at Lloyds TSB, who said he concerned about *'ever increasing amounts of money being withdrawn from Eleanor's account'*. The report stated that the CPN informed the Bank Manager about his contact with Eleanor's solicitor and advised him of the involvement of Waverley ASC and advised that he would make both aware of his concerns.

- 17.30 On 18 February, the CPN notes that he contacted the social work practitioner to make him aware of possible concerns re safeguarding the finances of Eleanor. The social work practitioner advised this should be discussed at the review meeting scheduled 20 February with Eleanor and carers [which did not proceed - see below].
- 17.31 The community nurse saw Eleanor on 18 February, at Deborah's home. The records note she was very quiet. On 20 February, Deborah cancelled the review meeting scheduled that day as it was half term. The community nurse turned up for the review meeting to find that Eleanor was not there. She was advised that Deborah had said that Eleanor had gone back to the Farm, as she could not keep her at her home. The ASC record says that that Deborah was posted a care directory as the reablement service had now been withdrawn as it was over 6 weeks.
- 17.32 On 21 February, the ASC records state that Colin had been admitted to hospital for a knee operation but had discharged himself early.
- 17.33 ASC arranged for respite care for Eleanor whilst building works were undertaken at the Farm and she was admitted to a care home on Friday 22 February.
- 17.34 On Monday 25 February, the community nurse tried to arrange to see Eleanor at the care home but was told that the family had removed her. She called ASC to advise them, who in turn left a message with Deborah's husband asking her to contact the community nurses.
- 17.35 On 26 February, community nurses called three times to try to arrange to see Eleanor without success. On 27 February, they spoke to Colin who told them that Eleanor's leg had healed so there was no need for the nurse to visit.
- 17.36 On 27 February, Deborah advised ASC that they had removed Eleanor from the care home because she had demanded to go back to the Farm. She also advised that they had now booked private care twice a day and had cleaned the house. ASC then arranged a further review meeting for 6 March 2013.
- 17.37 The review meeting took place as planned on 6 March, attended by the ASC social work practitioner, community nurse, CPN, together with Colin, Deborah and Eleanor. The ASC record states that Eleanor appeared well kept and stated she was fine which was corroborated by the CPN's report. The need for some further support and assessments for Eleanor were agreed. The social work practitioner and CPN arranged to carry out a follow up visit on 22 March 2013.
- 17.38 The community nursing record notes that despite Colin's contention that Eleanor's leg had healed this was not the case and they treated it. They arranged to continue to visit her at the Farm and would phone Deborah's husband to arrange this. It is also noted that they were told the guard dog was no longer at the Farm although on leaving it was viewed in a fenced area at the top of the Farm.
- 17.39 The CPN report on the meeting indicates that a lot of work had been done and was still going on around the Farm; this included a new kitchen and shower room, a lot of cleaning and external fencing. This was reported as being funded by Eleanor via Deborah who now had lasting power of attorney. Deborah also said that she was moving on site into the mobile home the next week.

- 17.40 The CPN advised that it was the intention to discuss the safeguarding concerns about Eleanor's finances at the meeting on 6 March, but there were several people at this meeting making it difficult to talk to Eleanor on her own. The CPN recalls that the social work practitioner said that he was reassured from the carers that monies were being used to benefit Eleanor but they agreed that they needed to see her on her own and they arranged a further visit for 22 March.
- 17.41 On 7 March, the CPN notes that there was a Waverley Community Mental Health Team Older Persons Multi-Disciplinary Team meeting, which discussed concerns around safeguarding issues in connection with Eleanor. The file note says that Eleanor appears quite settled in some respects but there remain the concerns expressed by community nurses.
- 17.42 The CPN also advises that he discussed the meeting of 6 March with his team manager and the consultant.
- 17.43 The community nurse saw Eleanor at home on 12 March. Her leg had almost healed but there was a large burn on her left arm that allegedly was caused by the radiator.
- 17.44 On the same day, there was also a discussion with the Community Nursing Safeguarding lead about the community nurse's concerns, which included neglect and possible financial abuse.
- 17.45 The Safeguarding lead advised staff to document all the safeguarding concerns for ASC. She advised they should include reference to Eleanor's withdrawal, demeanour, inappropriate clothing on occasion, having to sleep in a chair for some period and being moved to different addresses, also the new burn on her arm that was said to be caused by the radiator which was not felt to be a probable cause. A body map was not completed for this, which was not in accordance to good practice. However, it was documented that Eleanor was very withdrawn and refused to interact with the community nurse that visited that day.
- 17.46 Waverley ASC was notified about the community nurse's safeguarding concerns on 12 March. They were informed that the social work practitioner that the CPN had attempted an assessment and would be re-visiting the following week as they wanted to speak to Eleanor on her own as Colin or Deborah always answered for her.
- 17.47 The CPN notes state that there was a telephone call on 13 March from Deborah to say that Eleanor was physically unwell, very weak, needed a commode, was very anaemic and was due for a blood transfusion.
- 17.48 Shortly before this was due to take place, Eleanor passed away at the Farm. Her death was reported to Surrey Police, who attended. Her death was not deemed suspicious.

18 **Events from 14 March 2013 to 23 February 2014**

Financial allegations

- 18.1 On 22 March 2013, a friend [Friend 1] of Colin contacted Surrey Police expressing concern for his elderly friend Colin. He alleged that Deborah was misappropriating funds from the late Eleanor's bank accounts and had 'bugged' Colin's phone. Friend 1 was advised to ask Colin to come in to Guildford Police Station on 23 March 2013 where he could talk to a police officer. On 23 March 2013, Friend 1 attended the Police Station as arranged but Colin did not accompany him. Friend 1 stated that Colin was unaware that he had reported the matter to the police. He expanded on his earlier claims that Deborah was helping herself to Eleanor's money and that he had seen a solicitor with a draft will allegedly gifting ten per cent of Eleanor's estate to her. He said he was aware that both Colin and Deborah had power of attorney over Eleanor's assets but he felt that Deborah was now taking advantage

of the fact that Eleanor had died and was taking Eleanor's money without Colin's knowledge. The matter was passed to Guildford CID to consider but a Detective Sergeant decided to take no further action as Eleanor's family had not made any formal allegations.

- 18.2 The police completed a 39/24¹⁹ for Colin and shared this with Waverley ASC. It simply records that there was concern that Colin may have had money taken from his account.

Allegation about theft of a dog

- 18.3 On 23 March 2013, a male reported to Surrey Police that he had placed his dog at the Farm for breeding purposes and when he went to retrieve it, a man at the property (description seems to fit Colin's friend) became aggressive towards him. Police attended and spoke to both Colin and his friend. The matter was initially resolved – Colin agreed that the complainant could attend the kennels with a vet to check the dog's microchip and if it matched the complainant's documentation, he could take the dog away. During the ensuing investigation, Deborah was arrested for theft of the complainant's dog and subsequently released with no further action being taken. Following a complicated investigation, the complainant ended up being arrested himself and charged with perverting the course of justice (making a false complaint).

Threat to kill Deborah

- 18.4 At 11:52 on 24 March 2013, Deborah contacted the police to report the behaviour of Colin and that he had threatened to kill her. The call initially went through to Hampshire Police and the call handler took details. Deborah stated that Colin's partner Eleanor had passed away in March 2013 and since then her relationship with him had broken down and she did not know whether this was due to his grieving or the onset of Alzheimer's²⁰. She reported that he had shotguns on the premises and alleged that on 18 March 2013, Colin had removed a shotgun from the cabinet, pointed it at her and threatened to shoot her if she continued to come up to the Farm or to try and remove any of her dogs. She stated that Colin had also phoned her on numerous occasions and threatened to shoot her. She also reported that Colin had threatened to go into the woods and she was frightened that he would kill himself.
- 18.5 At 11.53 Surrey Police received a concern for Safety Call from Hampshire Police and generated an ICAD. Research of police systems by a Response Intelligence Officer revealed that Colin had local warning markers for officer safety and domestic violence that the NFLMS showed that he lawfully owned a number of shotguns. The Police Inspector in charge of the Force Control Room declared the situation to be a critical incident. He mounted a police firearms operation to deal with the potential threat Colin posed to himself and others given his direct access to firearms. Officers were deployed to deal with the incident. Enquiries established that there were three other persons at the Farm (Colin's friend, his carer and Kennel Maid 1). Police contacted the carer and kennel maid and directed them to go to the Police Rendezvous Point. They also telephoned Colin's friend who stated that he was with Colin and would bring him out of the house. Colin exited the house unarmed and compliant and was detained by Armed Response Officers (ARO's).
- 18.6 The Strategic Firearms Commander (SFC) recorded on the ICAD; *'if the male has been detained he should undergo a full mental health assessment and a full investigation including involvement of Public Protection Investigation Unit [PPIU] officers to assess Colin's*

¹⁹ form used to record safeguarding concerns about children and vulnerable adults that is shared with relevant partner agencies

²⁰ It should be noted that this was Deborah's opinion at the time which was not based on any medical diagnosis.

vulnerabilities'. The SFC also recorded that Colin's firearms and certificate should be recovered for safekeeping and for a review of his licence.

- 18.7 The ARO's dealing directly with Colin asked him about his mental state. He stated that he had been upset following the death of his partner. He stated that Deborah was not his stepdaughter and he was annoyed she had said this. He said that he had asked her and her husband to move out from the Farm, as they were not sharing the profits from their dog breeding business with him as they had agreed. Colin did not display any signs of mental ill health and the officers decided they had no justification to use powers under the Mental Health Act to detain him. As Colin was compliant, the officers dealing with him decided not to arrest him for breach of the peace offences at this time. They noted that the incident would be investigated by the CID and Colin would be interviewed during the course of the investigation. Police officers seized seven shotguns registered to Colin and his shotgun certificate. All shotguns were found to be locked in Colin's gun cabinet at this time.
- 18.8 Guildford CID took over the investigation and a crime report was created on 24 March. Deborah gave a statement explaining her relationship with Colin and that since the death of Eleanor this had deteriorated. She reported that *'On Monday 18 March at approximately midday he (Colin) was having a go at me about the business. He went into the hallway, to the gun cabinet and removed a shotgun. He pointed towards me at waist height; we were about 2 feet away from each other. He said 'I'm going to f***ing kill you if you come up here again'. I was extremely scared and left immediately'*. This information was inputted into the crime report, which is held on the Crime Investigation System (CIS), now known as Niche.
- 18.9 On 25 March, Deborah called Surrey Police reporting that a member of her staff had tried to access the kennels to feed the dogs but Colin had prevented them access. Deborah was advised to stay at her address until further contact with police was made, as there was an on-going investigation in place with the RSPCA. Subsequently Surrey Police received a call from Friend 1 complaining that the police had escorted Deborah onto Colin's property.
- 18.10 On 25 March 2013, a Detective Inspector (DI) reviewed the investigation of the incident on 18 March. He noted that although the shotguns had been seized by the police but the matter of the threats to kill were still to be investigated. The DI directed that the OIC (a CID Detective Constable) should liaise with the Neighbourhood Police Team and the RSPCA regarding Colin's status to run a dog breeding business. He also said they should examine Deborah's phone to determine frequency of calls made by Colin, obtain statements from witnesses regarding the threats to kill and that Colin, the suspect, should be interviewed under caution.
- 18.11 Further enquiries revealed that the RSPCA reported that they had experienced many problems with Colin. Kennel Maid 2 (who was the mother of Kennel Maid 1 who had been at the Farm at the time of the police action on 24 March) also provided a witness statement. She stated that she and her daughter had been working for Deborah at the Farm for a number of weeks. They had continued to turn up to work for a few days following this incident. She stated that during this time Colin had told her that he had stopped speaking to Deborah and he would *'shoot the f***ing bitch'* if she upset him. The witness said that she did not know whether he was being serious but he had in the past threatened to shoot dogs and she thought he was capable of this. The crime report was updated accordingly.
- 18.12 On 25 March 2013, the Firearms Licencing Supervisor (FLS) wrote to Colin's General Practitioner (GP) to find out whether or not Colin had Alzheimer's disease. He requested factual details of Colin's medical history, and an assessment on his suitability to possess a firearm.
- 18.13 On 26 March 2013, Waverley BC Environmental Health team was contacted by Surrey Police, who advised that there had been *'serious arguments'* between Deborah and Colin and that

Colin had threatened her with a gun. Surrey Police advised that they had removed the guns, and that a review of Colin's firearms licence had been called (as he could currently technically still purchase a gun). On 27 March 2013 Surrey Police also advised Waverley BC they were escorting Deborah to the Farm on a daily basis to look after the dogs there as Colin had made threats towards her. On the same day, Colin requested the return of his guns from Surrey Police. This request was refused in view of the ongoing investigation.

- 18.14 On 28 March 2013, the Investigating Officer (IO) contacted Colin to arrange for him to attend a local Police Station for an interview. Colin told the IO that the situation with Deborah had been resolved and she was now back living at the Farm. The IO contacted Deborah who confirmed that she had resolved the situation with Colin (although it is not clear whether Deborah had returned to live at the Farm). She said she did not want to see 'an 84 year old man rot away'. Deborah stated she had obtained a court injunction that protected her property at the Farm and she did not want any further action to be taken against Colin.
- 18.15 A statement was also recorded on 28 March from Kennel Maid 1. She said that shortly after Deborah stopped going up to the Farm she was working in one of the kennels closest to the main house when she overheard Colin say 'I'm going to f***ing kill you'. She said that she did not know whom Colin was making the threat towards at the time. She added that she had never received such threats from Colin but following Eleanor's death, she had heard him say that he would shoot himself.
- 18.16 On 30 March 2013, the DI carried out a further review of the threat to kill investigation. The IPCC report stated that he noted on the crime report:
- 'It appears that Deborah does not wish to proceed with this matter as the suspect has shown remorse. However, a licensed firearm was involved and the initial account was that the suspect pointed it at [her] and made a threat. A statement is to be obtained from Deborah, giving full details of the suspects conduct and threats made. Details of why she felt he may be suffering from dementia is also to be included. If she does not wish to support a prosecution for this matter then her reasons for this decision are to be included in the statement. Once this statement has been completed, the suspect is to be subject to a taped interview to capture his account. Details of his health, including his mental health and any treatment currently or recently taken is to be covered. Once these actions have been (sic) carried out then the facts can be assessed. This will allow a (sic) informed decision to be made with regards to case disposal and will allow the firearms licencing officers to make a decision as to whether (sic) the suspect is suitable to hold firearms in the future. OIC is to liaise with the firearms licencing department at the earliest opportunity.'*
- 18.17 On 11 April 2013, Surrey Police record that Deborah made a withdrawal statement (a statement made by a victim / complainant outlining their reasons for not wanting to support a police prosecution)²¹ about Colin threatening to shoot her. In her statement, Deborah confirmed that Colin had made the threat but she felt that it had been motivated by grief and was completely out of character. She stated she was back on speaking terms with Colin and did not want to see an elderly man prosecuted. In reference to her concern for Colin's mental health, she stated that Colin suffered memory loss and was showing signs of repetitive behaviour. Deborah told the police that the mental health nurse who had visited Eleanor during her last days had voiced concerns about Colin and felt he needed a blood test as he was showing signs of possible Alzheimer's²². (She provided the name of the CPN and his telephone number.) It was recorded on the crime report that Deborah, 'was concerned

²¹A withdrawal statement does not mean that the witness is saying that the allegation was false and in some cases prosecutions can still proceed after a withdrawal statement has been obtained.

²² It should be noted that the CPN did not corroborate this assertion by Deborah

that if Colin's guns were returned to him and he was found to have Alzheimer's he would be the type to go off and shoot himself.

Other incidents

- 18.18 On 2 April, the Police received a call from ASC regarding their 39/24 report in relation to Friend 1's concerns that money had been taken from Eleanor's account. On 17 April, Jordan (son of Eleanor) reported that there was fraudulent activity occurring on Eleanor's bank account claiming the suspect is Colin. Jordan claimed this has been going on since December 2012.
- 18.19 On 3 April 2013, Colin's GP responded to the FLS's letter about whether Colin had Alzheimer's and stated that he had no training in assessing someone's suitability to possess firearms; he attached Colin's medical history and a copy of his current medication. He did not make any mention of Colin's current state of mind.
- 18.20 On 18 April 2013, Waverley BC EHOs carried out a visit to the Farm under warrant, accompanied by the Council's appointed vet, an RSPCA inspector, and the police. As well as Colin, officers also saw two women on site one of whom was Deborah. Multiple warning notices were issued by the RSPCA.
- 18.21 Between the 24 March and 11 July, there were 30 calls (some via 999) to Surrey Police, about incidents and trouble at the Farm or in connection with Colin and Deborah. The calls were variously from Deborah, her husband (Kieron), Colin, friends of Colin who were staying at the Farm, Kennel Maid 2, Eleanor's son (Jordan) and members of the public. The calls were in connection with disagreements about Deborah seeking access to the Farm to collect her property, including animals and included complaints of threatening behaviour on the part of both Deborah and Colin and their friends. There were also allegations of theft of property and animals including one from a member of the public about the theft of a dog involving Deborah and Kieron. Calls also related to the alleged fraud in connection with Eleanor finances.
- 18.22 On one occasion, Colin made complaints about a threat towards his carer (who used to care for Eleanor) and on another, that they [Deborah and/or Kieron] had threatened to smash his car if anything had happened to their caravan. One of the incidents includes a report by Kieron that alleged that Colin had threatened him and one of his friends '*the mechanic*' (Friend 2²³) had also threatened to kill him.
- 18.23 The police attended many of the incidents, as Deborah appears to have arranged for them to accompany her to the Farm when she wished to collect property. This included an occasion when the RSPCA Inspector attended to remove dogs and Macaw parrots and some dogs were signed over to them. The RSCPA recorded four further instances of their involvement up to 20 June 2013.
- 18.24 On 9 May 2013, a Waverley BC EHO received an email from Surrey Police advising that Colin and Deborah have '*had a big bust up*' and that the RSPCA had been back to remove some dogs.
- 18.25 Colin attended a local Police Station for a voluntary interview on 15 May 2013 in connection with the threat to kill investigation. He denied making any threats towards Deborah and claimed not to have seen her since 15 March 2013. He stated there was nothing that was affecting his mental health.
- 18.26 On 22 May, Friend 2 called the police and accused Deborah of taking some missing horse passports and sending a threatening letter addressed to Colin. The letter was reported to have had a needle attached and said '*you will be dead by the end of the year but this needle*

²³ Friend 2 is understood to have stayed at the Farm between April and July 2013

may do the trick'. ICAD shows the police responded but there was no linked Incident or clearance.

- 18.27 On 14 June, there was a call to the police from Colin asking for his guns back, as he had lost his hens. This was passed to the FLD on 18 June.
- 18.28 On 15 June, an entry was made on the threat to kill crime report that, in the absence of either a supported allegation or independent evidence, there were no further realistic or proportionate enquiries that could be made. It noted that an email would be sent to the FLD regarding *'the early and safe return of guns if and when deemed necessary'*. A further entry was made on the crime report on 18 June 2013, which stated that the FLD would be contacted and the crime report to be filed as No Further Police Action.
- 18.29 The OIC put forward the investigation into the threat to kill Deborah for filing on 20 June 2013. A CID Detective Sergeant approved this on the same day. There was no further review by a Detective Sergeant or Detective Inspector recorded.
- 18.30 On 20 June, the FLM asked the FEO to ascertain the latest position with the investigation into Colin. The FEO contacted the OIC for the threat to kill investigation to confirm the current position on 24 June. He replied on 4 July that his involvement had ceased, but attached two emails that he had sent to two other police colleagues asking for any outstanding information about Colin. One of the officers had had previous dealings with Colin and Deborah in connection with dog breeding who advised that there were no current investigations involving Colin. The other officer was involved with the fraud investigation, and responded that this was ongoing adding that although Colin and Deborah were unaware of the fraud investigation, he thought the threat to kill allegation might be linked to this.
- 18.31 On 8 July 2013, the FEO and FLS visited Colin at the Farm to assess whether or not he should have his shotguns returned to him. The FEO said in his statement to the IPCC that the visit was *'to ascertain whether or not Colin was suitably responsible and sensible person to have his SGC (shotgun certificate) and SGs (shotguns) returned to him and for him to continue being a Surrey SGC holder.'* Following the visit the FEO emailed the OIC of the threat to kill investigation to advise that although they were aware of the ongoing fraud investigation, there did not appear to be any reason why Colin should not have his guns returned.
- 18.32 The FEO made a report to the FLS on the same date recommending that Colin should have his shotguns and certificate returned because:
- his livelihood was suffering due to his inability to deal with the fox population threatening his chickens
 - there were no real medical reasons why he should have his certificate revoked
 - financially there appeared to be no reason to negate his continuing possession.
- 18.33 On 9 July, the FLS made a file note for the FEO outlining his decision to return the shotguns and certificate to Colin as follows:
- there was no medical evidence to support the allegation that Colin suffered from dementia, and the motives of Deborah were questionable
 - no other medical evidence suggests that Colin could not possess a shotgun safely
 - physically he appears to be able to possess and use his shotguns safely
 - he remains in possession of his driving licence and drives safely
 - shotguns were required for the destruction of vermin in connection with his business
 - there was no evidence during their visit which would suggest that Colin was a danger to the public or to the peace
 - if there were an application for a grant or renewal, he could find no obvious reason to refuse.

- 18.34 On 11 July 2013, the FEO returned the seven shotguns seized on 24 March 2013 to Colin together with his shotgun certificate (which was due to expire on 20 July 2015). Colin decided to relinquish ownership of two of the shotguns, which the FEO took away for destruction and Colin signed for the receipt of the other shotguns. The FEO reported that he had warned Colin that if there were similar incidents that serious consideration would be given to revocation.
- 18.35 At 09:34 on 12 July 2013, a neighbour of Colin called the police reporting that 45 minutes earlier he had heard a single gunshot coming from the Farm. The neighbour reported that Colin had suffered a family bereavement recently and had had problems getting people off his land, which involved the police.
- 18.36 The police attended the Farm to investigate and made enquiries. The officer recorded on the ICAD that he had no concerns for anybody. He was directed to update the neighbour and resume his duties.
- 18.37 As part of their investigation into the allegations of fraud by Eleanor's son, Jordan, a Detective Sergeant (DS) from Guildford CID visited the Farm on 30 July 2013 to obtain a statement from Colin in relation to the fraud investigation.
- 18.38 Later that day at 14:12 that day, Anna made a 999 call to the police from the Farm using a landline number. She initially spoke to a call operator and stated that the police have just left and asked them to return. From the ICAD it looks like the caller put the phone down. The exchange notified the Surrey Police Contact Centre of the call adding that the caller sounded very distressed. A Surrey Police call operator rang the number and spoke to Colin. He stated that a female was outside but she had been told not to come to the Farm as she associated with Deborah. A police unit attended and spoke to Anna who stated she had called the police as the woman had turned up in a car and left five minutes ago. She stated that detectives had been at the Farm earlier but she could not talk about the case, as it was 'secretive' (relating to the on-going fraud investigation). The attending officer contacted CID and received confirmation that CID officers had attended earlier. There were no allegations made.
- 18.39 The CID DS attended the Farm on 2 August 2013 to obtain further notes from Colin in relation to his statement in connection with the fraud investigation. He recalled that Anna was present, as was Friend 2 who said that he was an old friend of Colin and was helping with the running of the Farm. He noted that while he was speaking to Colin, Anna would answer (which Colin did not appear to mind) but she did have to be asked a number of times to let Colin speak for himself. At the time, the DS thought she was trying to be helpful rather than controlling. At one point Anna asked Friend 2 to leave the room whereupon she informed the DS that Friend 2 had some of Colin's papers. Colin did not mind Friend 2 holding on to some of his paperwork and the DS thought Friend 2 probably assisted him paying utility bills and so forth. The DS noted that Anna appeared to dislike Friend 2 and it was obvious that there was friction between them.
- 18.40 As previously documented, Waverley BC continued to monitor the activities in relation to illegal dog breeding at the Farm. On 7 August 2013, an EHO sent a letter to Colin inviting him to an interview under caution on 23 August as part of her investigation into the latest allegations. It was decided subsequently not to proceed with the interview as recent evidence of dog breeding was lacking and a further letter was sent on 19 August 2013 advising Colin to this effect.
- 18.41 On 23 September 2013, Colin attended a local Police Station for a witness interview in connection with the fraud investigation. Anna accompanied him to the interview. In November 2013, both Colin and Deborah became formal suspects in the fraud investigation into Eleanor's assets.

- 18.42 On 6 November, Colin reported to Surrey police that he was the victim of fraud. This related to a document that Colin alleged had been fraudulently signed in his name and was blaming Jordan (Eleanor's son) for this offence. He stated that his solicitor has a taped conversation between Jordan and Friend 2, which he believed indicated that Jordan had asked Friend 2 to break into Colin's home to get paper work with Colin's signature.
- 18.43 On 26 November 2013, Anna called the police in a distressed state to report that she and Colin had been having issues with Jordan. She stated that one of the CID officers investigating the fraud allegations was aware of the situation. The CID officer should have called her two weeks ago but this did not happen. She stated that she had seen Jordan driving up the driveway to the Farm that day and she told him that she was fed up with him hanging around. She said that recently some of the horses had been let out and other weird things had happened. She thought that Jordan was involved but she had not directly witnessed anything. No further action was taken in relation to this call.
- 18.44 Surrey Police CID looked into these allegations against Jordan but as there was no corroboration the investigation was eventually filed on 29 March 2014.
- 18.45 On 16 December 2013, Guildford CID executed a search warrant at the Farm looking to obtain evidence in relation to the fraud investigation. The DS recalled being greeted by Brenda. Colin was inside the house watching TV. The DS did not see Anna during this visit.²⁴ The search did not take long and the CID officers left the property. The search of the Farm had necessitated the gun cabinet to be opened and the DS had noted that a number of guns were housed inside.
- 18.46 On 10 December 2013, Waverley BC received a complaint from a member of the public to say that he had accompanied a friend to the Farm when she bought a dog. The complainant advised that during the visit the female at the property (thought to be Brenda) said that she was '*running things*' because her '*father*' was not well. Waverley BC continued to receive complaints about the Farm and gather evidence until April 2014.
- 18.47 There is no further record of any agency contact with Anna, Brenda or Colin prior to the fatal shootings.
- 18.48 On 24 February 2015, Deborah was arrested in connection with the fraud investigation and both she and Colin were subsequently charged with an offence of making a false representation withdrawing in excess of £100,000 from Eleanor's Bank account between October 2012 and March 2013.
- 18.49 In January 2017, Deborah was found guilty of five counts of fraud. In March 2017, a decision was made that it was not in the public interest to proceed with the prosecution for fraud against Colin.

19 Overview

- 19.1 The chronology indicates that there was limited agency contact with either Anna or Brenda throughout the period of the review and no involvement with any in the months immediately leading up to their deaths. After Anna had left her husband in 1989, the only reference to domestic abuse was in connection with Deborah's former partner. There were no incidents reported to the police or other professionals of Colin being abusive or violent towards Anna or Brenda.

²⁴ Georgina says that she and her husband turned up at the Farm during the police search. She advises that Amelia was not there at the time.

- 19.2 There were only two incidents of domestic abuse reported to the Police involving Eleanor and Colin in 1996 and 1997. There was also no other agency involvement with Eleanor other than in connection with her health.
- 19.3 When Eleanor's health deteriorated towards the end of 2012, community nursing and psychiatric services, together with Adult Social Care became involved in her care and treatment. The community nurses began raising safeguarding concerns about her environment impacting upon her care that there was possible financial abuse taking place, but Eleanor died before these were pursued further with Adult Social Care.
- 19.4 A few days after Eleanor's death, Deborah reported to Surrey Police that Colin had threatened and threatened to shoot and kill her. This led to the removal of Colin's shotguns and revocation of his certificate. The police investigated the allegation, but did not take the matter further after Deborah made a withdrawal statement saying she did not wish to see Colin, an elderly man prosecuted.
- 19.5 Although Deborah and Colin initially resolved their differences at that time, there were ongoing disputes between them, which involved frequent police for a period afterwards.
- 19.6 There was some agency involvement with Colin over the review period. He was well known in the locality for his dog breeding activities and had been publically exposed for poor and dishonest business practice. Waverley BC had prosecuted him twice and he was banned from breeding dogs or using his premises as a breeding establishment. The RSPCA had also dealt with him a number of times about the welfare of his animals, at times working jointly with the council.
- 19.7 Surrey Police had various dealings with Colin from 1989 onwards. This included his shotgun licencing, domestic abuse incidents involving Eleanor, complaints regarding his dog breeding business, reports of criminal behaviour, the treat to kill allegation made by Deborah and ongoing dispute and the fraud investigation.
- 19.8 After the decision was made not to pursue criminal proceedings against Colin concerning the alleged threat to kill Deborah, Surrey Police FLD returned his shotguns and Certificate in July 2013, just over six months before he shot and killed both Anna and Brenda.

PART 3

ANALYSIS

20 Introduction

- 20.1 This section of the report analyses the responses of the agencies to significant and relevant events up to the date of Anna and Brenda's deaths. Agency responses are considered individually and where appropriate this includes comments upon the appropriateness of actions taken (or not taken). The outcomes of the IMR key lines of enquiry are also included. The Chair and Panel are keen to emphasise that these comments are made with the benefit of hindsight and reflect the professional views of those involved. Information from the families of Anna, Brenda and Eleanor is also within this section to provide further insight.
- 20.2 When the DHR was originally commissioned although the Safer Waverley Partnership were satisfied that the relationship between Anna and Colin met the criteria for a review, there were mixed views about whether the relationship between Brenda and Colin did. The information gathered during the course of this DHR confirm that Brenda viewed Colin as her father or stepfather at least during the earlier period of her mothers' relationship with him, similarly Deborah considered him to be her stepfather therefore, the Chair and Panel are satisfied that both homicides meet the DHR criteria.
- 20.3 Each agency Individual Management Review (IMR) presents a detailed overview of the contact between the subjects and that agency which have been analysed to draw out relevant issues highlighted by this case. The IMRs build upon the agency chronologies and help us to understand to some extent the relationships between the subjects of the review which has been complimented by information and recollections from family members. Colin's relationship with Eleanor goes back more than 50 years and that with Anna, around 25 years. As some agencies hold records for shorter periods than others, there are some gaps in information and as a result it has proved difficult to put together a definitive time line particularly when Colin and Anna were living together or in an active relationship.
- 20.4 The Panel has considered all the IMRs carefully and robustly challenged the agencies responses. In some instances, IMR's have been subject to minor revisions to clarify points as necessary. Other than the actions by Surrey Police, which are detailed later in this report, the IMR findings do not indicate that there were any failings by any of the other agencies involved. They do however highlight some aspects of practice and issues in connection with safeguarding vulnerable adults. These have been included in the recommendations of this report.
- 20.5 The Surrey Police IMR was provided prior to the IPCC investigation and this has not been updated, therefore relevant additional information from the IPCC report has been used to supplement this and provide the full picture. The Terms of Reference of the IPCC investigation are included in paragraph 21.6 below.
- 20.6 It is important to note that there have been a number of developments in relation to the licencing of firearms since the start of the DHR process, which have addressed some of the recommendations initially considered by the Panel. These include:
- the publication of new Home Office Guidance on Firearms Licencing in March 2015;
 - the publication of Her Majesty's Inspectorate of Constabulary (HMIC) report 'Targeting the Risk' in November 2015, setting out the findings of an inspection of the efficiency and effectiveness of firearms licencing in police forces in England and Wales in September 2015;

- the Law Commission report ‘Firearms Law -Reforms to address pressing problems’ presented to Parliament in December 2015;
 - the publication of further Home Office Guidance on Firearms Licencing in April 2016, and
 - the introduction of the Policing and Crime Act 2017 Part 6, which introduces new provisions on firearms.
- 20.7 Each of these developments has contributed to a strengthened legal framework and improved guidance on licencing and controlling the use of firearms and shotguns. The 2015 Home Office Guidance on Firearms Licencing amended and tightened the requirements in connection with applications for shotgun certificates.
- 20.8 The report ‘Targeting the risk’ by Her Majesty’s Inspectorate of Constabulary (HMIC) included findings from fieldwork in 11 of the 43 police forces involved and was supplemented by data from all forces. Surrey Police were one of the police areas subject to HMIC fieldwork. The HMIC was highly critical of the national arrangements for licencing firearms and the report put forward several recommendations to the Home Office and Chief Constables throughout the country. Further reference to this is included later in this report. HMIC did not highlight any concerns about Surrey Police in their report.
- 20.9 The latest Home Office Guidance, which came into force on 1 April 2016, now requires GPs to be involved in the licencing process for both shotguns and firearms. Under the changes, police will contact the GP of all those who apply for a firearm or shotgun certificate to check whether there is a history of conditions including depression and dementia. Previously, police only contacted an individual’s GP before the issue of a firearm certificate if an applicant declared a relevant medical condition.
- 20.10 GPs have also been instructed to keep a record of patients who own a gun – and to inform police if any of these develop mental health problems such as depression. Practices are expected to have a reminder on the patient record so that the GP is aware the person holds a firearms certificate.
- 20.11 The new system is intended to make it easier for GPs to be able to flag up any relevant medical condition that is cause for concern during the lifetime of a certificate. This guidance also provided comprehensive advice on assessing the suitability of those applying for firearms or shotgun certificate, reinforcing the factors to be considered and the importance of a robust approach to domestic abuse incidents.
- 20.12 The Law Commission report ‘Firearms Law -Reforms to address pressing problems’ recommended a number of changes to the law which have now been incorporated into part 6 of the Policing and Crime Act 2017 which gained Royal Assent on 31 January 2017. These provisions bring into effect the majority of the recommendations made in the Law Commission’s report. They strengthen existing firearms legislation by introducing new legal definitions and new offences to close legal loopholes, which are open to abuse by criminals and pose a risk to public safety, and will support more efficient law enforcement in relation to firearm and shotgun certificate holders.
- 20.13 One of the key changes provides a power for the Secretary of State to issue, revise and publish statutory guidance that Chief Officers of Police will have a duty to have regard to in the exercise of their functions under, or in connection with, the 1968 Firearms Act. The Secretary of State is required to consult with the National Police Chief’s Council and the Chief Constable of Scotland before issuing such guidance. It is understood that the Government intends to consult publically on such guidance later this year.

21 Surrey Police

- 21.1 Surrey Police had the most involvement of any agencies with the subjects of this review, particularly with Colin and Deborah.
- 21.2 Immediately after the fatal shootings, Surrey Police reported the incident to the IPCC. Initially, the IPCC decided this would be a supervised investigation at which point, Surrey Police commissioned two independent reviews carried out by firearms experts from Hampshire Constabulary and North Yorkshire Police. The initial findings from both reports showed that the decision to return the certificate and shotguns to Colin was flawed as Surrey Police had not fully complied with statutory guidelines and Police Authorised Professional Practice (APP).
- 21.3 Both Hampshire and North Yorkshire police made recommendations about Surrey Police's firearms licencing operations, which are included later in this section. [See paragraphs 20.99 and 20.100 below]. Surrey Police have now fully implemented their recommendations. Subsequently the Surrey FLD collaborated with Sussex as part of the joint Operations Command led by a Sussex Assistant Chief Constable. Following the HMIC publication into Firearms Licencing nationally, a review of working practices was undertaken to check and test the performance framework and ensure national Authorised Professional Practice compliance, addressing the HMIC recommendations and providing a service which is focused on assessing threat /risk and harm. Currently each Police Force has their own Firearms and Explosives Licencing Unit [FELU]²⁵ with the same working practices and adheres to the same policies and procedures. Both FELUs report directly to a Sussex Police Superintendent.
- 21.4 Immediately following the trial verdict that Colin was guilty of the murders and in the light of the findings of the supervised investigations by Hampshire and North Yorkshire Constabularies, Surrey Police again referred the matter to the IPCC, which launched a formal investigation.
- 21.5 Since the outcome of the IPPC investigation, Surrey Police have accepted their findings and have now implemented or are implementing the recommendations put forward by the IPCC.

The IPCC investigation

- 21.6 The Chair met with the IPPC investigators and they updated her periodically as to their progress with the investigation. The IPCC investigation Terms of Reference were approved on 19 December 2014 and were:
1. To investigate:
 - a) The decision making and risk assessment surrounding the return of Colin's firearms on 11 July 2013, including the extent to which the following influenced those:
 - i) The investigation by Surrey Police into the allegation reported by Deborah in March 2013;
 - ii) Any other relevant information or intelligence, held by Surrey or any other police force, that would have been available to Surrey Police, and whether or not it was provided to them.
 - b. Any information or intelligence received by Surrey Police between July 2013 and 23 February 2014 relevant to Colin's suitability to hold a firearms license and subsequent actions/ decisions taken.
 - c. Complaints Deborah has made against Surrey Police relating to these matters.

²⁵ Although the Unit is now called the Firearms and Explosives Licencing Unit [FELU], for consistency this report refers to the FLD.

- d. Surrey Police will implement the recommendations set out in the reviews conducted by Hampshire and North Yorkshire Police. They will bring any identified recordable conduct matters to the attention of the IPCC.
2. To assist in fulfilling the state's investigative obligation arising under the European Convention of Human Rights (ECHR) by ensuring as far as possible that the investigation is independent, effective, open and prompt, and that the full facts are brought to light and any lessons are learned.
 3. To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP). On receipt of the final report, the Commissioner shall determine whether the report should be set to the DPP.
 4. To identify whether any subject of the investigation, in the investigator's opinion, has a case to answer for misconduct or gross misconduct, or no case to answer.
 5. To consider and report on whether there is organisational learning, including:
 - Whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
 - Whether the incident highlights any good practice that should be shared.
- 21.7 The IPCC published its report and findings at the end of April 2017. The Chair received a copy of the final report together with the learning the lessons report that was also compiled and would like to record her thanks for the advice provided by the lead investigator.
- 21.8 The IPCC report and accompanying lessons learned are comprehensive and highlight significant weaknesses in the operation and practice of the FLD at Surrey Police. The IPCC recommendations are included at the end of this section of this report.

The IPCC findings

- 21.9 During the investigation, the IPCC lead investigator decided that three police staff members in the FLD who were involved in the decision to return the shotguns and certificate to Colin should be subject to special requirements. An IPCC investigation is subject to special requirements under the Police Reform Act 2002, if in the lead investigators opinion there was an indication that a police officer may have
- (a) committed a criminal offence, or
 - (b) behaved in a manner which would justify the bringing of disciplinary proceedings
- 21.10 The Lead Investigator considered that there was a case to answer for gross misconduct and indication that two of the staff were involved, the FEO and the FLS, but that this was not the case with the FLM, although there were performance measures that should be addressed. During the course of the IPCC investigation, the FLM retired therefore no further action was taken in his case.
- 21.11 She also considered the both the FEO and the FLS might have committed a criminal offence of Misconduct in a Public Office. The matter was referred to the CPS in February 2016 for a charging decision in respect of the two staff concerned. In November 2016, the CPS concluded they would not bring criminal charges. Surrey Police then proceeded with disciplinary action against the FEO and FLS. The FLS subsequently retired and following a gross misconduct hearing, the FEO was dismissed.
- 21.12 The IPCC investigation covered a number of issues including the policies, procedures and legislative framework for licencing firearms and shotguns and their application and interpretation by Surrey Police. The IPCC reviewed the roles and responsibilities of officers in the FLD, their skills and experience and the training they had received. The report also

considered the delegated authority in place for decision making by the officers involved and the information systems available to officers to enable them to make informed decisions. Key actions taken by the FLD were also analysed and the information and intelligence available at the time they made decisions in relation to the renewal of Colin's shotgun certificates and particularly the decision to return the shotguns and certificate to him in July 2013.

- 21.13 The actions by Surrey Police and events leading up to the homicides are explored below. This analysis covers many of the issues also identified in the IPCC investigation, as these are equally pertinent to the findings of this DHR. The IPCC investigator had access to additional information from Surrey Police as the Police IMR scope was limited so as not to interfere with the IPCC investigation, therefore where relevant this report draws upon information from and refers to the IPCC evidence.

Surrey Police involvement

- 21.14 Surrey Police's first involvement with Colin dates back to 1989 when he initially applied for his shotgun certificate. The action taken by the police in connection with the decision to return his shotguns are central to this review. If Colin had not had access to guns, the tragic events would not have occurred.
- 21.15 Colin's firearms file record shows that he needed the shotguns to control foxes and vermin. His shotgun certificate was first renewed in July 1992 and was countersigned by his GP. There are no accompanying file notes so the renewal appeared to be a straightforward procedure. His certificate was renewed thereafter every five years in July 1995, 2000, 2005, and then in 2010 and was valid at the time of the homicides, being due for renewal in July 2015. Colin had always held between four and seven shotguns. The shotguns and ammunition were stored separately in two metal cabinets in the hall at the Farm.
- 21.16 Other than the certification of his shotguns, prior to the fraud investigation and murders Surrey Police had various other dealings with Colin over many years. Surrey Police IMR indicates that Colin has a PNC record with two non-convictions for theft and kindred offences in 2008 and 2012 (relating to disputes over dogs). He has a Nominal record on Niche with eleven crime links (where he is shown as a suspect or complainant). He has local warnings for Officer Safety (due to dangerous dogs at the Farm) and Domestic Violence involving Eleanor in 1996 & 1997. There are a further seven reports on Niche where Colin is shown as the suspect mostly in relation to complaints about the pedigree of dogs he has sold. No action has been taken in any of these investigations. In 2008 he was arrested by the Metropolitan Police in relation to a burglary (premises was entered and a dog stolen). No further action was taken. Between 2000 and 2009, he made nine complaints to Surrey Police concerning theft, criminal damage and burglaries – all seem to relate to issues involving dogs /horses.

Domestic Violence Incident 1996 [see section 14 paragraphs 14.1- 14.8]

- 21.17 The first time any questions about Colin's suitability to hold a licence were considered was in 1996 following the Domestic Violence incident between himself and Eleanor on 27 August. There were allegations that he had threatened to shoot Eleanor and concerns about his mental state.
- 21.18 Following the first incident a police supervisor applied to his police manager to have Colin's shotgun certificate revoked on the basis that:

'...he [Colin] is at present very agitated and aggressive particularly towards Eleanor. He also has a very evident drink problem and I am concerned that he is no longer a fit and proper person to hold a shotgun; and

...this man is quite capable of using extreme violence to anybody including police and especially towards Eleanor and I therefore request that consideration be given to seizing his shotguns immediately and to revoke his licence'.

- 21.19 The application to revoke Colin's shotgun certificate was rejected on the basis there was insufficient evidence to support the revocation. The manager suggested that a statement from Eleanor would be beneficial but this was not obtained.
- 21.20 On 23 September 1996, a FEO recorded that the matter of the revocation of Colin's certificate was still unresolved. He requested a statement from Eleanor and for contact with the Domestic Violence Unit (DVU). The DVU revealed that they had no previous knowledge of Colin or Eleanor. A statement was not taken from Eleanor but from her son in law, who was of the view that Colin's guns should not be seized as he was living apart from Eleanor and there was a court order preventing her Eleanor from returning to the Farm. The outcome of these enquiries led to a decision not to revoke Colin's shotgun certificate.
- 21.21 The IMR author describes the enquiries in relation to this incident, as being '*unfathomable*' and the Panel would concur. The concerns raised by the Police Supervisor were very strongly worded. It is clear that in his view, Colin presented a danger to public safety and the peace meeting the grounds for revocation of the shotgun certificate. Further enquiries do not appear to have been made to assess the risk that Colin may present prior to the decision not to revoke the certificate. It is noted that it was suggested that a statement was taken from Eleanor but for some unknown reason this was not done. There were follow up enquiries made with the DVU to see if they had any information, but the request for a statement from Eleanor was not. The FEO only spoke to Eleanor's son-in-law and the decision appears to have based on the fact that Eleanor was reported as no longer living at the Farm as there was a court order preventing her from going there, rather than a wider risk assessment re Colin. The investigation was incomplete so the decision was made without regard to the wider picture. This was an inadequate response.

Domestic Violence Incident 1997 [see section 14 paragraphs 14.9-14.12]

- 21.22 The second domestic incident on 11 April 1997, was attended by a police Armed Response Unit. The Police report indicates that there was an on-going dispute between Colin and Eleanor over ownership of the Farm and the dog breeding business. Both parties were advised to avoid each other. No further action was taken as it was reported that no threats had been made and no criminal allegations were forthcoming. A shotgun was out of the cabinet and Colin was instructed to lock it away.
- 21.23 The incident was recorded on Colin's shotgun file by a FEO with a comment that '*this couple are living together again which is clearly bad news*'. Further enquiries were made with the DVU to determine whether there was sufficient evidence to revoke Colin's shotgun certificate but this revealed there had been no further incidents between Colin and Eleanor. On 10 May 1997 it was recorded in Colin's shotgun file that there was '*still little evidence of public danger*' to revoke Colin's shotgun certificate.
- 21.24 A FEO visited Colin at the Farm on 6 June 1997 and was told by Colin that Eleanor had moved back in but they now lived separate lives under the same roof. The FEO warned Colin that any further incidents of a similar nature could result in the revocation of his shotgun certificate. No mention was made of the previous domestic incident in 1996.
- 21.25 The second DV incident in 1997 was recorded on Colin's shotgun file. This indicated that Eleanor was living at the Farm again and the comment was made that this was '*bad news*'. Although DVU checks were made, as they had no reports of any incidents, no further risk assessment seems to have been carried out and no link made to the previous incident in 1996. The fact that a shotgun was also out of the cabinet when the police attended the incident also appears to have been disregarded as a risk factor. Colin warned two months

after the incident that similar incidents could lead to his shotgun certificate being revoked. The Panel felt this response was also inadequate as it failed to consider the risks properly and take into account the earlier incident.

Intelligence report

- 21.26 The IMR documents that there is report by a Detective Inspector within Colin's shotgun file dated 11 June 1997 regarding ungraded intelligence from a police informant that Colin was seeking someone to carry out a contract killing on Eleanor. Following enquiries, the record states that the Inspector decided that the intelligence was not credible as the same informant had apparently given similar intelligence regarding another unconnected contract killing. It was noted that someone was possibly trying to set up Colin but they could assume there was still a considerable amount of 'ill-feeling' between Colin and Eleanor. The report records that the intelligence did not enable any further action against Colin and the situation would be monitored. There is no further information regarding this piece of intelligence or any further enquiries undertaken as a result.
- 21.27 Although this intelligence was not considered credible, it pointed to ongoing tensions between Colin and Eleanor at that time.
- 21.28 Whilst on its own it is accepted that such ungraded intelligence would not have been sufficient to warrant revocation of a shotgun certificate but taken in conjunction with the two DV incidents it presents a bigger picture.
- 21.29 The IMR author notes that the DVU/Firearms Licencing staff did not seem to make any connection between the 1996 and 1997 Domestic Violence incidents. Their focus was to establish whether any further domestic incidents had occurred not looking at the recent history of the two incidents together. The FEO decided that there was little evidence of Colin being a danger to the public despite the fact that a police sergeant had tried to get Colin's certificate revoked for the 1996 incident and that a copy of the sergeant's report was in his shotgun file.
- 21.30 The IMR author comments that it was difficult to try and unpick this decision-making any further as the FEO involved are no longer employed by Surrey Police and that they are unable to confirm what the policy and procedure was in relation to domestic violence at this time.
- 21.31 Looking at these incidents together it is evident that the risk assessment process was flawed and the Panel believes that this was potentially a missed opportunity to revoke Colin's shotgun certificate.

Shotgun Certificate renewal 2000

- 21.32 Colin's shotgun certificate was renewed in July 2000. There is no information on file to indicate that any issues were raised at the time.
- 21.33 When Colin's shotgun certificate was renewed in July 2000, there does not appear to have been any consideration of other intelligence about Colin's behaviour. Police records indicate that the Police Manager of the FLD was party to the multi-agency discussions about Colin's dog breeding business that took place in February 2000, although this date may be wrong.²⁶ [See para 16.1]. The IMR notes that the allegations of misuse of shotguns by Colin were unsubstantiated but all agencies agreed to monitor the situation.

²⁶ The date of this meeting was probably February 2001 as there is a discrepancy between the date recorded and the subsequent date referred to in the minutes. It is thought that the earlier date is more likely to be incorrect.

Shotgun Certificate renewal 2005

- 21.34 The FLD approved the renewal of Colin's shotgun certificate in August 2005 (expiry date 20 July 2010). There is a copy of the certificate in the shotgun file but it does not contain a copy of the renewal application. Given the reference to the multi-agency meeting in either February 2000 or 2001, although the police have no records of further multi-agency meetings, the FLD does not appear to have considered checking with any of the agencies whether there had been any developments or other issues during the period from 2000 to 2005 prior to the renewal being approved. Police records also show an accompanying file note dated 11 February 2004 that states that Colin had been accused of causing criminal damage but there was no evidence to support the allegation.
- 21.35 In 2004 Colin's poor business practice as a 'puppy farmer' and cruel treatment of the dogs in his care had been exposed by the BBC South 'Inside Out' documentary and as a result he had gained an unsavoury reputation and some notoriety in the local area. He was prosecuted in February 2005 by Waverley BC for continuing to trade without a breeding establishment licence and for breaches of the conditions of his licence. Colin pleaded guilty. This is a civil offence so is not on the PNC. As a consequence, Surrey Police were not necessarily aware of this information at the time of their review and there is no obligation for Waverley BC to inform the police of this action. It is accepted that there is no requirement to consult other agencies as part of the shotgun certificate renewal process but given the concerns raised previously and Adult's C's higher public profile, it might have been prudent to seek an update before making the decision. At this time, Crime and Disorder Partnerships were well established and multi-agency information sharing protocols meant this should not have been a barrier to seeking information. This would also have enabled the civil prosecution by Waverley BC to be considered as part of the risk assessment.

Adult's C Business Practices during 2008 and Shotgun Certificate Renewal 2010

- 21.36 Police intelligence indicates that in May 2008, police officers accompanied Trading Standards and the RSPCA to The Farm where a warrant was executed following allegations that Colin was still selling puppies while banned from breeding dogs. It makes reference to 'Inside Out' programme that had exposed Colin for carrying out illegal dog breeding activities at the Farm. There is no further detail in police records regarding this matter.
- 21.37 On 6 August 2008, Surrey Police arrested Colin in relation to an allegation of theft of a dog. A client had left their dog with Colin to undergo training. When the client returned to collect the dog, it was not at the Farm and Colin had stated he had put the dog down as it had bitten a member of kennel staff. The matter was discussed with the CPS who advised that the complaint was a civil matter and no further action would be taken.
- 21.38 Police records indicate that there were a number of issues in connection with Colin's application to renew his licence in July 2010. [See paragraphs 16.6- 16.20] His renewal application was initially refused as the countersignature information was illegible and he had failed to disclose any convictions. He was advised that his current licence had now expired and he should lodge his guns with another certificate holder or with a registered firearms dealer and notify the FLD when this had been done.
- 21.39 Colin re-applied on 6 August 2010 and disclosed the civil prosecutions. On receipt of the renewal application, the FLM was concerned that someone else had completed the form, and Colin had not provided identity photographs or proof that his shotguns had been lodged in alternative authorised safe custody. These were later provided together with the explanation that the Trading Standards prosecutions were in relation to allegations that he had misrepresented the pedigree/breed of a number of dogs he had sold and he thought these were civil matters.

- 21.40 A FEO visited Colin at the Farm regarding the renewal on 23 September 2010. The FEO advised him that he was required to disclose any prosecutions/convictions no matter which agency brought the proceedings. The FEO asked about the way the renewal form had been completed. Colin explained that he had been in hospital for a minor operation that developed complications and by the time he was discharged his expiry date was almost due, his counter signatory had completed the wrong sections on the form but he thought it best to submit the renewal before the expiry date. The FEO recorded that Colin had not declared any medical conditions on his application form and there was no evidence of any intemperate habits or other substance abuse. The FEO recorded that he gave Colin stern words of advice concerning the correct completion of his renewal form.
- 21.41 The FEO's report made comments that the that the prosecution and conviction by Trading Standards was of no surprise; and Colin's manner in dealing with the local authority and customers left much to be desired and has led to him gaining a somewhat disreputable reputation. He added that even Colin's counter signatory (a retired vet) had described him as an '*honest rogue*'. The FEO concluded that he did not believe the Trading Standards conviction would alter his character and further investigations would follow if complaints were forthcoming. Colin needed his shotguns for the destruction of vermin in connection with his business operations and he found no obvious reason to refuse the renewal application. The renewal was granted on 28 September 2010 and a new certificate was issued backdated to 20 July 2010.
- 21.42 The Police paid a lot of attention to the accuracy of Colin's shotgun renewal application and correctly asked him to explain, qualify or put right the information on the form so they could properly assess his application. Failure to disclose medical conditions on a shotgun certificate renewal form is a criminal offence. This was evidence that could have been used to revoke his certificate. The FEO merely warned him about this. The FLD also failed to look more widely at his behaviour and business practice. He had been subject to a further investigation about his illegal dog breeding activities by the 'Inside out' programme again in 2008, and subsequently banned from breeding dogs at the Farm for five years in 2009. The file contains an assessment of Colin's character and reputation but no wider historical or cumulative overview and risk assessment. Nor did they seek to clarify the civil offences for which he had been prosecuted. Likewise his reasons for requiring the shotguns were accepted and that there were no grounds not to renew the certificate.
- 21.43 Whilst the specific legal test of fitness may not have been applicable for shotgun holders at this time there was clear evidence of a pattern of behaviour by Colin, over a 15 year period that should have been seen as a cause of concern. This included a lack of regard for the law with prosecutions for illegal and dishonest business practice, evidence of cruelty and lack of regard for the welfare of animals in his care, concerns about his relationship with Eleanor and associated allegations of domestic abuse, poor mental health and his potential alcohol abuse.
- 21.44 After the shotgun certificate renewal in 2010, two further examples of behaviour do not appear to have been considered by the FLD, an intelligence report in November 2011 that Colin was regularly drinking and driving from his local pub, and his arrest by the Metropolitan police for burglary in November 2012. Although the Metropolitan police did not take any further action, Surrey Police FLD was aware of this incident but there is no record of any review or other action being taken.
- Threat to kill by Colin - 18 March 2013
- 21.45 Following the death of Eleanor, Deborah reported to the police that Colin had threatened to shoot her. [See paragraph 18.4] She reported the incident on 24 March, six days after it had occurred. She said that Colin had removed a shotgun from the cabinet, pointed it at her and

threatened to shoot her if she continued to come up to the Farm or to try and remove any of her dogs. She stated that Colin had also phoned her on numerous occasions and threatened to shoot her. She raised concern about his mental health describing him as having *'gone cuckoo'* and said she did not know if this due to his grief or due to the onset of Alzheimer's. She said he had also threatened to shoot himself.

- 21.46 The Police responded sending an Armed Response Unit to the Farm. [See paragraphs 18. 5-18.7]. There was a direction by the SFC in charge that if Colin was detained that he should undergo a full mental health assessment and involvement by the Public Protection Investigation Unit to assess his vulnerabilities. The SFC also recorded that Colin's firearms and certificate should be recovered for safe-keeping and a review of his licence.
- 21.47 Colin explained to the police officers that his partner had died and he was in dispute with Deborah and her husband over their failure to share profits from their dog breeding business with him and he had asked them to leave the Farm. The officers dealing with Colin reported that he was not displaying any signs of mental ill health therefore they had no justification to use powers under the Mental Health Act to detain him. As Colin was compliant, they also decided there was no necessity to arrest him for breach of the peace offences but that the CID would investigate the matter and interview Colin during the course of their investigation. Police officers seized seven shotguns registered to Colin and his shotgun certificate.
- 21.48 CID took over the incident investigation. [See paragraph 18. 14- 18.17]. On 28 March 2013, the Investigating Officer contacted Colin to arrange for him to attend a local Police Station for an interview. Colin told him that the situation with Deborah had been resolved and she was now back living at the Farm. The OIC contacted Deborah who confirmed that this was the case and she did not want any further action to be taken against Colin.
- 21.49 In his review of the investigation, on 30 March, the DI noted that Deborah did not wish to proceed with the matter but given use of a licenced firearm directed that a full statement should be taken from Deborah including her reasons for not supporting the investigation, then Colin should be interviewed. The DI also instructed the Officer in Charge (OIC) to liaise with the FLD so they could consider if the shotguns and certificate should be returned to Colin.
- 21.50 On 11 April 2013, Surrey Police record that Deborah made a withdrawal statement outlining her reasons for not wanting to support a police prosecution²⁷ in connection with Colin threatening to shoot her. [See paragraph 18.17]
- 21.51 In her statement, Deborah confirmed that Colin had made the threat but did not want to see an elderly man prosecuted. She expressed concern for Colin's mental health. She said she *'was concerned that if Colin's guns were returned to him and he was found to have Alzheimer's, he would be the type to go off and shoot himself'*.
- 21.52 Colin was interviewed about the threat to kill allegations on 16 May 2013. He denied making any threats towards Deborah. On 18 June as the allegation was unsupported and there were no other enquiries that could be made, it was decided the crime would be reported as no further police action. It was noted that the FLD would be contacted.
- 21.53 The IMR author comments that the CID investigation did not ascertain whether Colin was suffering from mental health problems and that it would seem that this ceased to be an issue when Deborah decided not to support the investigation. The author adds that it looks like the CID decided to leave this matter for the FLD to explore further when determining whether to hand the guns back.

²⁷ See footnote 21. A withdrawal statement does not mean the allegation was false.

21.54 The author also noted that it was surprising that a 39/24 report was not completed by police in respect of concerns for Colin's mental health considering it was also a factor in the decision to seize his shotguns and certificate.

21.55 The IPCC investigation addresses the treat to kill investigation and this is considered in the IPCC analysis later in this section.

Police Contact 24 March 2013- 11 July 2013 (date of the return of the guns)

21.56 There were some 30 calls to Surrey Police record on ICAD in connection with Colin, The Farm and persons visiting the address during the period 24 March 2013 (report of threats to shoot Deborah) and 11 July 2013 (the date the shotguns were returned to Colin). They show that there was continued hostility at the Farm between Colin, Deborah and others.

Surrey Police Firearms Licencing Department decision to return Colin's shotguns

21.57 Information concerning the decision to return Colin's shotguns have been obtained from his Surrey Police shotgun file and information recorded on the NFLMS. Given the IPCC investigation, the Police IMR author did not interview any of the FLD staff or officers from CID involved in the threat to kill investigation in the event that they may feature in the IPCC investigation. Therefore, the IMR has not assessed the day to day running of the department, resources, workloads, establishing what police information systems staff had access to, training and senior management oversight. This has however been covered in detail by the IPCC report.

21.58 The IPCC report advised that the FLD comprised of a manager, a supervisor, eight FEOs and four administrative staff and the Armourer (all are police staff). Between the supervisor and the FEOs, they manage between 16,000 – 18,000 firearms licences (firearms and shotguns). An overview of their roles is as follows.

Firearms Licencing Manager (FLM)

This post oversees the day to day work of the department with line management of the Firearms Licencing Supervisor and the four Firearms Administrators. The post holder reviews policies and procedures and requires knowledge of all national agreements. In addition, they were responsible for day-to-day risk management and the main decision maker for the revocation and applications that came in, as well as responsible for compliance and performance of the unit.

Firearms Licencing Supervisor (FLS)

The job purpose for an FLS is the management of the Firearms and Explosives Licencing process and the associated staff and systems, to ensure the preservation of public safety and compliance with the law. The FLS would cover the FLM when they were not available, and would have the same level of authority. The FLS has line management of the Firearms Enquiry Officers.

The Firearms Enquiry officer (FEO)

FEO's are responsible for visiting and assessing new applicants and those renewing their licences, carrying out any checks on the PNC and searches on CIS [Niche]. They review all information to highlight if there is any cause for concern and report this back to the FLS or FLM together with their recommendations. They do not make decisions about whether to grant or revoke a licence.

21.59 The IPCC report indicates that the FLD staff had access to a wide range of intelligence systems as set out below.

- ICAD Browser: ICADs could be searched and viewed either through entering the relevant ICAD number, or via a time period.

- CIS: This is a system whereby crimes are managed. This contains details of subjects/witness/progress on a case. This was replaced by NICHE in late 2013, which holds nominal records.
- Police National Computer (PNC): FLD had limited access to this and could access names, addresses and property.
- Police National Database (PND): These checks could be requested via email.
- National Firearms Licencing Management System (NFLMS): FLD had full access to this database. It holds all details of firearms licence and shotgun certificate holders nationally.
- 5x5x5 intelligence: These were emailed to the Firearms Licencing inbox if an officer was dealing with a licence holder.
- Interpol: This was to request information on foreign nationals.
- Special Branch: Request checks completed on foreign nationals. In addition, all new applications would be submitted to special branch for checks.

21.60 There was also a daily download, sent to the FLD, which included the names of firearms certificate holders who had come to police attention within the last 24 hours. The daily download only displayed the name of the certificate holder and the crime reference number, not the details about why they had come to police attention. It was noted that administrative staff should check this and bring any relevant reports to the attention of the FLM or FLS.

Actions by the Firearms Licencing Department from the seizure of the shotguns on 24 March 2013 and their return on 11 July 2013

- 21.61 The police record indicates that the FLS wrote to Colin's GP on 25 March 2013 informing them of the third party concerns for his mental health and requesting details of his medical history be provided to the police and for the GP to determine his suitability to possess firearms. In his response on 3 April 2013, said he had no training in assessing someone's suitability to possess firearms. The GP provided a list of his current medication and a brief potted history of Colin's medical conditions diagnosed between 1990 and 2009; which mainly related to heart conditions and a stroke. No mental health issues were noted.
- 21.62 Following a request from Colin on 14 June 2013 to have his guns returned, the FLM asked the FEO to ascertain the latest position with the threat to kill investigation into Colin. He made enquiries on 24 June with the CID OIC that had been dealing with the case and received a reply on 4 July that this investigation had ceased. The reply included emails to two other DC's asking about Colin. One of the officers had had previous dealings with Colin and Deborah in connection with dog breeding and he advised that there were no current investigations involving Colin. The other officer was involved with the fraud investigation, who said this investigation was ongoing and observing that the threat to kill allegation might be linked.
- 21.63 The FEO and FLS visited at the Farm on 8 July 2013 to assess whether the shotguns and certificate should be returned to Colin. The FEO made a report to the FLS recommending that Colin should have his shotguns and certificate returned. This was accepted by the FLS who compiled a separate short report on the file dated 9 July 2013 recommending that the shotguns and shotgun certificate should be returned. [See paragraph 18.32 -18.33].
- 21.64 Following their visit, the FEO emailed the OIC of the threat to kill investigation. He advised that they were aware of the ongoing fraud investigation, but as Deborah and her husband were no longer at the Farm and there were no matters from Trading Standards or the RSPCA there did not appear to be any reason why Colin should not have his guns returned. The OIC replied and stated that it sounded reasonable.
- 21.65 On 11 July 2013, the FEO returned the shotguns and certificate to Colin.

21.66 The IPCC investigation looked closely at the FLD decision to return Colin's shotguns and this is considered in the IPCC analysis later in this section.

Police Contact from 12 July 2013 until 23 February 2014 (the date of the homicides)

21.67 Surrey Police record seven ICADs in the period from 12 July 2013 up until the homicides, together with a further crime report.

Firearms Incident 12 July 2013

21.68 The morning after Colin had his shotguns returned to him a neighbour reported that he had heard a single gunshot coming from the Farm. [See paragraphs 18.35-18.36]. The initial operator dealing with the call was aware of Colin's guns being seized but not that they had been returned. Checks were made with the FLD which confirmed that guns had been returned after which the police responded. The Police ICAD report of the incident indicated that Friend 2, who was staying at the Farm, had fired the shot but it was unclear if Colin was present at the time, as when the police attended, they were advised that he had gone out.

21.69 The IPCC report does not refer to this incident. It was assessed by Surrey Police as low risk.

21.70 IMR author noted that it was concerning from the information recorded on the ICAD²⁸, that having spoken to Friend 2, no enquiries appear to have been made by the attending officers as to whether Friend 2 held his own valid shotgun certificate. Likewise, it is unclear if Colin was present when Friend 2 took the shot. If Friend 2 did not have a certificate and was using Colin's guns then Colin as required by law should have supervised him.

21.71 The Surrey Police response to this incident seems surprising as it occurred the day after the return of the guns. Other than explaining that the guns had been returned and that Colin had a fox problem and keeps chickens so it may have been used for pest control, the FLD does not appear to have taken any follow up action.

Fraud investigation

21.72 The CID was investigating the allegations of fraud made by Eleanor's son, Jordan and a DS visited the Farm in connection with this on 30 July and 2 August to interview Colin. [See paragraph 18.37 -18.39]. Colin was interviewed subsequently in September 2013.

21.73 On 6 November 2013, Colin reported to Surrey Police that he was the victim of fraud making counter allegations against Jordan [See paragraph 18.41].

21.74 Later that month Anna called the police about Jordan who was causing them concern as she had seen him driving towards the Farm. She reported that horses had been let out and that '*weird things*' had been happening. This was passed to the CID team investigating the fraud but no further action was taken. The CID dealt with these allegations against Jordan which were later filed as there no corroboration. [See paragraph 18.43]

21.75 The last contact Surrey Police had with Colin (or in connection with the Farm) prior to the day of the fatal shootings was 16 December 2013 when Guildford CID executed a search warrant at the Farm looking to obtain evidence in relation to the fraud investigation.

21.76 There is little police information regarding the days leading up to the fatal shootings or about the day itself. The Police IMR records information provided by Brenda's partner Fred about a phone call he received from her that morning in which he reports that Colin had '*gone doolally*' and was asking for the keys to the '*chocolate bar*' which was their code meaning the gun cabinet.

²⁸ ICAD is not a record of an investigation, it is a command and deployment log and entries tend to be made third hand by staff in the Force Control Room. The IMR author advises that it is possible that the officers involved did make further enquiries but these are recorded elsewhere (police notebooks).

- 21.77 The IMR author spoke to the CID Detective Sergeant supervising the fraud investigation regarding his and his team's involvement with Colin, Anna and Brenda and visits to the Farm, particularly in relation to 16 December 2013 when the CID executed the search warrant. This was the last face to face police contact with them.
- 21.78 The DS stated that his first encounter with Colin was towards the end of July 2013 when he visited him at the Farm. He recalled that he Colin was elderly and slightly immobile due to a knee operation and had difficulty remembering exact dates but the DS did not think this was unusual for an 83 year old. The DS recalled meeting Anna, who explained that she was there to help Colin out with the animals.
- 21.79 The DS also recalled the visit on 2 August when Anna and Friend 2 were present, noting that he thought than Anna was trying to be helpful. He noted friction between Anna and Friend 2. [See paragraph 18.39]
- 21.80 On 16 December 2013, when the police executed the search warrant, the DS noted that the house and the grounds appeared tidier. Colin seemed to be healthier and physically larger than he had on previous meetings and he was able to get up and walked around. The DS did not see Anna. He noted that Brenda tried to talk for Colin when the police asked him questions.
- 21.81 The DS stated that he did not detect any friction between Colin, Anna and Brenda and as a result did not have any concerns for their safety. The DS also said that he had never seen any shotguns out of the gun cabinet while at the Farm.

IPCC analysis of actions by Surrey Police

- 21.82 The IPCC investigation looked closely at the decision to return Colin's shotguns by the FLD officers. It concluded that there was a case to answer for gross misconduct by the FLS and FEO and poor management oversight by the FLM; furthermore, that the decision may have also amounted to a criminal offence of misconduct in a public office. In the view of the IPCC investigator, prior to the homicides Surrey Police had significant information that could have been relevant to assessing Colin's suitability to possess shotguns and a shotgun certificate. They also noted that the FLD had access to all relevant police systems to make necessary enquiries in relation to shotgun certificate holders.
- 21.83 The IPCC notes that Chapter 12 of the Home Office Guidance to Firearms Licencing (2002) states that consideration should be given to any previous convictions a certificate holder may have, as they may be relevant fitness is assessed. Guidance also states that intelligence about alleged or known involvement in criminal offences should be taken into consideration, *'particularly those involving the use or threat of violence or firearms, or evidence of associations with known criminals.'* The report states that on 11 July 2013 there were 47 ICADs, which referred to Colin or the Farm dating back to 1996, together with 11 Surrey Police crime reports and three from other police forces. It says that the majority of these were after the death of Eleanor and related to Deborah and her dog breeding business. It adds that Surrey Police held intelligence on Colin from 1997, which related to his dog breeding and other business practices, domestic violence allegations, associates and possible drink driving.
- 21.84 The IPCC sought to ascertain if the consideration given to the threat to kill investigation was adequate in reaching the decision to return the shotguns and certificate to Colin.
- 21.85 The FLM and FLS told the IPCC that when there is an active criminal investigation into a certificate holder their file would be placed in the 'pending tray' until the conclusion of the investigation. The FLM said he would check the progress on the investigation and update the NFLMS monthly. Once concluded they would then assess the certificate holder's suitability.

- 21.86 The FLS recorded the threat to kill crime number report on NFLMS on 25 March 2013. After the OIC notified the FLD about the closure of the investigation on 18 June, the FLM entry on 20 June stated that the FEO was to liaise with the OIC then conduct a home visit to assess Colin's continued suitability to possess guns.
- 21.87 The IPCC considered that the decision to return the shotguns to Colin was 'heavily influenced' by the outcome of the threat to kill allegation investigation and the decision not to proceed with any further action. The FLS told the IPCC that a decision not to proceed with a criminal prosecution would influence the decision making process and historically this was one of the reasons not to refuse to return firearms.
- 21.88 In relation to the threat to kill investigation, the IPCC assessed the extent to which communication with the IOC influenced the decision. They interviewed the OIC and reviewed the communication between him and the FEO. Their report notes that the OIC did not express any opinion if Colin should have his shotguns or certificate returned. It adds that the FEO's email of 8 July, which said here was no reason why Colin should not have his shotguns returned, indicates that he had already made up his mind about this. In the view of the investigator, and although the OIC replied that it '*all sounded reasonable*', it was unlikely that this comment constituted '*assurance*' upon which the FEO stated he made his recommendation. [See paragraph 21.48- 21.52]. Furthermore, the IPCC notes it was the responsibility of the FLD to decide the suitability of certificate holders, not other police officers.
- 21.89 The IPCC also considered if FLD staff reviewed relevant material from the investigation and crime report. The report noted that there was a lot of information missing from Colin's manual firearms file including:
- the ICAD from the threat to kill allegation (which the FEO had referred to in his recommendation report on Colin's suitability)
 - crime reports relating to the threat to kill allegation
 - crime reports or ICADs relating to the fraud investigation
 - pages from previous shotgun renewals.
- 21.90 The IPCC found that the FEO and FLS had not properly weighed up the information in the crime report into the threat to kill investigation or read the transcripts of the interview statements as part of their risk assessment.
- 21.91 The crime report clearly detailed the allegations made by Deborah, together with independent witness statements from the kennel maids. It also outlined concerns that Colin might shoot himself if the guns were returned. The IPCC investigator commented that in her view '*it would be unlikely that an adequate risk assessment could be conducted without all the relevant material from a criminal investigation being reviewed by the FLD. It is clear that not doing so can result in important information being missed*'.
- 21.92 The FLS said that it was not common practice to request the transcripts of criminal interviews and it is clear none of the FLD staff had read these. The IPCC report highlighted that that Colin interview transcript indicated that he had criminal associates, which would also have been a relevant factor. The report notes that this '*when viewed in conjunction with the intelligence presented in the firearms file from 1996, provided further indication that Colin may have been a danger to the public or to the peace.*'
- 21.93 The IPCC report also considered the FLD consideration of the fraud investigation. Whilst the FLS and FEO were aware of the fraud investigation, the IPCC found that they did not carry out any further enquires and may have missed a potential risk factor between Colin and Deborah.

- 21.94 The report stated that at the time of the decision to return the shotguns and certificate, both Colin and Deborah were being investigated for fraud and making counter allegations. The DC involved with the fraud investigations also suggested that the counter allegations may tie in with the threat to kill allegation. The IPCC investigator comments that disputes over Eleanor's money could have provided a motive for Colin to threaten to kill Deborah in the first place. Therefore the fraud investigation could have provided further relevant evidence to assess whether Colin presented a risk to the public [Deborah] and his suitability to possess shotguns.
- 21.95 The FLD assessment of Colin's medical conditions was also reviewed by the IPCC in light of the allegation that he may be suffering from dementia. It was noted that the FLS had written to Colin's GP on 25 March 2013, asking about his health and suitability to possess a firearm. The GP replied detailing Colin's medical history from 2000-2009 and current medication but did not address his mental health. The GP replied he had no training to be able to assess the suitability of someone to possess a firearm. The IPCC notes that Colin had not disclosed any of the medical conditions reported by the GP on his shotgun certificate renewal form in 2010. Nor had he done so in 2005 or 2000. Prior to 2000, the applications only asked about epilepsy and/or any form of mental disorder.
- 21.96 The IPCC highlighted that it is an offence under 26.5 of the Firearms Act 1968 for a person to make any statement, which he knows to be false for the granting or renewal of a certificate. The FLS had dealt with Colin's Certificate renewal in 2010 so was aware of his failure to disclose his medical conditions at that time. The investigator queried whether the FLS would pro-actively look into declarations given this offence. The response was that historically they do not do so. The IPCC was very critical of this approach stating that historical practice is not sufficient justification for failure to comply with crime recording standards and the positive duty to pursue criminal offences and ensure public safety and compliance with the law.
- 21.97 Concerns were also raised in the IPCC report that the FLS did not follow Home Office guidance in place at the time that states that GPs should not be asked to endorse or oppose firearms applications, or to offer any opinion about suitability.
- 21.98 Given that the GP had not stated that Colin had Alzheimer's disease, the IPCC report notes that this led to an assumption by the FLM and FLS that he did not. No further clarification was sought from the GP. The FLS decided that as he had met Colin previously he would make his own assessment and stated that was one of the reasons he went on the home visit to see Colin with the FEO was to *'form an opinion of whether he was suffering from anything'*. This proposal was accepted by the FLM which was also concerning to the IPCC.
- 21.99 The IPCC report considered the FLD approach to domestic violence incidences, as there was a marker on Colin's file going back to 1996. It refers to a report to written by the FLM in January 2012 to the Temporary Deputy Chief Constable on how the FLD handled domestic incidents with certificate or licence holders. This was in response to an incident in Durham and subsequent IPCC investigation into the granting, management and review of Michael Atherton's shotgun certificate and firearms licence²⁹.
- 21.100 This report stated that the FLD would carry out an immediate assessment based on the person's licencing file, crime reports and nominal information. If there were an immediate danger to public or personal safety, then the firearms/shotguns and certificate would be seized. They would then liaise with the officer in the case and if criminal proceedings were to take place then revocation would be considered. If no further action resulted due to no evidence, or no allegation, then the firearms would be returned following a further

²⁹ This relates to the fatal shooting of three people by Michael Atherton, who also took his own life in Durham on New Year's Day 2012. The IPCC concluded Durham Constabulary missed opportunities to assess Michael Atherton's suitability to remain in possession of his firearms and shotguns.

assessment. If risks were still perceived, then revocation would be considered. It noted that the FLM would also complete a report for the Detective Inspector of the Domestic Violence Unit to involve them in the decision making process.

- 21.101 The IPCC raised concerns that the FLD did not consider that the alleged threat to kill by Colin was a domestic violence incident. Deborah said that she saw Colin as her stepfather. In the ICAD, the allegation is referred to as being against her father, in the crime report as her stepfather. The FEO report of 8 July said he was a *'former friend and working partner'*. The FLS indicated that as Deborah was not a direct family member and as Colin denied that she was his stepdaughter, it was not a domestic violence incident. He said that it was not up to him to decide if it was but for the investigator or supervisor. He added *'we knew it wasn't a domestic because the officers haven't deemed it to be domestic'*. The FLM indicated that he would not rely on the criminal investigation to classify an incident as domestic violence as *'sometimes they get it wrong'* but they would assess the impact of the return of guns on the household and talk to partners.
- 21.102 The IPCC investigator expressed concern that the two officers in the same FLD had such differing interpretations on how to identify domestic violence.
- 21.103 The definition of domestic violence includes any incident of threatening behaviour, to those who are, or have been family members. The IPCC report notes that this includes stepfamily and that Colin and Deborah were family members through Anna's previous relationship with Colin. The IPCC investigator therefore believed that the threat to kill allegation fell into the domestic violence definition, and that the FLD should have viewed it as such. The report notes that had the FLD officers treated this as a domestic violence, they may have done further work in relation to the suitability review. It adds that this would have included working with safeguarding teams, and could have included a discussion with Deborah who was the alleged victim in this case. She concluded that as the FLS and FEO did not speak to Deborah, or consider the threat to kill investigation properly, this meant the decision to return the shotguns and certificate was based on the assumption that Deborah had retracted her allegation against Colin which was incorrect.
- 21.104 The IPCC report considered the 'standard of proof' to be applied in relation to deciding whether to revoke a shotgun licence. It noted that there is no current national guidance, but there was case law³⁰ that indicated that the standard would be that applied in civil rather than criminal proceedings which requires a 'lesser' proof.
- 21.105 The two external reviews carried out by Hampshire Constabulary and North Yorkshire Police both stated that the 'balance of probabilities' should be applied to revocation decisions.
- 21.106 One of the external reviewers asked both the FLM and FLS *'on what evidential test they based their licencing decisions'* and noted that both indicated that if no further action was taken regarding a criminal investigation then they would deal with it likewise. He stated *'This is a fundamental flaw and a far higher standard of proof has been applied to firearms licencing matters.'* The other reviewer commented that the FLD review of Colin's licence appears to have been *'significantly influenced'* by the decision not to prosecute him. He added *'However, decisions in respect of administration of firearms licencing are taken to the civil standard on the balance of probability and this test does not appear to have been applied in this case'*.

³⁰ R (Chief Constable of Hampshire Constabulary) V Oldring (2003). This indicated that evidence suggesting that an individual poses a danger to public protection might be sufficient to justify withholding a licence despite being insufficient to support a criminal conviction. This is because different considerations apply to the risk assessment required from a licencing perspective as opposed to a decision made by the Crown Prosecution Service, on whether or not to prosecute for an offence based on the same or substantially similar evidence.

- 21.107 The IPCC investigator noted that the FEO said he was not aware of the standard of proof for licencing decisions, which was of concern. She found that whilst both the FLM and FLS were aware of the application of the 'lesser proof' and said they applied this to their licencing decisions, the evidence suggests that they had applied a higher threshold in this case.
- 21.108 The investigation by the IPCC also considered the quality assurance of licencing decisions and the delegated authority given by the Chief Constable for such decisions.
- 21.109 The delegated authority indicated that the final decision to sign off a revocation or withdrawal of a licence was at Assistant Chief Constable level, however the decision to grant or renew licences was granted at a lower rank and held by the FLM and FLS who were civilian staff.
- 21.110 The IPCC investigation found that although there was a layer of quality assurance built into the decision making structure through the FEO to the FLS and FLM, in practice the FLM said that he only became involved '*when there was an issue*'. The FLS stated that he believed the FLM always agreed with his decisions. The investigator noted that this approach relied on staff bringing matters to the FLM's attention and this lacked necessary oversight and scrutiny to ensure that processes were followed properly and correct decisions made.
- 21.111 The FLM recalls a conversation with the FLS following the home visit prior to the return of Colin's shotguns. The IPCC report notes that no conversation or review by the FLM was recorded so it was unclear how much detail he had regarding the evidence and rationale behind the decision. The investigator comments that, if the involvement of the FLM in the decision to return Colin's shotguns was limited to '*a conversation*' that it was '*unlikely that there was any meaningful analysis or scrutiny of the decision*'.
- 21.112 Considering the delegation of decisions to the FLM and FLS, the IPCC noted there was no distinction made between these roles. The report commented that it was reasonable for the Chief Constable to assume that most decisions would be made by the FLM, with the FLS covering in his absence, but the evidence suggested that the FLS was more heavily involved than she was aware, and that had she known, this may have been relevant to her decision.

22 Waverley Borough Council

- 22.1 Waverley BC have had involvement with a number of the subjects of the review dating back to 1992 and have records of active involvement concluding in November 2013. During that time, the Council had numerous contacts with Colin, Anna, Brenda, Deborah and (to a lesser extent) Eleanor. The vast majority were with the Council's Environmental Health and Licencing teams, however, there are also records of the Council's involvement with one or more of the subjects from Council Tax, Planning Enforcement, Housing and Revenues teams.
- 22.2 Colin was a ratepayer and subsequently Council Tax payer from 1967 when he moved to the Farm. Anna was a Council Tax payer at an address in Waverley, from 25 August 2003 until 3 February 2010. She was in receipt of Housing Benefit at that address during the same period. Colin became a recipient of Local Council Tax Support (benefit) from May 2013 following the death of Eleanor.
- 22.3 The first active involvement with Colin was with the planning enforcement section in 1992. Colin was granted planning permission subsequently for various works to the Farm in 1993 and again in 1998.

Environmental Health and Licencing

- 22.4 The Environmental Health and Licencing team became involved with Colin in connection with his dog breeding activities when he was granted a licence to keep a breeding establishment for dogs in March 2003. The EH manager and other officers met Colin,

Eleanor, Anna, Brenda, and Deborah in the course of their dealings with matters associated with Colin's business and activities at the Farm. These are detailed in the chronology.

- 22.5 The records note that Colin referred to Eleanor as his housekeeper and that Brenda and Deborah were introduced as his girlfriend's daughters and were members of staff, on one occasion Brenda describing herself as the Kennel Manager.
- 22.6 Waverley BC had numerous complaints about Colin's business practices and the Council's Licencing and Regulatory Committee refused his application for the renewal of his licence to keep a dog breeding establishment at the Farm twice in 2004. This led to Colin's subsequent prosecution for continuing to trade without a breeding establishment licence, and for breaches of the conditions of his licence and disqualification from keeping a dog-breeding establishment for two years.
- 22.7 As Waverley BC continued to receive complaints about Colin's dog breeding activity, they pursued these with a view to further enforcement action. This led to a further successful prosecution of Colin in March 2009 for keeping a breeding establishment for dogs with no licence. Colin was again disqualified from keeping a breeding establishment for dogs, this time for five years; in addition, the magistrates ordered that nobody else be permitted to keep a breeding establishment at the premises for the same five-year period.
- 22.8 On 22 July 2010 the EH manager received a call from the FLM at Surrey Police to advise that Colin had applied to renew his firearms licence and had not declared his conviction relating to illegally running a dog breeding establishment. It was noted that dog breeding convictions were not recorded on the PNC as they were 'Section 1' Offences under the Breeding of Dogs Act 1973.
- 22.9 In September 2012 after a further complaint was received by the Environmental Health team, the latest concerns regarding illegal dog breeding were added to the Environmental Health Services weekly 'Cases of Note & Interest' (CONI) report to the Council's Corporate Management Team. The case remained on the report, with regular updates, until September 2013.
- 22.10 Between November 2012 and May 2013, the Environmental Health team received various reports from Surrey Police about what was happening at the Farm. This included information about the Metropolitan Police raid and recovery of the stolen dog, together with the threats made by Colin to shoot Deborah, the removal of his guns and review of his shotgun licence. The Police also reported that they were accompanying Deborah to the Farm and that in May that Colin and Deborah have '*had a big bust up*' and that the RSPCA had been back to remove some dogs.
- 22.11 Throughout this period, Waverley BC continued their investigations, which included a visit under warrant accompanied by the Council's appointed vet, an RSPCA inspector, and the police in April 2013. Although the Environmental Health and Licencing Team were intending to interview Colin in August 2013, they decided not to proceed, as there was no evidence of dog breeding at that time.

Housing

- 22.12 Waverley BC Housing Team were involved with Anna for a short period between June and August 2008 when she applied for housing saying that she wanted to move from her home due to abuse from her daughter Deborah's ex-partner. There were discussions with the police about this but the request for a move was not pursued.
- 22.13 Although the Council's Housing Team were involved with Anna in 2008, the majority of Waverley BC's dealings with the subjects were through the Environmental Health team. The available evidence suggests that, in the main, the Council and other agencies did work together and communicate effectively and that the level and extent of agency engagement

and intervention was appropriate. There was liaison with the police about the housing issues in 2008 and throughout this time, records show that Waverley BC Environmental Health Officers worked closely with the police and the RSPCA, sharing intelligence and carrying out joint visits to the Farm when necessary.

- 22.14 The IMR notes that when the police advised council officers about the situation at the Farm in March 2013 and expressed their concerns for Deborah's safety, there is no evidence of the officers taking any separate action themselves as a result of these reports, other than noting them on their database. It is suggested this was probably because the police were already dealing with it (and perhaps due in part to the Council's significant focus on animal welfare issues). The IMR queries if staff could have possibly taken more ownership in order to satisfy themselves independently that the risks to Deborah and any visitors to the Farm were being appropriately managed, but adds that it is not clear what it would have achieved, given the intensive involvement of the police at that time (i.e. the police had confiscated the guns and that they were accompanying Deborah to the property on a daily basis to enable her to look after the animals on site).
- 22.15 Although the Council's Safeguarding Policy had recently been updated, it was noted that a review was undertaken of the policy to establish whether the actions taken by officers were in line with adopted policy that was in place at the time³¹ these reports were made-.
- 22.16 The Policy states that:
- 'A member of staff must share information:*
- a) if there is a safeguarding issue; or*
- b) if the life of the child, young person, vulnerable person or a third party is at risk.'*
- 22.17 The policy defines a vulnerable Adult as:
- 'a person aged 18 years or over who is or may be in need of services by reason of mental or other disability, age or illness or who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. Whether or not a person is vulnerable will depend upon surrounding circumstances and environment, and each case must be judged on its own merits'.*
- 22.18 Based on the definition it is considered very unlikely that Deborah (or indeed Anna or Brenda) could have reasonably been considered 'vulnerable'. The IMR concludes that as the reports came directly from the police in the first place (rather than from a member of the public or the alleged victim themselves), it is considered that council officers acted appropriately on this occasion.
- 22.19 Although it is not relevant to the safety of the subjects of this review, the IMR advised that Colin was not placed on the corporate Staff Safety Register, in spite of the serious allegations made against him by Deborah (and the corroborating police reports).
- 22.20 Whilst, through custom and practice, EHO's would always visit in pairs (and often accompanied by police officers), the fact that the risks were never formally recorded is a concern, and could conceivably have resulted in another officer of the Council (from another service area perhaps) visiting unaccompanied, and unwittingly putting themselves in danger.
- 22.21 It is unclear from the IMR that irrespective of any risk that Colin might have posed whether the presence of guard dogs should give rise to a warning flag for visiting staff under the Council's staff safety procedures.

³¹ Waverley BC Safeguarding Children, and Vulnerable Adults Policy- May 2011 (Updated November 2012)

- 22.22 The IMR raises an important issue about the police access to information and about their knowledge of Colin's previous convictions (in 2005 and 2009) for illegal dog breeding by Waverley BC. These prosecutions were Section 1 civil offences under the Breeding of Dogs Act 1973, and as such, are not deemed recordable offences, meaning that they would not be included on the PNC.
- 22.23 The first conviction was in February 2005 but was not declared by Colin in his shotgun certificate renewal application in July of that year. The FLM appeared to be aware that there was some issues in connection to Colin's dog breeding and telephoned the EH Manager about this when Colin applied for his licence to be renewed in July 2010. Colin only declared these [plus a trading standards conviction] when prompted by the FEO.
- 22.24 As local authorities³² have significant enforcement powers enabling them to undertake civil prosecutions under various legislation, if such offences are non-recordable, this means that police forces will not necessarily have access to information that may be relevant in connection with both criminal investigations and their licencing responsibilities. It is unclear if the FLD was aware of Colin's prosecution by Waverley BC in February 2005 or that by Trading Standards in May 2005, but it seems unlikely. This was not the case in 2010 but there is no evidence to suggest they considered them in connection with Colin's licence renewal decision. RSCPA advice indicates that it is possible for such offences to be recorded on the PNC³³ if the organisation that obtains the successful prosecution reports this to the ACPO³⁴ Criminal Records Office (ACRO)³⁵.
- 22.25 The IMR indicates that council officers were not aware of any domestic abuse between Colin and Anna, Brenda, or Eleanor. They were aware of one incident of domestic abuse reported by Anna to the Council's Domestic Abuse Coordinator in July 2008, which alleged she had been subject to domestic abuse by Deborah's ex-partner. At the time, Anna was not living at the Farm. She was looking into the option of moving from her home because of verbal abuse and threats. Records show that officers worked closely with the police in order to better understand the situation, and that detailed notes of the case were made on the Council's own 'Domestic Violence Cases' database. These notes record that the Domestic Abuse Co-ordinator made contact with the Officer in Charge to discuss the case, to understand the threat posed to Deborah and Anna by the alleged perpetrator. In light of the advice given by the police at that time, it was clear that they were aware of, and properly managing the situation. Deborah's ex-partner had recently spent time in custody, and the view of the Officer in Charge was that the request from Anna to move house was more about perception of danger rather than reality.
- 22.26 None of the records held by Waverley BC suggests that there was any knowledge of any mental health issues or substance misuse in connection with the subjects of the review. The IMR considered the safeguarding issues and the two issues that might have given officers cause for concern (namely Anna's report of Deborah's experience of domestic violence in 2008 by her ex-partner, and Colin's threats towards Deborah in 2013) were both already in the hands of the police when they came to the Council's attention. Neither were considered or treated as safeguarding issues by council officers.
- 22.27 The IMR notes that in their dealings with Colin that officers always found him civil and cooperative, even when the Farm was being inspected under warrant, and when Colin was appearing in court charged with illegal dog breeding. Officers report that he was often

³² Local authorities include Unitary, County, Borough, and District Councils.

³³ The RSPCA prosecutions are recorded on the PNC

³⁴ The Association of Chief Police Officers

³⁵ The ACPO is now defunct and has been replaced by the NPCC (National Police Chiefs Council) however the naming for ACRO remains (for now)

vague and perhaps intentionally obtuse when questioned about activities on site, but he always made himself available for questioning and treated visiting officers with courtesy and respect. The EHO that had dealings with Colin during 2012 and 2013 said that he never gave the impression that he posed a threat to her, any of her colleagues, or indeed any members of his household.

- 22.28 As previously discussed, Waverley BC did not carry out any independent assessment of the risk posed by Colin to Anna or Brenda at this time, as it was felt by all concerned that this issue was already being managed by the police. In relation to the threats by Colin in March 2013, officers were satisfied that the police had removed Colin's guns, and were accompanying Deborah to the property, and therefore understandably did not feel there was anything further that they could or should do. It was noted however that council officers were not made aware that the guns had been returned in July 2013.
- 22.29 There were not considered to be any resourcing issues in connection with Waverley BC's handling of the action taken in relation to their dealings with Colin and the Farm. There was a high level of managerial overview of this case. Records show that officers who came across any of the subjects of this review were able to (and often did) refer to managers for advice and support.
- 22.30 The Environmental Health Team weekly report to the Council's Corporate Management Team provided an update on actions planned or taken throughout 2012 and 2013. However, the IMR notes that there was not an 'organisational picture' of Colin, Anna, Brenda, and Eleanor. Their dealings with different service areas and teams over the years were managed separately, without any shared knowledge being available (for example, the Environmental Health Team was not aware of Anna's 2008 reports of domestic violence). However, this is considered appropriate given that her interactions with the Council's Housing service and Domestic Abuse Team had no bearing on the historic investigations into illegal dog breeding at the Farm.
- 22.31 A further observation made by the IMR was that any information sharing between agencies (such as the police and the Council) appears to have been done on an ad hoc or discretionary basis, rather than systematically. Again, this was probably appropriate given the nature of the issues, and the action taken. Whilst being mindful of the need for data protection (and acknowledging that it is extremely unlikely to have changed the outcome in this situation) it is felt with hindsight that all service areas/ agencies would have benefited from a more complete picture of the household.
- 22.32 The review has also raised some important questions about more formal information sharing in connection with the prosecutions that were taken by Waverley BC, which were civil offences and therefore not be recorded on the PNC. This could also apply to other enforcement action taken by local authorities at both district and county level and by other agencies such as the RSPCA.
- 22.33 The IMR did not identify any examples of good practice beyond what would be expected. Overall, the conclusion is that Waverley BC provided an appropriate level of response / investigation to the incidents involving the subjects of this review, and worked well with other agencies in these matters.

23 Surrey County Council Adult Social Care

- 23.1 ASC were not involved with Anna or Brenda but provided assistance for Eleanor in the last few months of her life, from December 2012 until her death in March 2013. They had contact with Colin, Deborah and Eleanor's Daughter Helen. They worked closely with

community nursing and SBPT staff to support Eleanor. The involvement of ASC with Eleanor is detailed in the chronology.

Referral and support provided from December 2012 to March 2013

- 23.2 ASC were originally contacted by the community nursing service in December 2012 requesting an assessment of Eleanor as they had concerns about her and her environment. They considered that she did not meet the threshold for safeguarding. They tried to contact Eleanor to arrange an assessment and in the process contacted her daughter Helen, who disclosed information about Colin and his treatment of her and her sister as children and that she disliked Colin so did not like going to the Farm.
- 23.3 An ASC social work practitioner and community nurse carried out a joint visit to assess Eleanor's care needs on 20 December. Following this, arrangements were put in place for a reablement assistant to care for Eleanor on a daily basis commencing on 31 December 2012.
- 23.4 On 2 January 2013, records show that there was discussion about Eleanor needing respite care whilst Colin was in hospital for treatment on his knee. There was also reference to Colin being '*in denial*' about Eleanor's care needs and his ability to run the Farm. Deborah was noted as managing the Farm '*under pressure*' from him. There was an assessment visit by ASC the following day. Deborah subsequently told ASC that she was moving into a mobile home on the Farm to look after it and Eleanor. A review meeting was agreed.
- 23.5 According to the community nursing report, on 17 January, the ASC reablement assistant had been sent away by Colin because she arrived 'too early' at 7.30. This is not noted in the ASC chronology or IMR.
- 23.6 A review meeting arranged by ASC for 20 February was cancelled on the same day by Deborah, as it was half term. The ASC records say that the reablement service had now been withdrawn. On 21 February, ASC arranged respite care for Eleanor to commence the following day due to Colin discharging himself from hospital. On 25 February, ASC was informed that Eleanor had been removed from the care home.
- 23.7 There was a review meeting on 6 March 2013, involving the ASC social work practitioner, community nurse, CPN, together with Colin, Deborah and Eleanor, the notes of which indicate that Eleanor was fine and her living circumstances had improved with works done to the home. A further review meeting was arranged for 20 March.
- 23.8 On 12 March, the community nursing records indicate that they telephoned ASC to report safeguarding concerns about Eleanor in connection with the burn on her arm and increasing unease about her situation. There is no record of this in the ASC IMR or chronology. Eleanor subsequently died on 14 March before the next review meeting was held.
- 23.9 The records show that ASC staff demonstrated an appropriate level of engagement and intervention in connection with Eleanor. They undertook quality assessments in a timely manner and involved the extended family, although it is noted in the IMR that neither Colin nor Deborah had a Carer's assessment. Whilst a Carer's assessment was not essential it is perhaps surprising that this was not thought necessary for Colin given his own health needs and the poor environment at the Farm. The Virgin Care IMR indicates that the community nurses assumed that ASC would do a Carers assessment.
- 23.10 ASC considered the safeguarding issues in connection with Eleanor as part of the initial referral in December 2012. The threshold criteria³⁶ used to identify whether a safeguarding concern is as follows:

³⁶ Surrey Safeguarding Adults Board Multi-agency Procedures 2015, although the same definition was applied in the previous guidance.

'is this person an Adult at risk, (aged 18 or over who has need for care and support)? AND is this person experiencing or at risk of abuse or neglect?'

- 23.11 Eleanor was assessed as not meeting the threshold for safeguarding at that time, but ASC provided help with her care needs and was part of the multi-disciplinary team providing her support.
- 23.12 The ASC chronology or IMR does not indicate that they gave any further consideration to whether Eleanor met the safeguarding threshold after their initial assessment on referral, although they were involved in her ongoing provision of care.
- 23.13 The ASC SSA ³⁷ for Eleanor indicated that Colin said that Eleanor had about £150,000 in capital as the proceeds from his buying her tenancy of the Farm from her. According to Colin, this was following legal advice. This meant that she would not qualify for any financial help towards her social care costs. The SSA also referred to a comment by Colin that Eleanor would not want to pay for any care if she was charged for this. As help from the reablement team is free for the first six weeks, Colin was willing to accept this support. The SSA and information about the family's willingness to pay for social care is not recorded in the ASC chronology or IMR.
- 23.14 The SSA also noted that due to Colin's tendency to answer questions for Eleanor if she paused, getting a view of her cognition was difficult. The report also stated the community nurses were going to refer her for a mental health assessment.
- 23.15 The ASC chronology or IMR does not refer to the telephone call from the CPN on 18 February in connection with the possible financial abuse of Eleanor, or that this was to be discussed at the planned review meeting scheduled for 20 February. The CPN also indicated that he discussed this with the social work practitioner and it was their intention to address this at the meeting arranged on 6 March (although this did not occur for reasons previously explained). There was clearly discussion about the potential abuse of Eleanor's finances and intention to follow this up but there should have been a record of the concerns and proposals to address this on the ASC file. It is also a concern that despite the information provided by the CPN there is no reference to follow up action being taken or planned by ASC.
- 23.16 The ASC IMR indicates that the service was not aware of any domestic abuse between Colin and Eleanor or others. Their records do indicate that Eleanor's daughter had referred to Colin '*knocking her and her sister around*' as children but given the historical nature of this behaviour and that no further allegations of domestic abuse were made to the ASC team no referral was made to other agencies.
- 23.17 Although there were concerns about Eleanor's mental health, ASC were not aware of any mental health or substance abuse issues with Colin. The only comment made in the records is his being '*in denial*' about Eleanor's care needs and his ability to manage the Farm.
- 23.18 As indicated above, Colin had not had a Carer's assessment and whilst this may not have indicated any other issues it could have provided a more holistic picture of the household situation and needs or risks to Colin or Deborah.
- 23.19 ASC did identify a risk to personal safety of visiting reablement staff from the guard dogs at the Farm. The initial assessment had identified the dog chained up outside the property as a risk but that Deborah had stated that she would get her husband to move the dog to the back of the property into the kennel area; therefore, the dog was not seen as being a risk. Subsequently the non-compliance by the family was addressed as part of a risk assessment completed by the reablement team leader on 1 February 2013. As a result of this Colin was

³⁷ Financial assessment

spoken to and agreed to keep the dogs locked away prior to each visit by reablement staff to access the property. With rare exceptions, Colin adhered to this.

- 23.20 Risks were also identified in relation to the dirty home conditions. Strategies were put in place to address these risks.
- 23.21 The IMR notes that Colin's role was that of the main carer for Eleanor and that he was reluctant to accept help with caring for her, except from Deborah. However, he did not prevent ASC staff, health professionals or home based care agency staff from supporting Eleanor. Other than having to be asked to secure his guard dogs when reablement staff visited, he co-operated fully with the review and attended Eleanor's review meeting.

Events from 25 March 2013

- 23.22 Police records indicate that they sent ASC a 39/24 safeguarding alert on 25 March 2013 regarding money potentially being taken from Colin. This is not recorded in the ASC chronology or IMR.
- 23.23 On 2 April 2013, ASC was notified by Surrey Police about the incident involving Colin threatening to kill Deborah and himself and that this had resulted in the police removing his guns on 24 March 2013. Although the police did not request any further action from ASC, as Colin was not known to them in his own right and had not been deemed a vulnerable adult, the Waverley ASC locality team duty officer contacted his GP for information regarding his mental state. As no concerns were noted that would have necessitated ASC involvement, no further action was taken at this point.
- 23.24 Surrey Police notified ASC on 15 April 2013 about their investigation into an allegation of fraud in respect of Eleanor's finances. They asked to speak to her key worker. There is no record of this contact in ASC records. However, on 9 May 2013, a Duty Officer is reported as telephoning Surrey Police leaving a message requesting information regarding what action they were taking. There is no record of Surrey Police responding to this message.
- 23.25 An ASC Duty Officer telephoned Colin on 5 July 2013 and left a message requesting contact. This was a routine follow up to see if Colin's needs had changed following his knee operation. It should have happened six weeks after the operation but for some reason it was delayed. There is no record of Colin responding to this this message. This was realised some time later and a Duty Officer then telephoned Colin on 17 December to check on his well-being following his knee operation. He stated he was fine and that his knee had healed well after his operation. He declined an assessment said that he had no unmet needs.
- 23.26 ASC did not consider that Eleanor met the threshold for safeguarding although community nursing staff did have concerns. These concerns were increasing prior to Eleanor's death and are likely to have been considered further by ASC had she lived.
- 23.27 When ASC received the police 39/24 report concerning possible financial abuse of Colin they were of the view that he did not meet the definition of an Adult at risk under safeguarding procedures. ASC advised that there were no further reports or information that were forthcoming that gave reason for them to take further action.
- 23.28 On receipt of the police report about Colin's alleged threats to kill himself and Deborah ASC had contacted Colin's GP to ascertain his mental state. As Colin's guns had been removed and as no other concerns were raised to the Social Care Team at that time, the actions taken by them were appropriate.

24 Virgin Care

24.1 Virgin Care (VC) did not have any involvement with Anna or Brenda but provided community nursing to Eleanor between December 2012 and March 2013 when she died. They also had regular contact with both Colin and Deborah over this period and they liaised with ASC and Surrey and Borders Partnership Trust staff in the care of Eleanor. The involvement of VC with Eleanor is detailed in the chronology.

24.2 VC provided a very thorough IMR and chronology with considerable detail that was also helpful in supplementing and supporting information from ASC and SBPT. Interviews with the staff involved also revealed historical knowledge about Eleanor that provided additional context.

Referral and care of Eleanor December 2013 to March 2013

24.3 Eleanor was referred by the practice nurse to the community nursing team for wound care for a leg ulcer on the 6 December 2012. Three of the community nursing team saw Eleanor regularly at the Farm. Safeguarding concerns arose following the first visit when Eleanor was seen in an outbuilding that was described as a chicken shed. Aspects of her living arrangements were also unsatisfactory, as Eleanor was sleeping in a chair not a bed. The nurse raised her concerns about this with Colin and Deborah during her visit. She also requested that the guard dogs be locked away for home visits.

24.4 Following this visit, the safeguarding concerns were discussed internally with the VC Safeguarding Adults lead and a referral was made to ASC on 11 December 2012. This led to a joint visit on 20 December with a social worker and a care plan being put in place including reablement carers visiting Eleanor with the community nursing team continuing to provide treatment for Eleanor's leg.

24.5 From the point of their referral to ASC, the community nursing team liaised regularly with the ASC reablement staff and locality team about Eleanor and were party to joint visits and multi-agency meetings about her care. They contacted ASC with their concerns about Colin administering incorrect medication and about Deborah's proposal to cease paid care and move onto the Farm to look after Eleanor and requested a multi-disciplinary meeting. The nurses were also involved in asking ASC to arrange respite care for Eleanor.

24.6 The community nurses had various contacts with Colin and Deborah. Deborah also discussed her concerns about the financial situation she was in and the pressures she felt in connection with the Farm, together with her plans to move onto the Farm and live in a mobile home.

24.7 The community nursing team experienced difficulties gaining access to the Farm to see Eleanor on a number of occasions in January and February 2013, due to the guard dogs roaming. In early February, there was a review of the involvement of the community nursing service with Eleanor and it was decided that that as her leg had improved she should be seen by the practice nurse at the GP surgery. Despite being discharged from the community nursing service, some further home visits were made to see Eleanor at the Farm.

24.8 Toward the end of February, the community nurses had further concerns about Eleanor. They had not been able to gain access to the Farm and were told by Colin that Eleanor's leg had healed. At the multi-agency review meeting held on 6 March the community nurse found that Eleanor's leg had not healed and required further treatment.

24.9 Following this meeting there was an internal discussion with the VC Safeguarding lead who advised that the nurses document all safeguarding concerns for ASC. Eleanor died shortly afterwards and prior to the next review meeting.

- 24.10 The IMR author met with the community nurses and asked about a number of issues that are set out below.
- 24.11 The initial nursing assessment lacks clarity as to what the relationship was between Eleanor, Colin and Deborah. The community nursing notes indicate that Colin was recorded as Eleanor's next of kin (NOK) and this was not questioned. Both CN 1 and CN3 recollect that Colin introduced himself as the NOK, but in contradiction CN 1 recalled that Eleanor was his housekeeper having worked for him for many years.
- 24.12 CN1 stated that if Colin said he was NOK, she had no reason to doubt it and would however have been too intimidated to challenge it as he had a bullying manner, which was difficult to define. She added however that she did not witness any abuse, physical or psychological towards Eleanor or Deborah.
- 24.13 CN3 advised that 12-15 years previously when she had visited at that time, Eleanor also indicated that she was Colin's housekeeper. On interviewing the three nurses, they were united in their views that they believed that Eleanor was Colin's housekeeper only. CN 1 also recalls that when he stated that he was the next of kin, Eleanor did not dispute nor confirm this. CN3 said she thought that Eleanor had a son and possibly a daughter; one lived on the South coast and the other abroad, perhaps in Australia. She cannot recall who gave her this information. The IMR notes that during their treatment of Eleanor, they did not discuss her children or seek contact details for them. There also appears to have been no discussion about Deborah's relationship with either Eleanor or Colin.
- 24.14 The three nurses were asked about their impression of relationships between Eleanor, Colin and Deborah and if there was any cause for concern. CN3 recalled when she had visited Eleanor years previously she had also dressed a small wound in the outbuilding; she also recalled that Eleanor had always been a quiet woman who conversed little and on reflection had seemed content with her circumstances, keeping and looking after goats on the Farm and giving no reason for concern. CN3 also said that she remembered that Eleanor had then slept on a sofa bed/chair and Colin on the chair both in a downstairs room. It is not possible to verify this, as there is no legal obligation to keep community nursing records for longer than eight years³⁸ and the notes are no longer accessible for scrutiny.
- 24.15 On 6 March at the review meeting, CN3 recalled that she examined Eleanor's leg and found a small wound despite the fact that Eleanor was being given care by friends of Deborah who were allegedly experienced carers. CN3 recalled that she felt Colin was uncaring rather than deliberately withholding care. When interviewed she stated that she never felt that Eleanor had been afraid of Colin.
- 24.16 CN1 advised that although Eleanor talked a little more when Colin was not there, she did not appear to be frightened of him at any time and that she never witnessed any signs of aggression or abusive behaviour between Colin, Eleanor and/or Deborah. CN1 stated at interview that: *'I can honestly say I never saw him aggressive or rude with Eleanor. He appeared to be caring. The house was always warm. We suggested a different bed for her (she was sleeping on the sofa) and he got a bed and put a new bathroom in, etc. He did nothing to her to cause me to be concerned'*
- 24.17 There is reference in the IMR to an incident on 21 January 2013 when CN 1 visited the Farm and the front door was jammed and although Colin was there made no attempt to help Eleanor open the door, she had to go to get a screwdriver. CN 1 advised that Colin said that he had sent the carer away earlier that morning, calling her: *'a f***ing idiot for coming on to the farm at 07.30hrs'* and that he had also said, *'I will shoot the next f***ing person that comes onto my farm before 07.00hrs'*.

³⁸ Records Management: NHS code of Practice 2006

- 24.18 CN 1 said that she did not report this comment that as she thought Colin '*was just blowing hot air*'. CN 1 stated that he probably did not assist Eleanor to open the door because he was '*so fed up*' with the carer that arrived too early that same morning when the guard dog was roaming.
- 24.19 CN1 is contradictory in her comments about Colin's behaviour. She describes him as him as having a '*bullying manner*' and would have found it intimidating to challenge him but at the same time says he was caring, although some of his actions do not reflect this. Although she is clear that she did not witness any signs of aggressive behaviour or abuse toward Eleanor or Deborah.
- 24.20 There is little reference to Eleanor's relationship with Deborah other than stated above. It is also noted that on 2 January 2013 (in connection with help when Colin was in hospital) there is evidence that Eleanor indicated that she was happy with Deborah's input and she refused respite as Deborah was staying with her.
- 24.21 The IMR says that that at this point, although there were concerns for Eleanor and her care needs that warranted input from ASC, they were due to her ongoing lifestyle over the last 12-15 years and there was a lack of evidence of any abuse or harm to Eleanor to change ASC's current involvement.
- 24.22 The IMR considered the issue of Eleanor's mental capacity and discussed the assessments made by the community nurses.
- 24.23 On the initial assessment of Eleanor, the community nursing records indicated that there was a deficit in knowledge around the Mental Capacity Act 2005 (MCA) with a lack of clarity of the nurses referencing if Eleanor had appointed a lasting power of attorney or made an advance decision. Eleanor was deemed to have mental capacity to formally consent to sharing information with other professionals and there was implicit consent to the sharing of information with Colin and Deborah who both provided care to her. However, on interviewing the nurses, they reflected on their assessment of Eleanor and were confident that she had the capacity to make decisions relating to her wound care and that capacity in relation to her personal care and living circumstances would have fallen under the remit of ASC.
- 24.24 The interviews with the nurses determined that not all of the team had received Mental Capacity Act training within the last three years. Although prior to October 2014, all clinicians in Brenda's care undertook Mental Capacity Act training once only and thereafter as identified at appraisal.
- 24.25 Eleanor had no diagnosed cognitive impairment and spoke English well. It was noted that a referral for a mental health assessment was sent to the Community Mental Health Team for Older Persons and Eleanor was referred back to the GP and to a CPN. CN1 recalls asking for the mental health assessment as Eleanor was so quiet on visits and had a history of depression. The nurses interviewed recalled that they were concerned that Eleanor may be depressed as she communicated little with them, which in turn affected their ability to assess her mental capacity to make decisions. However, there was no reason for both CN3 and CN1 to doubt that Eleanor had capacity to understand and make decisions around the nursing care for her wound, as she willingly had the wound dressed (implied consent) and appeared to look forward to their visits. There was concern however that her living circumstances were less than ideal and her care sporadic which prompted the referral to the CPN and ASC so that they could assess her capacity in relation to the care provided to her.
- 24.26 There is no evidence of any discussion in relation to caring duties or the need for a carer's assessment for Deborah, who stated that she was the main care giver. However, following informal supervision with senior members of the nursing team and a discussion with the Safeguarding Lead in relation to Eleanor's living situation following the initial assessment, a

referral for an assessment of Eleanor was made to ASC the following day. It would be expected that ASC would then undertake a carer's assessment although this was not requested by the community nursing team.

- 24.27 The IMR notes that mobile working is being rolled out across community nursing in VC. The nurses use an electronic handheld tablet. The handheld device has links to carer's information and a prompt to ask if the carer would like information or a referral for a carer's assessment. VC also produced an information booklet for both carers and professionals.
- 24.28 All the nurses interviewed were asked if they had seen any guns on the premises. CN3 stated that, she had seen a gun in the kitchen on a visit and had commented to Colin that the gun should be in a locked cupboard. He replied that he had just come back with the gun and was about to put it away. This was not documented or reported as an incident at that time in accordance with VC incident reporting policy³⁹.

25 Surrey and Borders Partnership Trust

- 25.1 SBPT did not complete an IMR as they only had very limited involvement with Eleanor, Colin and Deborah however they provided a comprehensive chronology. Their contact is relevant in the context of Eleanor's mental health and provides a fuller picture of Eleanor's circumstances prior to her death.
- 25.2 The GP referred Eleanor to the CPN for a mental health assessment. This was part of the wider care assessment for Eleanor. The CPN visited Eleanor at the Farm to carry out an assessment on 1 February 2013. His comprehensive notes provide a vivid description of the living arrangements.
- 25.3 The CPN was unable to complete his assessment due to the environment, noise from the parrot and building works plus the presence of Deborah. He considered that Eleanor was quiet but that there was no sign of clinical depression. He said his impression was that Eleanor had dementia. He noted that that the community nurses were concerned that some of Eleanor's behaviour might be her expressing dissatisfaction with social circumstances. He reported that Eleanor told him she was happy when Colin was in the room and he thought it would be useful to talk to her again when she was on her own.
- 25.4 The CPN received information that pointed to the need to ensure that Eleanor was not at risk of financial abuse. This included the telephone call from Eleanor's solicitor in reference to her making a capacity assessment re Eleanor in connection with making an enduring power of attorney, together with a call from Eleanor's bank manager about the amount of money being withdrawn from Eleanor's account.
- 25.5 The CPN spoke to Eleanor's social work practitioner about this and this was due to be discussed at the review meeting scheduled on 20 February, but as this meeting was cancelled this discussion did not take place. There is no reference to any discussion of Eleanor's finances in the review meeting notes of 6 March, although the CPN reports that this was because Colin and Deborah were present at that meeting and he and the social work practitioner arranged a further meeting to follow this up later.
- 25.6 Deborah raised the CPN visit to Eleanor in her discussion with the police following the threats made by Colin to shoot her. She stated that a mental health nurse visiting Eleanor during her last days had voiced concerns about Colin and felt he needed a blood test as he was showing signs of possible Alzheimer's. This assertion was repeated when she met with the Chair. There is however no reference to this in the CPN's notes. The CPN was asked if he recalled any conversation along these lines. He said that he remembered having a basic

³⁹ Virgin Care Health and Safety policy (2011)

conversation with Deborah about Colin but advises that it was very general advice that he would give about all older people. He recalled saying to Deborah that should she have any concerns about Colin's memory to get him to his GP for dementia screening which could include blood tests. He added that he remembers Colin was hard of hearing and there was an issue with being unable to leave him messages on his mobile phone.

- 25.7 The CPN involvement with Eleanor was appropriate and his notes of the home visit are comprehensive. He flagged up concerns about possible financial abuse appropriately to ASC and to Eleanor's solicitor. There was also a plan to discuss this on 20 February. When this meeting was cancelled, there is no reference in the chronology notes that there was a follow up plan although this was confirmed subsequently by the CPN. There is a note that there was discussion about safeguarding issues at the Community Mental Health Team for Older People on 7 March but not the content. The phone call to the social work practitioner about the possible financial abuse is not referred to in the ASC IMR or chronology.
- 25.8 Eleanor died shortly after the CPN became involved and it is unclear if he was able to continue the assessment that was interrupted on 1 February or if he had the opportunity to talk to Eleanor on her own. He notes that Eleanor seemed happy in Colin and Deborah's presence. He has not made any comments about possible domestic abuse other than the reference to possible financial abuse of Eleanor.
- 25.9 No points in connection with effective practice or lessons learnt are highlighted for SBPT from this case or recommendations.

26 Primary Care – NHS England

- 26.1 NHS England has reviewed the GP records of Anna and Brenda. No other primary care records for other persons have been considered as there is no entitlement to such information without the person's explicit consent whilst they are alive. Colin's records were not requested. Eleanor's records could have been seen but this was not considered necessary, as there is no suggestion that her death was suspicious and she is not the one of the primary subjects of this DHR. Some health information about both Colin and Eleanor has been obtained through other agencies. Relevant health information has been included in the chronology.
- 26.2 The Primary Care IMR was accompanied by an executive summary and chronologies for both Anna and Brenda. The IMR advises that the records were incomplete. There is a gap between 2004 and 2010 for Anna. No reason for this was given. The IMR did not address the questions raised, but the chronology and executive summaries did offer some useful background information into the lives of Anna and Brenda. In particular, they refer to the domestic abuse by Anna's husband, Larry, and his alleged abuse of Brenda and her sister as children. They also indicate that Anna had financial difficulties during the early 1990's and was very troubled by the abuse her daughters had experienced. The records confirm that both women had long standing mental health problems and received treatment for depression.
- 26.3 The medical records do not give any indication that there was any domestic abuse by Colin towards Anna or Brenda. Anna had extensive psychotherapy for two years and it is probable that any domestic abuse she had experienced by Colin is likely to have been mentioned in the Counsellor's notes on the GP record but there is none. There is record of Anna being assaulted in 2002 and 2003 but no further information.

27 RSPCA

- 27.1 The RSPCA made regular visits to the Farm over many years and had extensive dealings with Colin. The local Inspectors knew Colin well and met Anna, Brenda, Deborah and Eleanor when visiting the Farm historically although records indicate that their recent involvement from 2010 was only with Colin and Deborah. The RSPCA also worked closely with Waverley BC Environmental Health team and carried out joint visits to the Farm on occasion as part of Waverley BC's investigations into Colin's dog breeding business.
- 27.2 The RSPCA do not hold historical files and therefore have only been able to review records and provide information from December 2010. In completing the IMR, interviews were conducted with the RSPCA officer that has responsibility for the Farm and with the Group Chief Inspector who manages a number of officers that have visited the address as a 'one off' and who also has visited the address on a number of occasions.
- 27.3 The involvement of the RSPCA has been included in the chronology. In summary, RSPCA officers have visited this address over a number of years responding to complaints regarding the welfare of various dogs, cats, birds, equines and other animals. Between December 2010 and February 2014, they received seven complaints about animal welfare at the Farm. Each complaint was followed up through phone calls, visits to the Farm, by contacting vets or Waverley BC. The IMR notes that Colin or others did not always answer phone calls at the Farm and at times, it was not possible to access the premises or to see Colin directly about the complaint.
- 27.4 The RSPCA gave advice about the animals when necessary. They also put some down for Colin or arranged treatment through a local vet. Colin signed a number of dogs over to them in 2013.
- 27.5 RSPCA officers report that there has always been good liaison and communications between most agencies concerning the Farm, the exception being a three or four year period prior to 2013 when Environmental Health department staffing resulted in a poor response to the RSPCA. This liaison was specifically concerning animal welfare and not the welfare of any of the adults present or living at the Farm.
- 27.6 The IMR notes that in 2013 Deborah told an RSPCA officer that Colin had threatened her and that that she had reported this to the Police. RSPCA officers also witnessed aggressive verbal exchanges between Colin and Deborah. Police officers were in attendance at the time.
- 27.7 RSPCA Officers had no knowledge of substance abuse, mental health or safeguarding issues in connection with any of the subjects of the review.
- 27.8 RSPCA officers report that in their dealing with Colin they would describe him as a '*Roguish Charmer*'. They advise that his normal speech contains swear words and aggressive terminology. They observed that he is frequently aggressive about other people but not specifically about individuals. They would describe him as a '*Man's Man*' and witnessed him being negative about the woman at the address. They felt that he did not hold women in high regard. Officers did not report any problems in their dealings with Colin although acknowledged that he could be confrontational.
- 27.9 The RSPCA remit relates solely to the welfare of animals. The officers were aware of animal cruelty and welfare issues over many years, although as an agency they did not take seek to prosecute Colin at any time but supported Waverley BC in their enforcement action.

28 Other Agencies

- 28.1 There are no known contacts by Anna, Brenda or Eleanor with domestic violence outreach services in respect of Colin. Nor were any referrals made to such services on their behalf by other agencies.
- 28.2 The Probation service, Fire and Ambulance services also had no prior contact with the subjects of this review.
- 28.3 At the request of Deborah, Hampshire Police were asked for a chronology covering any contact they had with the subjects of the review but nothing of significance was reported. They referred some calls in connection with Colin to Surrey Police. They had some records re driving convictions for Colin.

29 Other Issues

Financial matters

- 29.1 Whilst it is not possible to say definitively if financial matters may have had any bearing on the homicides, financial matters in connection with the Farm were a source of contention between Colin and Eleanor, at times. Following her death and in the period leading to the homicides, Colin was being investigated for fraud and seems to have been under financial pressure.
- 29.2 Colin and Eleanor are reported as being prosperous during the 1980's and 1990's and the first reference to financial issues was during 1996-1997 in relation to the domestic violence when Colin told police officers that he could not afford to pay Eleanor for her share of the Farm. It seems that at some point Colin did make such a transaction but the date this happened or amounts involved are unknown, however the ASC SSA indicated that in January 2013 Eleanor had savings of £150,000.
- 29.3 Both Helen and Isobel allege that Colin would not marry Eleanor as she would have lost her late husband's RAF pension. However, she might not have wished to marry him for the same reason.
- 29.4 Deborah also mentioned her own financial difficulties when she advised the community nurses she was paying for Eleanor's food. She also advised the Chair that she had taken out loans to help with the costs of feeding the animals when she was helping Colin and Eleanor at the Farm in 2012 and 2013.
- 29.5 Concerns about possible financial abuse of Eleanor were beginning to emerge during the last few weeks of her life.
- 29.6 Eleanor's son, Jordan, made a formal complaint to Surrey Police alleging fraudulent activity in connection with his mother's bank account shortly after her death. As previously indicated these investigations led to criminal charges against Colin and Deborah.
- 29.7 Financial abuse is often a feature of domestic abuse. It can be a form of control used by perpetrators in order to gain power over their partner and is the most direct way in which domestic abuse and financial issues relate to each other. Financial abuse may take many different forms, but it is common for a perpetrator to control their partner's bank accounts, credit cards, benefits, not give them any money and/or take away any money and resources they have of their own. Victims of financial abuse may not always recognise that they are being taken advantage of, as it generally develops gradually and may be seen as being protective rather than coercive or controlling.
- 29.8 It is not possible to establish if the relationship between Colin and Eleanor featured financial abuse. Eleanor had considerable savings and it is probable that this together with her

pension contributed to the household finances at the Farm and was used to pay for some of the building and works done prior to her death. There is suggestion that Colin may have had power of attorney over her finances, which implies that she may have given him her consent to access her bank account. There seemed to be some reluctance on the part of Colin to pay for social care costs at least initially when ASC became involved in the care of Eleanor although subsequently private carers were arranged.

- 29.9 After Eleanor died, Colin's financial circumstances changed. He claimed Council Tax Support (and pension credit) indicating that his income had reduced. It would appear that Colin needed help managing his finances and the CID DS investigating the fraud said that when he visited Colin at the Farm, Friend 2 appeared to be helping him with sorting out his bills.
- 29.10 There is also evidence that Fred loaned Colin money and that Anna and Brenda spent some money he gave them from selling a car. When asked about the financial position of Colin, Fred said that money was very tight. He advised that he had been lending them money and that the last time he saw Anna and Brenda at the Farm he gave them £1,000 to help them keep going for a few weeks.
- 29.11 This would not point to financial abuse by Colin toward either Anna or Brenda, although Colin implied that both Anna and Brenda kept him short of money. After his arrest for the murders of Anna and Brenda whilst he was in custody, Colin stated:
- 'Anna's an ex-girlfriend, she's supposed to have been looking after me but she's been starving me to death and keeping me short of money. I have to beg them for petrol money. I just sold my Toyota land cruiser for five and a half thousand and they've spent the lot'*
- 29.12 In his statement to the police, Colin said that since Anna had moved in her treatment of him had become progressively worse. He added that Eleanor's son Jordan was trying to get the Farm from him and that Brenda had got involved in the case and was getting more 'dominant' with him, blaming him about the problems and shouting at him all the time. It is therefore possible that Colin's financial situation was in his mind and was a factor in the homicides.

Equalities and Diversity

- 29.13 Each of the IMRs were asked to comment on equalities and diversity issues. All reported that this did not impact on this case. Whilst this may not have given rise to any barriers of difficulties in accessing services or the actions of agency responses, the Panel felt that as Colin and Eleanor were both elderly and Eleanor was frail and suffering from dementia this was relevant as this gave rise to concerns about safeguarding in respect to Eleanor.
- 29.14 Furthermore, age did not appear to be considered by Surrey Police in assessing Colin's shotgun renewals, or that given his age it was surprising that he had not included any medical conditions, although it is acknowledged that there was no evidence that Colin's health or age affected his capability.

Mental Capacity

- 29.15 The Panel considered the question of mental capacity and firearms certification and linked this to age. Although there is a requirement to disclose mental illness and health conditions when applying for firearms and shotgun certificates, in the absence of a medical report, it was felt that a mental capacity assessment should also be part of the firearms certification process. It is acknowledged that the threshold for mental capacity is not necessarily high but the Panel considered it could be a useful addition alongside the fitness test required and that referees could also be asked to state positively that in their opinion the applicant has mental capacity. The decision about this would however be the responsibility of the Police as the licencing authority as under the MCA any agency is responsible for making its own assessment of a person's mental capacity and is not reliant on the views of other agencies.

It should also be noted that mental capacity relates to the type of decision the person being assessed is seeking to make and a person can be found to have capacity to make some decisions but no capacity to make others. The Panel did not make a specific recommendation about this as the 2016 Home Office Firearms licencing guidance addresses this.

Role of General Practitioners (GPs)

- 29.16 Although there was no evidence to suggest that Colin was medically unfit to hold a shotgun certificate, he had some health issues and was on medication for these, which he had not declared. The Panel felt that there should be greater involvement by GPs in the firearms certification process with greater liaison between them and the Police.
- 29.17 As indicated above there have been a number of developments to the law in relation to Firearms licencing since 2014. Since 1 April 2016, the Home Office guidance on Firearms Licencing Law introduced tighter medical assessments and specific requirements for GPs in relation to the licencing of firearms and shotguns to improve information sharing between GPs and police. The move is in response to recommendations to the current system submitted by Coroners, the IPCC, HMIC⁴⁰ and the medical profession.
- 29.18 Part 12 of the Home Office guidance now sets out relevant medical conditions that applicants for a firearm or shotgun certificate are required to declare. These conditions include:
- Acute Stress Reaction or an acute reaction to the stress caused by a trauma
 - Suicidal thoughts or self-harm
 - Depression or anxiety
 - Mania, bipolar disorder or a psychotic illness
 - A personality disorder
 - A neurological condition: for example, Multiple Sclerosis, Parkinson's or Huntington's diseases, or epilepsy
 - Alcohol or drug abuse
 - Any other mental or physical condition, which may affect the safe possession of firearms or shotguns
- 29.19 As part of the application process, if an applicant declares a medical condition the police may ask them to pay for a GP report to assist with the consideration of their medical suitability. The police will write to the applicants GP and the letter will normally ask if they have any concerns about the person's possession of a firearm or shotgun certificate or if they have suffered from a relevant medical condition, which could affect their medical suitability. GPs are required to provide the report normally within one month of the request. If the police require a further medical report following this contact with the GP they will request and pay for this.
- 29.20 The guidance states that if a person has received treatment for certain conditions in the past, such as depression or stress, this does not make them automatically unsuitable to possess a firearm. The police should take account of the latest medical opinion and if the condition is liable to recur. The medical information also must be considered along with other relevant evidence relating to the applicant's character and history. In addition, it states that consideration should also include any evidence that unauthorised persons, such as family members or associates, who may themselves present a danger to public safety, might have access to the firearms, even if these are stored securely by the certificate holder.

⁴⁰ Recommendation 11. See link <https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/firearms-licencing-targeting-the-risk.pdf>

This should entail a similar assessment and monitoring of relevant family members or other associates, including their behaviour and risks including those arising from their medical conditions.

- 29.21 Once the Police grant a firearms or shotgun certificate to an applicant, they will contact the GP to ask them to place an encoded reminder on the person's patient record so that the GP is aware the person is a firearm or shotgun certificate holder. This is to enable the GP to inform police if they have concerns about the person's medical fitness, which arise during the validity of the certificate between reviews. Upon cancellation of the certificate, for whatever reason, the police will send notification to the GP and the encoded reminder will be inactivated.
- 29.22 The Panel welcomes the new guidance and the adoption of one of our original recommendations in the interim DHR overview report [as noted by the IPCC].

30 IMR key Lines of Enquiry

- 30.1 The IMRs were asked to address several key lines of enquiry the outcome of which are summarised below.

Did agencies communicate effectively and work together to safeguard and promote the welfare of the individuals referred to?

- 30.2 Most agency involvement with the subjects and other associate persons with the review was single agency without necessarily requiring communication with other agencies.
- 30.3 Anna and Brenda were not involved with any agency other than the police in the months preceding the homicides and that contact was incidental mainly connected to the fraud investigation. Surrey police did not identify any safeguarding issues during this period.
- 30.4 Earlier agency involvement with Anna and Brenda had no bearing on the homicides and was appropriate to the matters being addressed at that time.
- 30.5 There was agency involvement with Eleanor at different times during the review period. The immediate Police response to the domestic abuse incidents between Colin and Eleanor in 1996 and 1997 was appropriate, but the follow up action by the FLD was flawed and failed to consider the potential wider risks properly.
- 30.6 In the period prior to Eleanor's death, community health services and ASC worked jointly, communicated appropriately about her care and support needs, and considered the safeguarding and welfare concerns.
- 30.7 There was appropriate sharing of information and joint working between Waverley BC, the RSPCA and Surrey Police regarding the enforcement action being pursued by the council in connection with Colin's dog breeding business. However, the FLD did not consider the information that might be available from either the council or the RSPCA in assessing Colin's shotgun certificate applications.

Was the level and extent of agency engagement and intervention appropriate? Were assessments undertaken in a timely manner, was the quality adequate and did they include the extended family and all historical information?

- 30.8 With the exception of the Surrey Police FLD, agency intervention and assessments were appropriate.

Was information known by agencies about any domestic abuse and if so was appropriate consideration given to how these affected the individuals concerned and were appropriate referrals made?

- 30.9 Surrey Police were the only agency aware of domestic abuse perpetrated by Colin and had placed a flag on his records about the incidents in 1996 and 1997. It is not known if they referred or sign-posted Eleanor to the Domestic Abuse Outreach service, which was provided by Waverley BC at that time, or to other support agencies. Waverley BC has no record of such a referral.
- 30.10 Other historic information about domestic abuse involving Anna did not relate to Colin.
Was information known by agencies about mental health issues, safeguarding issues and/or substance misuse? If so, was appropriate consideration given to the impact on the individuals concerned and were appropriate referrals made?
- 30.11 Surrey Police records indicate that following the domestic abuse incident in 1996 a police supervisor reported that Colin had a '*very evident drink problem*' and expressed the view that this was one of the factors which made him unfit to hold a shotgun certificate.
- 30.12 Also in connection with this incident, Eleanor's daughter, Isobel, raised her concerns about Colin's mental state saying that he was '*on the edge of a nervous breakdown*'.
- 30.13 There is no record of any further consideration being given to these reports or referrals to other agencies by the police.
- 30.14 Following her report that Colin had threatened to kill her, Deborah also told Surrey Police that she was worried about Colin's mental health that she believed he might have Alzheimer's disease and could take his own life.
- 30.15 It is not known if the CID officers investigating this allegation made enquiries about Colin's mental health, however the FLS wrote to his GP asking about this but the GP's reply did not clarify this.
- 30.16 Eleanor's mental health was considered and addressed appropriately by health and ASC.
Was any information known by agencies about threatening, abusive or violent behaviour on the part of Colin towards family/household members or other persons? If so, was appropriate consideration given to this and how this affected those concerned and were appropriate referrals made?
- 30.17 Surrey Police had considerable information about Colin and his abusive, violent and threatening behaviour, or allegations of such behaviour, which are in the chronology and analysis. This included the domestic abuse incidents, the allegation that Colin had made a threat to kill Deborah and subsequent hostility between them afterwards, the ungraded intelligence about him taking out a 'contract' on Eleanor and various complaints in connection with his business.
- 30.18 Surrey Police was aware that Colin posed a risk to Deborah during their dispute and shared this with Waverley BC as they were continuing to monitor the situation at the Farm in connection with complaints being received by the public.
- 30.19 Other agencies were aware that he could be confrontational and the community nursing service referred to his abusive behaviour, but most found him civil and courteous.
Was Colin's failure to engage or co-operate with agencies considered as a safeguarding risk?
- 30.20 Colin is reported to have been generally co-operative with agencies.
Were any identified safeguarding issues in respect of Anna, Brenda or Colin or others acted on appropriately and in a timely way by all agencies?
- 30.21 No safeguarding issues were identified in connection with Anna, Brenda or Colin.

Was there any assessment of the risk potentially posed by Colin to Anna, Brenda and any other persons following the allegation by Deborah (Anna's other daughter) that Colin threatened her with a shotgun in March 2013? Was the action taken appropriate?

- 30.22 Anna and Brenda were not in contact with Colin at the time of the allegation made by Deborah; therefore no assessment of the risk presented by Colin would have been needed at that time. No assessment appears to have been made in connection with other persons visiting the Farm.

Was there any further assessment made of the risk posed by Colin to Anna, Brenda and any other persons following the withdrawal of the allegation by Deborah in March 2013?

- 30.23 As above.

Was there any further assessment made or other appropriate action taken in connection with the return of the guns?

- 30.24 The FLD carried out an assessment of the risks prior to the return of the guns but as indicated this was inadequate.

Were the decisions and actions that followed the assessments appropriate and were detailed plans recorded and reviewed?

- 30.25 No.

Was race, religion, language, culture, ethnicity, gender, sexuality, age or disability a factor in this case and was it considered fully and acted on if required? How was the uniqueness of this particular family recognised?

- 30.26 There is no evidence that the Equalities Act protected characteristics has been a factor in this case. There have been no barriers to accessing services or impact on service delivery.

Were there any organisational or resource factors which may have impacted on practice in this case?

- 30.27 No organisational or resource factors have been identified as having any impact on this case.

Were appropriate management/clinical oversight (supervision) arrangements in place for professionals making judgments in this case?

- 30.28 The IPCC found evidence of inadequate management oversight and scrutiny within Surrey Police FLD. Other agency supervision and oversight appears to have been appropriate.

31 Family views

- 31.1 The families of Anna and Brenda, and Eleanor have provided some very helpful information for the DHR Panel. Some reference has been made where relevant in the chronology. Additional comments and observations to aid the analysis are included below.

Anna and Brenda's family

- 31.2 This tragic event has had a significant impact on the family members and they continue to grieve for Anna and Brenda. All family members are of the view that their deaths would not have occurred had the police not returned the guns to Colin. Consequently, the family feel extremely strongly that Surrey Police are ultimately responsible for the homicides.

- 31.3 Deborah and Fred also believe that Surrey Police lied and covered up information. Deborah raised a number of concerns with the IPCC investigators, which are addressed in their report.

Deborah

- 31.4 Deborah considers that Colin was abusive towards both her mother and to Eleanor throughout their relationships.
- 31.5 She advised that her father, Larry had been very violent towards Anna, herself and her sister. She said that by comparison, Colin was very different and although he had a temper, would get very angry, shout and might throw things, he did not automatically resort to physical violence unlike her father who would punch and hit them. She said that Colin could be nice and that she and Brenda were very fond of him. She recalled that Colin and her mother would argue a lot and that she saw many dreadful rows between them, she added that her mother would not give in to his temper and would argue back. She commented that she and her sister would be sent out to *'feed the dogs'*, which was the code for when they were having a big row and to leave them alone for a while. Deborah said she did not see Colin hit her mother but she believed that he might have done so on occasion. She said that he had hit her once when she was young.
- 31.6 Deborah advised that when she and her family went to stay on the Farm, Eleanor was living there. She added that she felt that Colin would deliberately play her mother and Eleanor off against each other and there was rivalry between the women. She said that Colin's abusive behaviour towards her mother was largely mental abuse, as Colin was very controlling and manipulative and would go into *'rages'*. He always used bad language and could be threatening.
- 31.7 When asked about Colin's alcohol use, Deborah said that he did drink quite a lot but she did not think it was a factor in his abuse towards her mother. Kieron advised that Colin would drink every day, that there was always beer in the house and that he went to the pub regularly. Kieron said he did not think that Colin had a big alcohol problem. Deborah said he used to drink and drive regularly which Kieron confirmed although added that more recently he usually got a lift home from the pub.
- 31.8 Deborah feels strongly that Colin had been abusive toward Eleanor in the same way as he had been towards her mother, controlling and manipulative but she had not witnessed any physical violence between them. She also spoke about her shock at seeing Eleanor again in 2012, as she was worried about how she looked, seemed in poor health and appeared neglected. She was shocked that Colin had let her get into such a condition as Eleanor had always had pride in her appearance. Deborah said that Colin was uncaring towards Eleanor towards the end of her life, even though he was her main carer at that time.
- 31.9 Following the murder trial, Deborah condemned the decision by Surrey Police to return Colin's guns in 2013, which she considered was *'incomprehensible'*. She said:
- 'The shotgun was one of seven that had been returned to him by the police only months before he used it to kill. He held a shotgun licence despite the police repeatedly being warned by me and others about the danger he posed to society, allowing him to kill and kill again.....'Colin pulled the trigger, but it was Surrey Police who 'put the gun in his hands'. Surrey Police should not be allowed to escape their responsibility for these deaths.'*
- Fred
- 31.10 Fred met Brenda in October 2004 and first met Colin in January 2005. He said that he liked Colin, he was jovial and easy going – the *'country squire and farmer'*. He confirmed that they always got on well; he always used to say *'hi'* and chat. He said that Brenda also liked Colin and that he was fond of her. He did not think they were that close just knew each other well and joked a lot together and they were like friends. He thought Brenda saw him as her mother's boyfriend or a family friend rather than a father figure.
- 31.11 Fred confirmed that Anna and Brenda remained in touch with Colin after Anna moved away. He said that they used to drive over to see Colin sometimes but it was rare and was not sure

if they last time had been in 2010 or 2011. Fred advised that Brenda starting staying at the Farm again in about September 2013 to help her mother look after the place and Colin which involved a lot of work. Fred said he did not stay at the Farm or visit as he disliked the guard dogs.

31.12 When Anna and Brenda began staying on the Farm to help Colin in 2013, Fred advised that they were unaware of the threat to kill he had made toward Deborah that March as they were not in touch with her at the time.

31.13 Fred, describing Anna and Colin's relationship stated that:

'They were off and on, an old couple, fond of each other, she made him food, he kissed her and took her out for trips, it was a 20 year friendship and on off relationship.'

31.14 He said he was not aware of any disputes, fights or arguments between Anna and Colin or between Brenda and Colin in the months prior to the murders. He said there might have been the usual sort of nonsense such as Colin wanted his TV show and they got annoyed. He said:

'arguments were about food or TV or who feed the chickens, they were not ever serious. If Brenda burnt Colin's Dinner or something then Colin would sulk and get upset, that sort of thing'.

31.15 Fred said he had not been aware of any physical violence or abuse towards Anna or Brenda or that they had ever threatened them or felt fearful of him. When asked if he had any personal concerns about Colin's behaviour towards Anna and Brenda, he replied:

'no, he looked like a harmless old farmer; I did not like it if there were guns there, but otherwise no concerns.' 'I was worried about them near him when he had guns, I don't like guns and I understood that the guns were taken away from him before Brenda went up there, otherwise I would have kept her at home'.

31.16 Fred said he was *'was amazed'* by the homicides and even with hindsight did not think that there were any warning signs about what might happen or that Colin might present a risk to either Anna or Brenda. He said:

'he seemed harmless, watching TV, going to the pub, eating a pie, drinking his beer and feeding his chickens and driving around the whole area saying hallo to everyone, he was one of the most well known people around there.'

31.17 Aside from the Police not returning the guns to Colin, Fred was asked if he felt that anything agencies could have done to prevent the homicides. He responded:

'no, without guns he could not have done this, he was a very old man and they were younger and stronger, so without guns, he would have been overpowered, Brenda was very strong, she worked outside all the time'.

31.18 Expressing his views about what happened Fred said it was:

'utterly tragic and it did not need to happen, the Police failed to do their job, no one was told he had guns again and if they did inform us then those women would have been at home and nowhere near the farm. It is very clear that this was a criminal error by the police and there might even be corruption involved and corporate manslaughter as well. Huge failures all around and it cost two people their lives one young and one at end of middle age.'

He continued: *'My Partner of 10 years was taken from me at 40 years old by the actions of the police in returning guns to an unfit person. None of us were informed that he had received his guns back, and the IPCC have made many discoveries of massive failures by the police.'*

Georgina

- 31.19 Georgina, Anna's sister, advised that they had been very close and saw each other regularly when their children were growing up. She said they lost contact sometime between 2007 and 2010. She said she rang Colin in 2012 or 2013 to see if he had Anna's phone number or address and he told her was no longer in contact with her and he that didn't know where she was. Georgina said that in August 2013, Anna phoned her and told her she was helping Colin out at the Farm. Georgina and her husband began visiting Anna at the Farm, three times a week normally on Monday, Wednesday and either a Friday or Saturday. She said her husband would help do jobs around the place, as Colin was too elderly to manage them.
- 31.20 Georgina commented that although she had met Colin occasionally when he and Anna were seeing each other in the 1990's, they did not go to the Farm. She and her husband came to know him better in the last few months prior to the homicides. She advised that he and Anna generally got on well as far as she was aware. She thought they were close friends rather than '*in a relationship*' but that that Colin cared about Anna and talked about selling the Farm and them buying a bungalow in Somerset.
- 31.21 Talking about her impression of Colin, Georgina said that he was a jolly person and sociable, but liked things doing his way. She was aware that he had a temper and recalled on one occasion him being so angry that '*he was almost foaming at the mouth*' over '*something quite small*'. She said that she was unaware of any abuse between Colin and Anna, either previously or when Anna began staying at the Farm again in 2013 and 2014. She added that her sister had had a very abusive marriage and she did not think that she would have put up with abuse again. She stated that after her marriage ended, Anna had said to her that '*I'm not afraid of any man*'.
- 31.22 Georgina advised that she thought that Anna was getting fed up of the situation with Colin and believed that she was planning to leave the Farm, just prior to the homicides. Georgina recalled that both Anna and Brenda called round to see her and her husband the day before the homicides. She said that Anna had showed her four boxes she had bought for carrying her dogs [Anna had four very small pet dogs] and Georgina thought that this might have prompted Colin to take the action he did. She said she had told the police this but believed it had not been mentioned at the trial.
- 31.23 Referring to the guns, Georgina said she was aware that Colin had shotguns after the visit by the police in December 2013. At the time the police asked Colin to lock away some shotgun ammunition that was lying around, which Georgina had not previously noticed. Colin said he would do so, but did not. She also said she thought Anna held the key to the gun cabinet.⁴¹
- 31.24 Georgina and her husband both said they did not think Colin was capable of the violent action he took in shooting Anna and Brenda. Georgina said that he was an old man, he was deaf, he could be loud at times but she thought this was bravado. She added that she did not think there had been any warning signs or premeditation involved as they had been at the Farm on the Friday and had also made arrangements to go over again on the Monday. Georgina's husband said that Colin had also reminded him to bring back his mower [as he had repaired it].
- 31.25 Georgina, like Deborah and Fred, do not think that Colin should have had access to guns and that the police decision to return his guns was wrong.

Eleanor's family

Isobel

⁴¹ Deborah advised that at the trial it was stated that Colin and one of his friends (Friend 2) held a key, Anna did not.

31.26 Isobel advised that she disliked Colin and referred to him hitting her as a child. She said that she did not understand why her mother stayed with him all the years she did, but she just accepted that her mother loved him and that she wanted to be with him.

Helen

31.27 Eleanor's eldest daughter Helen provided some insight to her mother's life with Colin in the 1960's.

31.28 Helen advised that her sister, saw Colin as a father figure although she and her brother (who went way to boarding school) did not.

31.29 Helen describes her mother as being '*great and that* she was a very strong person both physically and mentally and worked very hard on the Farm. She added that she also helped out as she was often off school as she quite a sickly child but also at other times was kept at home because of the amount needing to be done on the Farm.

31.30 Helen described Colin as a '*country man*' who would use bad language in his speech. She said that he would '*lord it up*' and was full of his own importance. She says he liked things doing his way and expected them all to live by '*his rules*' and would lose his temper easily if they did not; for example, if things were not done quickly enough or in the way he wanted it doing. She advised that he and her mother would argue a lot but she did not witness any physical violence between them. She said that her mother would '*give as good as she got*'.

31.31 Helen said that she was not aware of any physical abuse between her mother and Colin, but she considered him abusive, very controlling and a bully. She reported that he was physically abusive towards his own mother when they lived with her before moving to the Farm. She also says that he would '*knock her and her sister around*' as children. Her sister, Isobel, also made similar comments. Helen concludes that their treatment would have been seen as a child protection issue if it happened today.

31.32 Colin reported at his trial that he had been around shotguns '*all his life*'. Helen confirmed that he always kept shotguns at the Farm when she lived there. She also described an incident involving Colin's improper use of a shotgun that occurred when she was about 16 or 17. She says that she had been out one night in Guildford and accepted a lift home from a boy (who was a friend) as public transport to the Farm was not very good at night. She invited him inside for a coffee and as they entered the house Colin came down the stairs pointing a shotgun at her friend and threatened to shoot him if he did not leave immediately. This incident was not reported to the police.

31.33 Helen described the ill treatment of her and her sister by Colin; his short temper and the frequent arguments between him and her mother that would occur daily and could be set off by '*anything and everything*'. She considers that Colin did subject her mother to domestic abuse and, like her sister, does not really understand why her mother put up with his behaviour, particularly when he began his relationship with Anna.

31.34 Helen said that although she was very shocked by the homicides, it did not come as a surprise in some way as she always felt that Colin was capable of such level of violence but does not think that there is anything agencies could have done to prevent the deaths. Like Anna and Brenda's family, questions why he was allowed to have access to the guns.

Other comments

31.35 Various family members have made suggestions about changes to the firearms and shotguns licencing arrangements in the light of these tragic events.

31.36 Deborah has called for much tighter regulations. She has also suggested that the cost of licencing should be significantly increased as a deterrent.

- 31.37 Georgina suggested that the licencing firearms should perhaps be through an independent body rather than the police.
- 31.38 Deborah has also called for increased public awareness of domestic abuse. Since the murders of her mother and sister, Deborah has supported Refuge⁴² and their campaign '#KnowHerName' which calls for a public inquiry into the response of the police and the government into domestic violence.

⁴² The domestic violence charity

PART 4

FINDINGS AND RECOMMENDATIONS

32 Conclusion

- 32.1 Colin caused the deaths of Anna and Brenda using a shotgun, which was lawfully in his possession at the time. He was found guilty of their murders in October 2014 and was sentenced to life in prison. Given his age, he will spend the rest of his life there. This tragic event has had a significant impact on the lives of Anna and Brenda's family, who have variously lost a mother, a grandmother, a sister, a niece, and a partner, and they will never forget it. They have also shared their insight and thoughts about what has happened which have been included in this review.
- 32.2 Although Colin lawfully possessed a shotgun, the question is whether he should have done so at the time of the murders. The answer very clearly is that he should not. Both the two supervised IPCC investigations by Hampshire and Yorkshire Constabularies found that the decision to return the shotguns to him was seriously flawed. The IPCC report highlighted a catalogue of failings by the staff in the FLD from poor practice to misconduct resulting in the decision to return Colin's shotguns. The IPCC investigation found inadequate management, scrutiny and oversight by the FLM and that there was a potential case to answer by the FLS and FEO for Misconduct in a Public Office. The CPS decided not to prosecute but Surrey Police pursued disciplinary action for gross misconduct following which the FEO was dismissed. The FLS resigned before there was a disciplinary hearing so no further action was taken in his case.
- 32.3 The DHR has considered the background to the lives, relationships and behaviour of the subjects of this review as a way of making sense of the tragic events. Colin came into the lives of Anna, Brenda and Deborah purely by chance when, in about 1990, Anna went to buy a puppy from him. Anna embarked upon a relationship with him from the following day which continued *'on and off'* for over 20 years and culminated in a horrendous act of violence. There is no doubt that Colin cared for Anna and that at least in the early days of their relationship that their affection was strong and mutual. He was also close to both her daughters, Brenda and Deborah, and when they were young, they saw him as a father figure and very different to their own whom was very violent and abusive.
- 32.4 When Anna met Colin, he was still living with Eleanor, whom he had been living with for over 30 years although they had never married. It is not known what the state of their relationship was at that time but we do know that Colin would often refer to Eleanor as his *'housekeeper'* rather than wife or partner, from then on. Eleanor's family however believe that their mother still loved Colin and was effectively his partner until the end of her life.
- 32.5 Colin was well known in the area where he lived and was a regular at his local pub. He has been described variously as a *'man's man'*, *'jovial and easy going'* - *'the country squire and farmer'* and *'a roguish charmer'*. The families of Anna, Brenda and Eleanor have also called him manipulative, controlling, and a bully who always wanted things done his way. He is said to have a fiery temper and would go into rages at the slightest thing and would shout and sometimes throw things. He used bad language as part of his normal speech and it was usual for him to make threats about what he might do if someone angered him. There are reports that he would argue and have dreadful rows with Anna and Eleanor, although family members did not see any physical violence between him or either woman. Professionals dealing with him have also described Colin as intimidating and confrontational at times, and one commented that he had a low regard for women, although in contrast most people said he was civil and polite.

Were Colin's relationships with women abusive?

- 32.6 It seems reasonable to conclude that there was abuse within Colin's relationships with women. There are reports of him assaulting his mother, and Eleanor's daughter referred to frequent rows and arguments between him and her mother and there is reference to Colin 'knocking them about' as children. The police reports of domestic violence incidents in 1996 and 1997 involving Colin and Eleanor indicate that Eleanor was considered at risk of violence from him. Although there were no other reports about domestic abuse involving the pair by other agencies, when Eleanor became frail and required care, concerns about safeguarding were raised by the community nursing team and CPN with ASC. These concerns included the lack of consideration or appreciation of Eleanor's care needs, the safety of her environment, and possible financial abuse, although she died before these were escalated to a formal adult safeguarding investigation. Given this, it is probable that domestic abuse and controlling behaviour was a feature of their relationship, and it is possible that this may have included financial abuse in the later stages of her life. The police found evidence of more than £100,000 being taken fraudulently from Eleanor's bank accounts between October 2012 and March 2013. Both Colin and Deborah were charged for this offence; Deborah was found guilty of five counts of fraud, but Colin did not face a trial as it was felt that this was not in the public interest. Given this, there remain questions about the extent of any financial abuse he may have perpetrated against Eleanor.
- 32.7 Looking at Anna's relationship with Colin it is less clear that this was abusive or involved physical violence, particularly when they became involved again in 2013. There are no independent agency reports of any domestic disputes or violence involving Anna and Colin, but Deborah described Colin's manipulative and controlling behaviour towards her mother when they were previously living together that typifies an abusive relationship. Given this, it is possibly surprising that, having parted from Colin and moved away from the area, Anna would choose to return to help him in 2013, although the Panel recognises that abused partners often return to their abuser.
- 32.8 Deborah was had limited contact with her mother from July 2013 until February 2014 when they were staying at the Farm, and this was mainly by telephone. She is not aware if there was any abusive behaviour by Colin towards either Anna or Brenda during that time but believes that there was. By contrast, Georgina saw Anna, three times a week and was unaware of any disputes or abuse at the time, although she said that Colin disliked Brenda. She believes that Anna wanted to leave him prior to the homicides but this is not conclusive. The Panel also notes that it common for those subject to abuse to be able to hide this successfully from family or friends that see them regularly.

Were other agencies aware of any domestic or other abuse involving the subjects?

- 32.9 Few agencies were involved with Anna and Brenda although Colin was well known to Waverley BC and the RSPCA in connection with his dog breeding and other animal welfare considerations. The Police were involved with Colin at various times throughout the review period and with Deborah from 2013, largely in connection with the threat to kill allegation and personal dispute. They had dealings with Colin and Eleanor in 1996 and 1997 when there were incidents of domestic violence. Other than by the police, there is no suggestion that any agency was aware of any domestic abuse within the relationships between Colin and either Eleanor or Anna.

Were the homicides preventable?

- 32.10 The key questions for this DHR are whether the homicides of Anna and Brenda were predictable and or preventable. The second question is easier to address than the first. The conclusion of this review is that the homicides were preventable. The Panel is satisfied that it is highly unlikely that they would have occurred if Colin did not have access to his shotgun. He was an elderly man, both Anna and Brenda were younger and physically fitter than he

was, although he was volatile and could lose his temper easily, it is thought unlikely to have used another sort of weapon against the women. He had been around shotguns all his life was familiar with using them and their availability at his home offered him both the means and opportunity to commit the murders.

- 32.11 The Police are the authority for authorising and licencing shotguns and they are required to follow statutory guidelines set by the Home Office and the Police Approved Professional Practice. The test for granting a shotgun certificate is *'whether the applicant is likely to present a danger to public safety or the peace'*. Whilst this is not the same as for a firearms certificate, which applies the test of fitness, the guidance in place at the time indicated that there are similar considerations in assessing if someone is likely to present a danger to public safety or the police. These considerations include if the applicant is known to have had involvement or is suspected of involvement in criminal behaviour; if they have *'intemperate habits'*(which means having a lack of self-control); if they are of *'unsound mind'* and if there are any incidents of domestic violence and abuse.
- 32.12 The IPCC investigation considered the extent to which Surrey Police FLD applied these considerations to the granting of Colin's shotgun certificate and its revocation at different times from 1996 to the time of the homicides in February 2014. They found evidence that the FLD did not properly consider the information available to them to assess whether Colin was likely to present a danger to public safety or the police, or apply the standard of proof necessary to make such decisions. The IPCC found that there were missed opportunities and evidence of grounds to revoke his shotgun certificate or refuse his renewal application on more than one occasion over this period. The decision to return the shotguns and certificated to Colin in July 2013, following their seizure after the threat to kill allegation made by Deborah, was found to be highly influenced by the decision not to take further action prosecute him for this offence. The IPCC were also concerned by the failure to consider if the ongoing fraud investigation could potentially present any ongoing risk to public safety or the police.

Were the homicides predictable?

- 32.13 The question of whether the murders were predictable is much more difficult to determine.
- 32.14 When Colin was arrested after the shootings, he made various comments and complaints about Anna and Brenda, alleging that they had not been feeding him properly and they were keeping him short of money. In his statement to the police, he also said that Anna had also threatened to get Social Services to put him in a home. He said he had *'been under really bad stress'* and that it had been like this at least for two or three weeks.
- 32.15 Colin spoke very harshly about Anna and Brenda immediately following the murders saying they *'treated him like s**t'*. He said of the incident: *'if ...[Anna] hadn't gone all f***ing mental at me, I wouldn't have gone and pulled the trigger. I didn't mean to pull it'*. He continued: *'the daughter was behind her barging me, so there were two of them pushing me really'*. Later he said: *'I swear if she hadn't of pushed me through the door, I wouldn't have done it. I was already in a rage about it, but if she hadn't pushed through the door, it wouldn't have happened'*
- 32.16 Whether or not the allegations made by Colin are true, financial tensions were evident and he claimed to be unhappy about his perceived treatment by Anna and Brenda at the time of the homicides.
- 32.17 Deborah is of the strong opinion that the murders were predictable given Colin's threat to shoot her in March 2013 and subsequent threats. She reported her concerns to Surrey Police many times. Whilst it is clear there was animosity between Colin and Deborah following the death of Eleanor, it seemed to the Panel that the risk at the time the guns were

removed was toward her and less so against anyone else. This view is supported in the IPCC report.

- 32.18 Deborah acknowledges that she was at risk from Colin and is pleased that this was recognised by the IPCC and DHR Panel.
- 32.19 Although Deborah also referred to her concerns about Colin's mental health, there is no evidence to indicate that he had a mental health condition. Those in contact with him in the period prior to the homicides including Georgina and her husband who saw him frequently did not think so, nor did the CID officers investigating the fraud allegations. There were financial issues as noted by Fred and possibly other tensions between Colin and Anna and Brenda as he described to the Police, but those around them did not know this. Fred and Georgina did not like Colin being around guns but they were very shocked by the events and are clear that they would not have predicted that these might occur.
- 32.20 As no other agencies other than the police were involved with the subjects at the time of the fatal shootings, based on the information available the view of the overview author and Panel is that on the balance of probabilities it is most likely that the deaths were not predictable.
- 32.21 Deborah does not agree with the DHR Panel that the homicides were not predictable. She is of the view that Colin presented a risk to her mother and sister. She also considers that he would have presented a risk to any woman living with him.

Were there any failings on the part of agencies that had been involved with the subjects historically?

- 32.22 There is clear evidence of failings on the part of Surrey Police in connection with the decision to return the shotguns and certificate to Colin in July 2012, which ultimately resulted in the tragic deaths of Anna and Brenda.
- 32.23 The Panel did not find any other agency failings in their dealings with the subjects of the DHR. Whilst agencies were not dealing with matters associated with domestic abuse, the Panel was satisfied that staff generally followed their own organisations procedures and where necessary there was good multi-agency working.
- 32.24 During December 2012 and March 2013, as Eleanor's health was failing she received support from health and ASC services. There were increasing safeguarding concerns about Eleanor raised by VC and SBPT including that of potential financial abuse but these had not been fully explored when Eleanor died. There are some recommendations in connection with local practice by these agencies to improve understanding of domestic abuse, financial abuse and mental capacity.
- 32.25 The Panel evaluated the involvement of services in connection with the care of Eleanor prior to her death and made some recommendations for improvements in practice in connection with staff safety, increasing awareness of domestic and financial abuse. The Panel however would wish to stress that these had no bearing on the homicides.
- 32.26 The DHR had identified a weakness in relation to local authority civil prosecutions not being recorded on the PNC and suggests that the police should be able to access such information when assessing firearms and shotguns applications. A recommendation is therefore included to develop a local protocol to ensure such convictions are recorded.
- 32.27 The April 2016 Home Office guidance in respect of firearms licencing has significantly strengthened the requirements and specifically the actions for the police to take in the certification process. These have addressed some of the issues identified by the Panel and the HMIC report into Firearms Licencing and are very much welcomed.

32.28 There are some further points, which the Panel would like to ask the Home Office to consider in relation to cross-referencing the firearms certificate markers on GP records to other family members living in the same household. It is also suggested that more frequent assessments should be required for elderly applicants seeking firearms certificates.

33 Lessons learnt

33.1 A key aim of this DHR is to identify the lessons for agencies to improve future professional practice and service delivery as well as systemic or policy issues that can be addressed to prevent the likelihood of future occurrences of this type. These are considered on an individual agency basis and in terms of wider local or national interest and have been used to inform the recommendations of this report.

Surrey Police

33.2 Immediately after the fatal shootings, Surrey Police reported the incident to the IPCC, which authorised a supervised investigation Hampshire Constabulary and North Yorkshire Police. Both reports found the decision to return the certificate and shotguns to Colin was flawed.

Recommendations arising from the IPCC supervised investigations

33.3 Hampshire Constabulary recommended that Surrey Police:

- need to review its firearms licencing operations taking into account the content of the Authorised Professional Practice, as well as the content of 'The Home Office Guide on Firearms Licencing Law 2013', in particular chapter 12;⁴³
- may wish to consider a historic review of its firearms and shotgun certificate files to ensure that where certificate holders who have come to the notice of Police for matter of concern they have been dealt with appropriately.

In addition that:

- consideration should be given to reviewing who holds the delegated authority with responsibility for the refusal and revocation of firearm and shotgun certificates.

33.4 North Yorkshire Constabulary recommended to Surrey Police that:

- a review is conducted into who has delegated responsibility for matters related to revocation and refusal of certificates in line with the College of Policing Authorised Professional Practice;
- the suitability of all certificate holders who have come to adverse notice be reviewed; and
- all certificate holders who have been involved in domestic abuse should be reviewed.

33.5 Surrey Police have now implemented these recommendations and introduced new governance, processes and systems associated with firearms licencing in accordance with statutory guidelines and Police Authorised Professional Practice (APP).

Recommendations arising from the Police IMR re ICAD reports

⁴³ This has now been replaced by new guidance published in 2016.

- 33.6 The IMR author found that whilst examining the large number of ICADs associated with Colin and the Farm, the Surrey Police Contact Centre had only notified two ICADs (relating to a burglary offence in 2012 and threats to kill offence in 2013) directly to the FLD.
- 33.7 On liaison with a Contact Centre Manager, the author found that registered firearms holders are not automatically flagged on the ICAD system. Therefore unless there was specific intelligence relating to a firearms holder in an incident reported to the police, ICADs involving a firearms holder would not be routinely provided to the FLD for assessment, although they did have access to the daily ICAD downloads which would have to be checked. The issue however was that despite having the basic daily download the then FLD staff did nothing with it. It was also recognised that the Contact Centre would not be automatically aware that there were firearms at a particular address unless they checked the NFLMS (where firearms holders are identified), and PNC (for warnings about a person having access to firearms).
- 33.8 The IMR gave the scenario of a firearms holder reporting a burglary at their address but if the firearms were not stolen, a check would not be made on the PNC as they were a victim of crime. The presence / security of the gun cabinet at an address where there is an incident is a matter the IMR author feels should be brought to the notice of the FLD. The author felt there was also an officer safety issue as officers could be deployed to an address not knowing that the occupant was a licensed firearms holder.
- 33.9 The author proposed that an ICAD firearms marker, including their addresses and telephone numbers, should be applied to all new licence holders and at the point of renewing a firearms licence. She felt that it would be impractical to apply this retrospectively to 18,000 firearms holders. The DHR panel supported this recommendation, which was brought to the attention of the Sussex Police Chief Superintendent leading the review of the Surrey Police FLD practices and procedures at the time.
- 33.10 Since the IMR and IPCC report, Surrey Police have revised their processes around carrying out firearms licencing checks using NFLMS for all incidents that are sent for immediate or prompt deployment. This information is then recorded on the ICAD and attending staff updated. Surrey Police have also mandated that NFLMS checks will be carried out for all incidents of Domestic Abuse. Incidents of high harm and violence following an initial assessment based on Threat, Harm, Risk and Vulnerability; also have a NFLMS checks carried out if deemed necessary.
- 33.11 Unfortunately, the current ICAD command and control software system does not enable automatic flagging of firearm licence holders. This information may be entered manually as a location of interest marker (LOI) if felt appropriate based on the threat, harm and risk posed in relation to a particular person or premises. LOI markers are applied for a set timeframe and are periodically reviewed. Surrey Police are currently in the process of scoping short term ICAD upgrade options that could include a direct NFLMS interface. These options are being considered in conjunction with the possibility Surrey Police could move to a new command and control system, as part of a regional collaboration programme in the near future. A direct NFLMS system would be considered a key user requirement for any future system.
- 33.12 It is therefore recommended that Surrey Police should explore the viability of applying a firearms marker on ICAD to the details (name, address and telephone numbers) of all new firearms licence holders and licence holders granted licence renewals as part of any software system upgrade at the earliest opportunity.

IPCC investigation

- 33.13 Following the completion of the investigation report, the IPCC lead investigator found that the FLS and FEO in the FLD had a case to answer for Misconduct in a Public Office or alternatively face disciplinary proceedings in connection with the return of the shotguns to Colin. She found that there were performance issues to be addressed with the FLM. The outcome was that the CPS decided not to proceed with a prosecution; the FLM and FLS retired and the FEO was dismissed. [See paragraphs 21.10-21.12]
- 33.14 The report put forward nine organisational learning recommendations, which were agreed by the commission delegate. The IPCC recommendations are set out below.
- 1 That Surrey Police consider introducing structured training for all Firearms Enquiry Officers to enable them to perform their role to the required standard, as set out in their job specification and guidance under APP.
 - 2 That Surrey Police ensure that police officers responsible for investigations related to licence holders highlight any potential concerns or risk about the licence holder to the FLD.
 - 3 That Surrey Police ensure that staff involved in revocation decisions review sufficient information from criminal investigations to make informed risk assessment and decisions about the return of shotguns and certificates.
 - 4 That Surrey Police review how evidence of medical conditions is obtained and processed, at the time of application or renewals, to ensure that they can effectively assess whether all relevant conditions have been disclosed and the impact any conditions have on an applicant's suitability to possess firearms.
 - 5 That Surrey Police ensure that staff within the FLD are aware of how to identify and correctly classify domestic violence incidents.
 - 6 That the Home Office review their current national guidance on Firearms Licencing and consider whether there should be an addition to cover the application of the standard of proof within suitability reviews on certificate holders.
 - 7 That Surrey Police review the current resilience in quality assurance within the FLD, and that it is being performed at an appropriate level.
 - 8 That Surrey Police review their delegated authorities in line with APP guidance.
 - 9 That Surrey Police ensure that complainants who have made an allegation against a certificate holder (which resulted in the seizure of their firearms and certificates) are informed of any decisions made in relation to the return of the shotguns and certificates.
- 33.15 The Chair of the DHR supports and endorses fully the IPCC recommendations, which were accepted by Surrey Police and are being implemented.

Waverley Borough Council

- 33.16 Waverley BC generally acted appropriately in accordance with its policies and procedures. Their IMR has highlighted a need for better internal information sharing where appropriate and especially in connection with possible staff safety concerns.
- 33.17 As the Council undertakes a range of enforcement activity through its Environmental Health (and other) functions, the Panel felt that it would be desirable to be able record successful civil prosecutions, if relevant on the PNC. This is proposed particularly in connection with animal licencing and welfare, as there is an established link between animal cruelty and

domestic abuse and is included in the DASH⁴⁴ risk assessment as a possible indicator of abuse.

- 33.18 Although there was some information sharing between the police and Waverley BC in connection with the Farm, this was reactive in connection with particular actions or incidents. Given the information available to Waverley BC about Colin's business practice, had Surrey Police been aware of this at an earlier stage, it would have provided additional information for them to assess his potential suitability to hold a shotgun certificate. A more proactive approach to sharing information or intelligence arising from enforcement investigations and action carried out by borough and district councils or other local authorities would be useful to the police.
- 33.19 The Panel proposed that Local Crime and Disorder Partnerships should explore how this might be developed further and that Surrey Community Safety Board⁴⁵ develops a county – wide Civil Enforcement protocol with Borough and District Councils to ensure ACRO are notified of successful prosecutions in connection with animal licencing for inclusion on the PNC. They should also consider whether any other convictions should be notified, including those by Surrey Trading Standards. The protocol should also address the need for wider information sharing and intelligence with the police in connection with the Local Authority investigations and any other formal enforcement action taken such as notices being served and outcomes of prosecutions. This could be addressed through the existing local multi-agency arrangements for dealing with crime and anti-social behaviour including the Joint Action Groups (JAG's) which considers problematic places or locations and the Community Harm and Risk Management Meetings (CHaRMM's) which considers individuals causing nuisance and anti-social behaviour and the software reporting system Safetynet⁴⁶.
- 33.20 The Panel also proposed that the Home Office considers making it a requirement for Local Authorities to notify ACRO of any successful prosecutions in connection with animal welfare or other relevant offences.

Adult Social Care

- 33.21 ASC records show that there was close liaison with all relevant agencies including the police. ASC notes that the police records do not show all their contacts with Surrey police that are evidenced in AIS⁴⁷. Similarly not all police or other agency records appear to be recorded on AIS either. Discrepancies or missing details about relevant contact does not mean that appropriate action was not being taken or planned and there is no suggestion that this is the case here, but that it cannot be evidenced. All agencies need to ensure that their records are complete and relevant contact accurately noted.
- 33.22 The relationships between Eleanor and Colin and Deborah may not have been entirely clear to the ASC social care staff. They accepted that Colin was her Carer and Deborah helped him;

⁴⁴ Domestic Abuse, Stalking and Harassment and Honour Based Violence (2009) Risk Identification and Assessment and Management Model. See link <http://www.dashriskchecklist.co.uk/uploads/pdfs/DASH%202009.pdf>.

⁴⁵ Surrey Community Safety Board includes representatives from the 11 Crime and Disorder Partnerships and the County Council and other statutory partners. It is chaired by the Police and Crime Commissioner. It provides a strategic overview of community safety across the county.

⁴⁶ Safetynet is a web based reporting tool used to share information securely between agencies. It has been rolled out by the police across Surrey through the local Crime and Disorder Partnerships to share information about nuisance and anti-social behaviour.

⁴⁷ Adult Information System. This is the software used by Surrey CC ASC

however they did attempt to involve Eleanor's elder daughter in the assessment and care planning process.

- 33.23 ASC should have carried out a Carers assessment for Colin, given that he was due to go into hospital and there were clearly concerns about his ability to manage the Farm. Similar consideration should also have been applied to Deborah when Colin discharged himself from hospital. Whilst this would not necessarily have made a difference to Eleanor's situation it may have highlighted the underlying pressures on Colin and Deborah and identified if further help was necessary.
- 33.24 The premises and guard dogs presented potential risk to staff and at times there were difficulties accessing the Farm. Given the home environment of Eleanor and the guard dogs on the premises, the initial risk assessment should have been updated sooner as staff had been visiting the premises for a month before this was carried out.
- 33.25 It is unclear to what extent the ASC considered the financial arrangements between Eleanor and Colin as part of the social care assessment, other than in connection with the funding of any social care costs. There does not appear to be any ASC record to indicate whether or not Colin had a power of attorney for Eleanor or not. Nor is there a record of Deborah being granted a power of attorney in February 2013. It was not clear if ASC procedures require final assessments to include details of any powers of attorney that are in place.
- 33.26 Given that Eleanor had dementia, the risks associated with financial abuse would have been higher than for other elderly people. Although there was no evidence of any financial abuse at that stage, merely a possible concern, further investigation was planned and it is very probable that had Eleanor lived longer these issues would have been fully addressed. The ASC record should have reflected this and included relevant information particularly from the CPN or community nurses.
- 33.27 The Panel discussed the issue of financial abuse in the context of this case and felt that there are some issues that may have some bearing on wider adult safeguarding assessments and practice, which are considered later in this report.
- 33.28 Although Eleanor lived on the Farm where Colin had access to guns – this did not figure in the risk assessments carried out. This is not surprising nor is it necessarily wrong. It is however reasonable to ask whether agencies should be more aware of issues in connection with the ownership of firearms, to routinely ask about this in certain settings where guns are commonly used such as farms and take this into account in risk assessments. Whilst the procedures followed by ASC were in line with current practice, in light of this case consideration should be given to broadening risk assessment in connection with firearms (or other weapons) held on premises.
- 33.29 ASC was asked about the training given to reablement assistants in connection with Domestic Abuse. ASC advises reablement assistants all receive one day safeguarding training as part of their initial induction. They then receive half-day refresher training each year. They do not have formal domestic abuse training but have had awareness raising within a team meeting.
- 33.30 This case presented a complex domestic situation involving Eleanor, Colin and Deborah and it is suggested that in such cases ASC need to be more pro-active in re assessing home situations and liaising with services involved, especially the police, and that guidance to this effect is provided to staff.

Virgin Care (VC)

- 33.31 The diary of the community nursing team indicated they had an extremely busy caseload at the time they were caring for Eleanor, yet the nurses demonstrated that they were prepared to 'go the extra mile' by following her between addresses to enable her to access the nursing care that she required. They made contact with the practice nurse at the GP surgery to ascertain if Eleanor had attended a pre booked appointment, on finding out that she had not, they attempted to reinstate a home visit. The quality of care that they offered is further evidenced in the healing of a long-term chronic leg ulcer despite the difficulties occurred at times to gain access.
- 33.32 The IMR noted that community nursing records and care plans were of a high standard. Referrals are documented clearly, and practitioners from other agencies are identified in the records and when they had been contacted, this including referrals to ASC. Diaries were well managed and actions are outcome clearly recorded.
- 33.33 Visits by the community nursing team were undertaken mainly by three nurses, affording Eleanor continuity of care and enabled the nurses to build up a relationship with her and her family/carers
- 33.34 The IMR noted specific learning about the case in a number of areas including Mental Capacity, Safeguarding and Domestic Abuse.

Mental capacity

- 33.35 At the time, VC had specific guidance in relation to the Mental Capacity Act 2005 (MCA) and Deprivation of Liberty Safeguards (DOLS 2009) which was available on the extranet (internal website). However, a new Virgin Care wide Mental Capacity and DOLS policy had been written and was awaiting ratification.
- 33.36 MCA training is mandatory within VC. At the time of the community nurses input to Eleanor, Mental Capacity Act training was delivered once to staff and thereafter if required or identified at appraisal. In July 2014, a training audit reported MCA training compliance to be 87%. Following a recent Surrey serious case review (2013), the organisation made the decision to increase the frequency of MCA training to every three years, an audit has been completed and MCA training was therefore at approximately 50% compliance in October 2014 with a drive to increase to 75% in 2015. This community nursing team will therefore need to update their MCA training in line with recent organisational changes. MCA training is usually accessed by e-learning but can be delivered on a face-to-face basis with teams upon request to The Learning Enterprise (VC training department).

Safeguarding and domestic abuse

- 33.37 Training statistics for the community nursing team indicate that although safeguarding training throughout the organisation is above 80%, this community nursing team are only 58% compliant with the mandatory level 2 safeguarding training. Furthermore, no member of staff within the team had accessed domestic abuse training and only 12 staff members had accessed domestic abuse training from adult services within the last year. The staff at that time did not make any domestic abuse referrals as there were no indications that other family members were at any risk.
- 33.38 At the time of the incident, the VC Domestic abuse policy was incorporated in the organisation's policy for Safeguarding Children. The IMR notes that VC and the Multi-agency Domestic Abuse service are predominantly promoted through children's services rather than adult services and that domestic abuse training historically is accessed through joint training (Surrey Safeguarding Children's Board). This is not exclusive to VC's children's services but is primarily accessed by them. This may be due to domestic abuse training not being statutory or mandatory training within adult services.

- 33.39 The Panel noted that since March 2013, following a previous Domestic Homicide Review relating to children's services, the VC, Surrey Named Nurse for Safeguarding Children has undertaken to write a series of VC, Surrey guidelines relating to domestic abuse. A new lead for Safeguarding Children for all of VC's services was appointed in January 2015 and in conjunction with the Safeguarding lead will be reviewing all domestic abuse policies and guidelines. A member of staff from Virgin Care, Surrey has been approved to deliver domestic abuse training which can therefore be accessed by adult services within the organisation.
- 33.40 The IMR put forward a number of recommendations in relation to the training of clinicians in community settings, provide carers with more information and offer a referral for an ASC care assessment. In addition, that all staff should be aware of the 'Did Not Attend' failed access procedure when there is a concern for an adult.

Surrey and Borders Partnership Trust (SBPT)

- 33.41 No points in connection with effective practice or lessons learnt are highlighted for SBPT.

Primary Care -NHS England

- 33.42 NHS England did not produce an IMR only an executive summary of GP records. There was also a gap in the records; however, this is not felt to have affected this review.

RSPCA

- 33.43 The Panel noted that the RSPCA officers had some training in child protection and safeguarding (one day) but had not had any training in connection with domestic abuse or safeguarding vulnerable adults.
- 33.44 As animal cruelty is a possible indicator of domestic abuse [see paragraph 33.17], the RSPCA agreed that this was an area for development and training for their agency both locally and nationally. The RSPCA operates on a regional basis and the SE area is extremely large and covers London, Surrey, East and West Sussex, Norfolk, Suffolk, Cambridge, Essex and Kent. Appropriate links with the SSAB training are being put in place so that training can be provided to RSPCA staff.
- 33.45 There was also some discussion at the Panel about agency risk assessments relating to premises with guard dogs. The RSPCA advised that it was likely that Colin was committing offences in connection with the guard dogs at the Farm and that they could have offered help and advice to agencies needing to visit the Farm and could do so should similar situations arise in the future. This information has been circulated to the agencies on the Panel, and it is proposed that it should be made available more widely together with their offer of advice if required in future.
- 33.46 There was an extensive history of animal welfare concerns leading to a number of visits to the Farm by RSPCA operational staff over a number of years. This together with the continued confrontational behaviour and lack of cooperation by the people at the address should have resulted in a 'Warning Marker' being noted for the premises. The RSPCA Panel representative advised that this would be included in a national review of their existing procedures.

Other Issues

Financial matters

- 33.47 The Panel felt that this case highlighted some wider issues about the risk of financial abuse in older people. They believe that there is a need for greater awareness and that agencies working with older people and vulnerable adults should pay more attention to the issue.
- 33.48 As already indicated in the ASC section, it is important that financial arrangements such as powers of attorney be clearly documented in their records. There is however a wider public interest question about domestic and financial abuse in older people. There is significant potential for such abuse by partners or others towards the elderly, who may be less able to raise concerns or lack understanding about what may be happening.
- 33.49 The Panel suggested that the Surrey Safeguarding Board (SSAB) consider producing multi-agency guidelines to assist agencies assess the risk of financial abuse and in dealing with such cases. It is also proposed that more emphasis is given to this across agencies and that all staff working with vulnerable people receive training in looking for the signs of financial abuse and how to reduce or manage risks of such abuse especially where domestic abuse has already been a feature in their relationship or is suspected.

The Role of GPs

- 33.50 The interim DHR overview report [as noted by the IPCC] put forward recommendations for the involvement in GP's in the firearms application and renewal process, in line with proposals put forward in the HMIC in their 2015 report 'Targeting the risk'. This also included recommendations about putting markers on patient records. As indicated, both these recommendations were implemented from April 2016 in the latest Home Office guidance on Firearms licencing.
- 33.51 In the Panel discussions about flagging information on Firearms certificate holder patient records, there was also a view that this should also be extended and cross-referenced to the files of other family members in the household (living at the same address) as the certificate holder, as they might be able to access the firearms held on the premises. Although the guidance advises that other family members or associates of certificate holders may themselves represent a risk, the guidance did not extend the flagging of the patient beyond the certificate holder. The Panel recognises that this is more difficult to introduce and manage as not all family members may be registered at the same GP practice. Likewise, personal relationships and household membership can often change without the GP's knowledge. Nevertheless, the Panel still considers that there is merit in exploring this further, particularly if household members have or develop mental health and other illnesses or conditions that require consideration when assessing applicants for Firearms Certificates. Similarly, if there have been any domestic violence incidents that have not led to refusal or revocation of a certificate.
- 33.52 The Chair notes that there are some concerns from GPs about the present requirements to provide medical information and flag patient records. The current BMA position⁴⁸ on the firearms licencing arrangements for GPs states: *'We have significant concerns about these arrangements and we continue to raise them with the Home Office with the aim of agreeing a process that is fair to GPs in particular, and doctors in general, and safe for the wider public.'*
- 33.53 The BMA suggest that GPs may be able to refuse to provide information to the police in some circumstances. These include:
- a conscientious objection to the holding of firearms on the basis of religious or ethical beliefs

⁴⁸ BMA website dated 17 September 2017

- because it seeks an opinion on matters falling outside their medical expertise, namely assessment of behavioural and personality disorders.

33.54 They have also highlighted concerns about the encoding of patient records. Their website states:

'While reminding doctors of their duty of care to the public to raise concerns where they are apparent, we do not recommend flagging notes in this manner, due to the imprecise nature of flags, the lack of clear protocols for their appropriate removal and the absence of reliable software to facilitate the surveillance and cross-referencing of flags with diagnoses of concern.'

They add that they are working with the Home Office to resolve this issue.

33.55 It is not known if these arrangements with GPs are working effectively or if the encoding of patient records is as problematic as suggested but it is noted that there are ongoing BMA discussions with the Home Office about improving the arrangements.

Equalities and Diversity -Age

33.56 The current Home Office guidance on Firearms Licencing says that age is a factor to consider when assessing someone's suitability to hold a certificate, but it should not be the only factor. This is appropriate but the Panel felt that a pro-active more age related suitability assessment would be sensible. The Panel thought it was surprising that more frequent renewal periods did not apply once someone reaches a certain age or specific age related assessment, as is the case with driving as older people may be less capable of safely using and managing firearms as a result of their age and/or health and frailty.

33.57 The Panel suggested that it would be reasonable to introduce more regular renewals for people reaching the age of 70, suggesting these should then be every three years and then annually thereafter from the age of 80. Although the Home Office Guidance now provides for the continuous monitoring of the health of firearms and shotgun certificate holders, this would add another level of quality assurance to the system. It would require an updated medical declaration, providing a check if there had been any changes in the medical condition of an applicant that affected his suitability to possess a firearm, which may have inadvertently not been reported to the police.

33.58 The Panel proposed that the Home Office consider these issues when making further revisions to firearms licencing or future codification.

34 Recommendations

- 34.1 Several recommendations are proposed for local and national consideration. The Safer Waverley Partnership and Surrey Community Safety Board will monitor progress of their implementation.

The Home Office

- 34.2 That the Home Office considers making it a requirement for relevant civil prosecutions by Local Authorities, such as those in connection with animal licencing or trading standards to be recorded on the PNC.
- 34.3 That the Home Office:
- consider revising their guidance on firearms licencing to require that certificated firearms or shotgun holders should be required to reapply for their certificate on reaching the age of 70 and that the renewal period should be reduced to three years and then annually from the age of 80.
 - Consider the introduction of an encoded cross reference marker on the patient records of other household or family members living at the same address as the certificate holder, particularly where:
 - other family or household members have the relevant illnesses or conditions that require consideration when assessing applicants for firearms certificates, and /or
 - where there has been any domestic violence incidents that have not led to refusal or the revocation of a certificate.

Surrey Community Safety Board

- 34.4 That Surrey Community Safety Board investigates the introduction of a Surrey-wide Civil Enforcement protocol which:
- Notifies ACRO of successful Local Authority civil prosecutions in connection with animal licencing or trading standards for inclusion on the PNC.
 - considers whether any other civil convictions arising from Local Authority enforcement action should also be notified
 - address the need for wider information and intelligence sharing with the police in connection with the Local Authority investigations and any other formal enforcement action taken such as notices being served, for example,
 - through the multi-agency Joint Action Groups(JAGS) and the Community Harm and Risk Management Meetings (CHaRMM)
 - reporting on Safetynet.

Surrey Safeguarding Adults Board

- 34.5 That Surrey Safeguarding Board considers producing multi agency guidance on dealing with concerns in connection with financial abuse.
- 34.6 That Surrey Safeguarding Board develops or commissions suitable training on dealing with financial abuse and requires agencies working with vulnerable adults to ensure that their staff receive such training to an appropriate level. This should include:
- general awareness for all staff – this should cover what is financial abuse, the signs to look for and how to report this.

- specialist training for those assessing the care or support needs of vulnerable adults and delivering or arranging such care. This should address how to reduce or manage such risks and current best practice.

Surrey Police

- 34.7 Surrey Police should explore the viability of applying a firearms marker on ICAD to the details (name, address and telephone numbers) of all new firearms licence holders and licence holders granted licence renewals as part of any software system upgrade at the earliest opportunity.
- 34.8 Surrey Police should complete the implementation of the IPCC recommendations as soon as possible.

Waverley Borough Council

- 34.9 Waverley BC should review their internal information sharing arrangements to ensure that they can effectively manage any risk to staff in connection with visiting premises or persons that might present a risk to themselves or others.
- 34.10 Waverley BC works with the Surrey Community Safety Board to pilot the development of an Enforcement protocol that could be adopted across Surrey, namely:
- the notification of any successful prosecutions in connection with animal licencing to ACRO and ask that these be recorded on the PNC
 - the use of JAG, CHaRMM and Safetynet for local information sharing with the Police.

Surrey County Council Adult Social Care

- 34.11 ASC staff procedures should be reviewed to ensure guidance on best practice in assessment in complex domestic situations is included, for example, those with non-family members as carers, or where there is unusual or unclear relationships between those receiving and providing care.
- 34.12 ASC staff procedures should be updated to ensure that financial assessments always record any powers of attorney that are in place.

Virgin Care

- 34.13 Clinicians in Adult based community services should :
- be up to date with Mental Capacity training and be confident in assessing this.
 - all complete mandatory safeguarding level 2 training
 - receive Domestic Abuse awareness training in addition to that incorporated in mandatory safeguarding level 2 training.
 - will ask unpaid carers if they require carers information or a referral for an adult social care assessment
 - should be aware of the 'Did Not Attend' failed access procedure when there is a concern for an adult.

The RSPCA

- 34.14 The RSPCA will carry out a review to ensure appropriate 'Warning Markers' (now known as Cautionary Contacts) are in place. This is part of a national review.

- 34.15 The RSPCA will arrange for local officers to attend awareness training about Adult Safeguarding and Domestic Abuse and will recommend that such training is included in their national training requirements for staff.
- 34.16 The RSPCA will publicise/promote their offer of help and advice to care and support agencies in Surrey about risk assessments in connection with visits to premises advice where there are guard dogs or other animals present.

Appendix 1

Waverley Domestic Homicide Review

Terms of Reference

1. Definition and Purpose of a Domestic Homicide Review

- 1.1. A Domestic Homicide Review (DHR) is a statutory requirement under Section 9 of the Domestic Violence, Crime and Victims Act 2004. A “domestic homicide review” means a review of the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence, abuse or neglect by:
 - (a) person to whom he was related or with whom he was or had been in an intimate personal relationship, or
 - (b) a member of the same household as himself.
- 1.2. The purpose of the DHR is to establish the lessons to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually and collectively to safeguard victims suffering domestic abuse.

2. Purpose of this Review

- 2.1. To review the significant and relevant events that led to the deaths of Anna and Brenda by the alleged perpetrator, Colin, on 23 February 2014 and whether there are any lessons to be learned from the case about the way in which local professionals and agencies worked together to safeguard the persons involved.
- 2.2. To establish if the death of Brenda meets the criteria for a Domestic Homicide Review; irrespective of this given that both homicides were linked and if there are relevant lessons to be learned in this respect.
- 2.3. To identify what those lessons are, how and within what timescales they will be acted upon and what is expected to change as a result.
- 2.4. To establish the appropriateness of agency responses - both historically and at the time of the incident leading to the homicides.
- 2.5. To establish whether single agency and inter-agency responses to any concerns about domestic abuse were appropriate.
- 2.6. To identify, on the basis of the evidence available to the review, whether the homicides were predictable and preventable, with the purpose of improving policy and procedures across the borough of Waverley, Surrey and if appropriate, more widely.
- 2.7. To establish whether agencies have appropriate policies and procedures in place to respond to domestic abuse; and recommend and apply changes as a result of this review process with the aim of better safeguarding families where domestic abuse is a feature.
- 2.8. To prevent domestic abuse homicides and improve service responses for all domestic abuse victims and their families through improved intra and inter-agency working.
- 2.9. The review will exclude consideration of how Anna and Brenda died or who was culpable; that is a matter for the Coroner and Criminal Courts respectively to determine.

3. DHR Panel Composition

- 3.1 The Panel will include those persons and representatives of bodies that have a duty to participate in a DHR together with other relevant agencies that have been identified as able to contribute to this review process. Panel members must not have any conflict of interest

in respect to the subjects of this review. The panel membership for this DHR is set out in **Appendix 1**. The DHR Chair or Panel may decide to call upon other organisations/individuals to assist with specific issues that may arise through the review process if necessary.

4. Scope of the Review

- 4.1. The Review should be completed within six months of the date that the Chair of the Safer Waverley Partnership notified the Home Office of the intention to undertake a review, unless it becomes apparent to the Independent Chair that the timescale in relation to some aspects of the review should be extended. This is most likely in relation to parallel proceedings such as the criminal and court proceedings, coroner's inquest and any organisation's internal investigation.
- 4.2. The Independent Chair and Review Panel will request Individual Management Reviews (IMR's) by each of the agencies defined in Section 9 of the Domestic Violence, Crime & Victims Act 2004 who were professionally involved with Anna, Brenda, the alleged perpetrator and their families. IMR's will include the actions taken by respective agencies over the period of time as set out in 4.3 and 4.4 below; or from when concerns first emerged of the risk or threat of domestic abuse in the family, and specifically in relation to the incident leading to the death of Anna and Brenda.
- 4.3. The Review will consider agencies' involvement with Anna and Brenda from 1 January 1990, which is understood to be approximately the date when the relationship between Anna and Colin began; subject to any information emerging that prompts a review of earlier incidents or events that are relevant.
- 4.4. The Review will also consider agencies' involvement with and Eleanor, the former partner/wife of Colin, who died in March 2013. This relationship pre-dates and overlaps with that between Colin and Anna. Agencies are asked to look at any records from the mid 1960's when it is understood that Colin and Eleanor commenced their relationship and identify any significant or relevant events.
- 4.5. The Review will seek the involvement of the families of both the victims and the perpetrator in the review process, taking account of who the families wish to have involved as lead members and to identify other people they think relevant to the review process.
- 4.6. The Independent Chair will contact the family of Anna and Brenda at the start of the Review so that there is clarity regarding roles, responsibilities, the review process, and in particular, how the family will be involved.
- 4.7. The Independent Chair will be responsible for maintaining regular contact with the family, if appropriate, at all key stages of the Review. The Chair will meet with the family, or be in contact them, to ensure that they have a final opportunity to comment on the Overview Report prior to the report being sent to the Home Office.
- 4.8. The Independent Chair may approach any other relevant agencies or individuals if appropriate and seek their consent for their contributions to be included in the review.
- 4.9. The review will:
 - (a) summarise concisely the relevant chronology of events including the actions of all agencies involved;
 - (b) analyse and comment on the appropriateness of actions taken; and
 - (c) offer recommendations, where appropriate, that ensure lessons are learnt by relevant agencies, so as to safeguard children and families.

- 4.10. The Independent Chair will aim to complete a final Overview Report by the end of March 2015. This will be dependent on a number of factors, such as the completion of satisfactory Agency Individual Management Reviews within the timescales required, the extent to which further information is needed, the timing of any parallel proceedings such as, criminal/court proceedings or internal investigations. In addition, sufficient time must also be allowed to ensure the family can be involved.
- 4.11. The Review will determine whether the practices of each agency were in accordance with the national and local requirements of the time, reach conclusions about what, if anything, should have been done differently and, where appropriate, make recommendations about what actions are required by each agency and by the Safer Waverley Partnership to address the findings of the Review. In addition, it may make recommendations regarding any implications for national policy arising from the case.

5. Methodology

- 5.1. The Review will involve an initial search for information held by statutory and non-statutory organisations/services involved with the family and an audit check of what actions were taken in line with their policies and procedures in place leading up to and at the time of the homicides.
- 5.2. Agencies will be requested to provide the information using the standard Individual Management Review template⁴⁹. The information gathered will be presented to the Panel by the respective IMR authors for further scrutiny.
- 5.3. The Independent Chair and Panel will identify any further specific areas for more in-depth review/scrutiny and this may result in the Chair interviewing those organisations or practitioners involved with the family at a particular / relevant time to further inform the review.
- 5.4. If, during the course of the Review, it becomes apparent that a referral to the Adult or Children's Safeguarding Board is appropriate, this will be arranged immediately.
- 5.5. Interviews with family members and the alleged perpetrator will be undertaken by the Independent Chair or designated Panel Member to gain their perspective of the services they were involved with and whether there is anything they think could have been done that might have prevented the homicides.
- 5.6. The Independent Chair will produce an Overview Report in consultation with the Panel, the victims' families and other interested parties. The Report will be submitted to the Chair of the Safer Waverley Partnership within the agreed timescale.

6. Constraints to the Review Process

- 6.1. It is vital that the Review remains separate to any ongoing criminal proceedings. Therefore, individuals known to be involved with the police investigation must not be contacted or interviewed without prior consent from the Independent Chair of the Review. The Chair will require full details of the individuals and will seek guidance from the Head of Public Protection to determine when contact may be made.
- 6.2. The inquest is separate to the review process, however it could have a possible impact on the review if the Coroner of the inquest has indicated that the results of the DHR will be

⁴⁹ Set out in the Home Office Multi-agency Statutory Guidance for the conduct of Domestic Homicide Reviews

used to inform and influence his proceedings or if the inquest has been suspended pending the outcome of the police investigation.

- 6.3. Disclosure is one of the most important issues in the criminal justice system and the application of proper and fair disclosure is a vital component of a fair criminal justice system as stated by Lord Goldsmith, HM Attorney General, Crown Prosecution Disclosure Manual. The Independent Chair must be notified at the earliest opportunity of any issues emerging regarding disclosure to ensure that these are dealt with in accordance with the Criminal Procedure and Investigations Act 1996 and CPS Disclosure Manual. It is possible that this could affect the Home Office's six-month requirement to complete the DHR and the Chair of the Safer Waverley Partnership may have to request an extension on behalf of the Chair of the DHR.
- 6.4. Any organisational internal disciplinary proceedings that arise as a result of the homicides of Anna and Brenda are a matter for that respective organisation and/ or professional standards bodies. This should not influence the timescale for the production of the IMR, however, the lessons learned from individual organisations' internal proceedings could be utilised to improve services across other organisations.

7. Confidentiality

- 7.1. The Chair of DHR must be made aware of any concerns regarding confidentiality at the earliest opportunity. Most organisations involved in the review will already work in line with agreed information sharing protocols, including the Surrey Multi-Agency Information Sharing Protocol (MAISP), and adhere to good practice principles of data sharing. Agencies that are not signatories to this or other relevant information sharing protocols may share information for the purposes of a DHR as these are established on a statutory basis by the Domestic Violence, Crime and Victims Act 2004, and one of the key purposes of a review is the prevention of domestic homicides. Disclosure of sensitive information is therefore permissible in accordance S29 of the Data Protection Act 1998.

8 Ethos

- 8.1. The key principle that underpins the DHR process is to establish what lessons are to be learned from the domestic homicide regarding the way in which local professionals and organisations work individually and collectively to safeguard victims suffering domestic abuse. The effectiveness of the DHR hinges upon openness, transparency the ability to reflect and not to apportion blame.
- 8.2. Throughout the review process, it is essential to consider the European Convention of Human Rights Articles:
 - A.2** - protects the right of every person to his or her life;
 - A.8** - provides a right to respect for one's "private and family life, his home and his correspondence; and,
 - A.10** -provides the right to freedom to expression.
- 8.3 All parties involved in the review are responsible for effectively and critically analysing their involvement with the family. IMR authors should identify any failings with their engagement leading up to the deaths. This critical reflection and analysis is will be emphasised and encouraged throughout the process.

9. Equality & Diversity

- 9.1. This Review will be conducted in accordance to the Equality Act 2010, adhering to the equality principles and will be free from discrimination particularly in relation to race, gender, gender identity, age, religious belief, sexuality, sexual orientation and disability.
- 9.2. This means that all actions undertaken, all policies and procedures examined and assessments of risks, the needs of individuals and the recommendations made must be factual, and not be influenced by discriminatory factors. Members of the Review Panel must not draw on stereotypical assumptions about individuals or groups that will be discriminatory in achieving this outcome.

10. The Commissioning Body

- 10.1. Safer Waverley Partnership in accordance with its responsibilities under Section 9 of the Domestic Violence, Crime and Victims Act 2004 has commissioned this Domestic Homicide Review in response to the deaths of Anna and Brenda on 23 February 2014.
- 10.2. The Safer Waverley Partnership has commissioned Kim Rippet to act as the Independent Chair for this Domestic Homicide Review.
- 10.3. It will be the responsibility of the Independent Chair to:
 - (a) prepare the Terms of Reference that set out how the review will be conducted and the timescales;
 - (b) conduct the review in accordance with the Terms of Reference;
 - (c) provide the Chair of the Safer Waverley Partnership with regular verbal updates setting out progress with the Review against the timescale that has been agreed;
 - (d) prepare the final Overview Report and its summary; and
 - (e) liaise with the Chair of the Safer Waverley Partnership on all matters including the process of publication of the report.
- 10.4. The Chair of the Safer Waverley Partnership will:
 - (a) maintain a dialogue with the Independent Chair to ensure she is able to carry out the remit within the agreed timescale;
 - (b) secure the resources required to undertake the Review;
 - (c) liaise with the Home Office on matters that are relevant to the roles and responsibility of the Commissioning Body; and
 - (d) receive the final Overview Report from the Independent Chair.
- 10.5. The Safer Waverley Partnership will be responsible for the agreement and implementation of an Action Plan to take forward the local recommendations arising from this Review including submission of the final approved Overview Report to the Domestic Abuse Development Group of the Surrey Community Safety Board.

Appendix 1

Membership of the Panel

Kim Rippet (Independent Chair) Head of Housing Advice	Guildford Borough Council
Helen Blunden Designated Nurse for Safeguarding Vulnerable Adults in Surrey.	Surrey Downs Clinical Commissioning Group (Hosted Service)
Simon Jones Senior Probation Officer, Surrey Court Team	National Probation Service
Damian Roberts Director of Operations	Waverley Borough Council
Stewart Ruston Senior Manager - Waverley Locality Adult Social Care	Surrey County Council
Clare Rice Service Manager	Chapter 1 (Provider of Refuge and DA outreach Services)
Detective Superintendent Jon Savell Surrey Police	Surrey Police
Peter Sims Assistant Chief Executive	Runnymede Borough Council
Paul Stilgoe Operations Superintendent, London and South East Region	RSPCA
James Tigwell Assistant Group Commander - Waverley	Surrey Fire and Rescue Service
Dr Paola Valerio Trust Lead for Safeguarding Adults and Domestic Abuse	Surrey and Borders Partnership
Clare Arnold Community Services Support Officer (Administration support)	Waverley Borough Council