

Police and Crime Panel

Meeting to be held on 1 October 2012

Electoral Division affected: All

Complaints about the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

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Executive Summary

Consultation on the possible delegation of powers conferred on the Police and Crime Panel to handle complaints against the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

Recommendation

That the Panel delegates to the Chief Executive for the Police and Crime Commissioner, in accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, all of the powers and functions conferred on it by those regulations to handle complaints against the Police and Crime Commissioner and Deputy Police and Crime Commissioner, with the exception of the functions set out in Part 4 of the Regulations.

Background and Advice

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ("the Regulations") set out the processes by which complaints against a Police and Crime Commissioner (PCC) and a Deputy Police and Crime Commissioner (DPCC) are to be dealt with. Under these Regulations, the Independent Police Complaints Commission (IPCC), the Office of the Police and Crime Commissioner (OPCC), the Police and Crime Panel (the Panel) and the Chief Executive for the Police and Crime Commissioner (the PCC's Chief Executive) all have some responsibility for dealing with complaints, depending on their nature and seriousness.

The Panel has responsibility for handling all complaints (including conduct matters) directed against the PCC and the DPCC. The Police and Crime Panel (PCP) must consider each complaint that is made and determine what action should be taken, in accordance with the Regulations. This could necessitate meetings of the Panel being set up at short notice to enable to the Panel to consider complaints on a timely basis.

Any complaints or matters raised which indicate that the PCC or DPCC has, or may have, committed a criminal offence must be referred to the IPCC for them to consider and deal with appropriately.

At this stage, it is not known what level of complaints might arise. However, given the size and make up of the Panel and proposed frequency of meetings, it is not considered practicable to deal with the consideration of complaints at full meetings of the Panel.

To facilitate the expeditious handling of complaints, the Regulations allow for some aspects of the handling of the complaints within the Panel's remit to be delegated to, and only to, the PCC's Chief Executive. The powers of delegation include the administrative functions, making decisions on recording/non recording of complaints and referral of matters to the IPCC. The Panel may not delegate functions set out at Part 4 of the Regulations, which relate to the informal resolution of other complaints, to the PCC's Chief Executive. However, informal resolution of complaints may be handled by the Panel, a Sub-Committee, a Panel member or a designated person who is not a member of the Panel.

In order to ensure efficient and effective handling of such complaints, the Panel is recommended to delegate to the Chief Executive for the Police and Crime Commissioner, in accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, all of the powers and functions conferred on it by those regulations to handle complaints against the PCC and DPCC, with the exception of the functions set out at Part 4 of the Regulations (Resolution of Other Complaints).

Guidance is currently being drafted in relation to the handling of complaints which are within the Panel's remit. A further more detailed report on the process will be brought to the Panel at its next meeting.

It is intended that there will be a standing item on PCC/DPCC complaints on the Panel's future agendas providing information about all complaints received and how they are being processed. This will enable the Panel to keep these matters under review.

Consultations

The Chief Executive and Solicitor to the Police Authority has been consulted on the recommendation and is content to accept the suggested delegation.

Implications:

This item has the following implications, as indicated:

Legal Implications

The Police Reform and Social Responsibility Act 2011 includes provision for the handling of complaints and matters concerning the conduct of the holders of the

office of Police and Crime Commissioner and Deputy Police and Crime Commissioner.

The Regulations set out the process to be followed in relation to such matters. Regulation 7 of the Regulations provides for the Panel with the power to delegate its functions under the Regulations (apart from those in Part 4) to the PCC's Chief Executive.

Financial Implications

There are no direct financial implications arising from this report. It is proposed the handling of such complaints will be contained within existing resources

Risk management

The suggested delegation to the Chief Executive for the Police and Crime Commissioner, outlined in the report is in accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
None		