

Police and Crime Panel

Meeting to be held on 8th July 2013

Monitoring of Complaints

(Appendix 'A' refers)

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Executive Summary

This report set out the current position with regard to complaints received to date in relation to the Police and Crime Commissioner.

Recommendation

That the updates in relation to the complaints be noted.

Background and Advice

At the meeting on the 26th November 2012 the Police and Crime Panel considered a report on the procedure for dealing with complaints in relation to the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC).

In considering the options the Panel decided that in the interests of transparency and in order to maintain the integrity of the Panel the initial handling of complaints should be undertaken by the Secretary to the Panel in his role as the Monitoring Officer of the host authority, an option which had been made permissible under Government Regulations.

In order to facilitate the timely consideration of any matters referred to the Panel it was also agreed that a Sub Committee should be established with delegated powers to undertake the resolution of complaints. In accordance with the Regulations, any matter being handled in accordance with Part 4 may be remitted at any time to the Panel as a whole (whether at the request of the Sub Committee, the complainant or the person complained against, or otherwise) if the Panel is of the opinion that this will lead to a more satisfactory resolution of the complaint.

The Panel noted that in the absence of any provision in legislation or guidance regarding who should handle a complaint made against the Panel itself the position on this would be reviewed when such provision is made. In the meantime each member of the Panel would be subject to their respective appointing Authority's Codes of Conduct and the 2 independent co-opted members of the Panel would adopt the Code of Conduct of the host authority.

After considering the report the Panel resolved:

1. That the Secretary to the Panel be responsible for the initial handling and administration of complaints against the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.
2. That a Complaints Sub Committee, on the basis of 5 members of the Panel (2 from the Labour group, 2 from the Conservative group and 1 other member, with names to be nominated to and agreed by the Secretary of the Panel) be established with the following delegated powers and duties to act on the Panel's behalf when considering the informal resolution of complaints:
 - a) To consider any complaint referred to the Panel by the Secretary to the Panel in accordance with Part 4 of the Complaints Regulations relating to informal resolution.
 - b) To consider complaints which appear to relate to the conduct of the Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC) where the Secretary of the Panel considers that either there is an actual or perceived, conflict of interest or possible negative public perception in respect of him taking the decision whether to record a Complaint or Conduct Matter, or in respect of him, identifying a Serious Complaint for subsequent referral to the Independent Police Complaints Commission (IPCC).
 - c) To consider any matters referred back to the Panel by the IPCC (including a Serious Complaint that has been referred to the IPCC and then referred back to the Panel);
 - d) That meetings of the Sub Committee be convened by the Secretary to the Panel, in consultation with the Chair of the Panel as and when required.
3. That the Secretary to the Panel be responsible for the monitoring of complaints in order to ensure that complaints are considered in an appropriate manner and to provide regular updates to the Panel regarding the findings.
4. That the arrangements adopted by the Panel for the handling and resolution of complaints be reviewed after 6 months' operation and a report on the findings presented to the Panel in July 2013
5. That the Secretary to the Panel identifies a contact point for the Independent Police Complaints Commission.
6. That the 2 independent co-opted members of the Panel adopt the Code of Conduct of the County Council.

With regard to the provision of updates to the Panel regarding the findings of any investigations in to complaints to date there have been two complaints made against

the Police and Crime Commissioner, a summary of which are set out in the attached Appendix.

No complaints have been received in relation to the DPCC.

The Panel are asked to note the current position regarding the complaints.

Consultations

N/A

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.

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 requirement to monitor and record complaints against the PCC and DPCC is in accordance with the provisions of The Elected Policing Bodies (Complaints and Misconduct) Regulations 2012.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Directorate/Tel
Agenda and Minutes from the Police and Crime Panel	November 2012	M Neville/ Office of the Chief executive/ 01772 533431