



Mr Graeme Hughes  
HM Acting Senior Coroner for the area of South Wales Central  
The Old Courthouse  
Courthouse Street  
Pontypridd  
CF37 1JW

3rd March 2020

Re: Deborah Margaret LAMONT Deceased

Dear Mr Hughes,

I write on behalf of the College of Policing in response to the Prevention of Future Deaths report of the 20 January 2020 in relation to Deborah Margaret LAMONT (deceased) who sadly lost her life through suicide in 2019.

The notice sets out concerns that arose from the information received during the inquest into the death of Deborah Lamont. We are very sorry to read of the circumstances of Deborah's death and our sympathies are with her family and friends. We share your commitment to addressing the issues that have been raised following her untimely loss.

When dealing with such incidents, the duty of care shown by officers to the individual concerned is always paramount and we welcome any findings and recommendations to ensure that the highest standards are maintained.

Your notice sets out your principle concerns namely:

- 1) Whether s136 could have been legally used in a hotel room if the officer concerned felt it was necessary to do so and;
- 2) For the police to consider their interpretation of whether a hotel room falls within the exception provided for by s136 (1A) Mental Health Act (MHA), and to provide clear guidance and instruction to officers faced with similar circumstances.

In this case, the officer's interpretation of s136 MHA was that the power to detain was not available to him as he believed that, having paid for the hotel room in which she was staying, Deborah Lamont was *'living'* there. This can cause confusion as there are occasions and situations where some people do 'live' in hotels, for example when they have been displaced following serious incidents and are subsequently housed in hotels by Local Authorities. In these cases there is no doubt that the people in the hotel are clearly 'living' there.

The use of s136 MHA is prohibited “in any house, flat or room where that person or another person is living.” When the Home Office and Department of Health produced guidance for the 2017 amendments to the MHA1983, the document did not contain any reference to hotels. That guidance states that in most situations it will be obvious whether or not s136 applies, “however in other situations it may be less-clear cut”.

As this is a matter of law, the College has sought its own legal advice to assist in providing this response. The advice received agreed with your assessment that someone “living” in a room implies that the person normally resides in that place and is not there temporarily. There are no definitions provided within the legislation and no stated cases that assist in providing clarification. Consequently, the use of s136 in these circumstances is a subjective one and requiring individual assessment and interpretation. In other words, the use of s136 in the case of Deborah Lamont *could* have been a consideration.

In summary, I share your view that s136 was an available option in this instance but there is no legal basis to mandate this. I am therefore going to be amending the College guidance in respect of the use of s136 powers and will ask that a summary of this issue is circulated to all police force mental health leads across England and Wales so that they can ensure that their officers consider the use of s136 in similar circumstances. The College has already raised the issue with the Home Office and we will work together to assess the need for relevant changes to the current national guidance in relation to the use of s136 and hotel rooms. The College will keep forces apprised of developments.

I hope that this addresses the concerns that you set out in your report and I am grateful for you bringing them to my attention.

Yours sincerely



  
Faculty Lead Uniformed Policing