

Agenda item 6

Police and Crime Panel

Meeting to be held on 15th October 2013

Monitoring of Complaints

(Appendix 'A' refers)

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Executive Summary

This report sets out the current position with regard to complaints received to date in relation to the Police and Crime Commissioner and confirms approval of the nomination to fill the vacant position on the Complaints Sub Committee.

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[PCP] agreed a procedure for dealing with complaints in relation to the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC).

The Panel resolved 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.

A report setting out the position with regard to complaints received in relation to the PCC up to May 2013, was presented to the PCP at the last meeting on 8th July 2013[COM 1-3].

Since the last report there have been four complaints made against the Police and Crime Commissioner, a summary of which are set out in the attached Appendix A[COM 4 to COM 7]. An update is also provided in relation to COM 1.

No complaints have been received in relation to the DPCC.

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

At the PCP meeting on the 26th November 2012 the Panel also resolved that a Complaints Sub Committee be established, consisting 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. The Sub Committee has delegated powers and duties to act on the Panel's behalf when considering the informal resolution of complaints.

A vacancy had arisen on the Sub Committee, following which a nomination was received and agreed by the Secretary to the Panel. Accordingly, the Panel is requested to note that the Complaints Sub Committee currently has full membership confirmed.

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

| <u>Paper</u> | <u>Date</u> | <u>Contact/Directorate/Tel</u> |
|---|----------------------------|--|
| Agenda and Minutes from The Police and Crime Panel | November 2012 July 2013 | S.Roxborough, Legal Services 01254 585 252 |

Summary of Complaints against the Police and Crime Commissioner for Lancashire up to September 2013

| Ref | Complaint | Position |
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| COM1 | <p>Alleged irregularities concerning expenses that were claimed by Mr Grunshaw, the Police and Crime Commissioner (PCC) while he was a member of Lancashire County Council and the Lancashire Police Authority.</p> | <p>The Independent Police Complaints Commission (IPCC) has completed its investigation into the Police and Crime Commissioner (PCC) for Lancashire and has passed its report to the Crown Prosecution Service (CPS).</p> <p>The independent investigation began after allegations about expenses claims made by Clive Grunshaw before his election as a PCC were referred to the IPCC by Lancashire's Police and Crime Panel. Mr Grunshaw was interviewed by IPCC investigators as part of the investigation. A final investigation report was sent to the CPS on 25 September 2013. The CPS is responsible for making a decision on whether there is evidence to warrant criminal charges.</p> |
| COM2 | <p>Alleged involvement of the PCC in 'operational matters' regarding the investigation of a previous complaint in relation to the Chief Constable and the Chief Executive of the Office of the PCC.</p> | <p>The Secretary considered the complaint to be both vexatious and an abuse of process within the meaning of Regulation 15(e) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.</p> <p>No further action has been taken and the complainant has been informed in writing of the decision.</p> |
| COM3 | <p>Complainant made two complaints about the conduct of the Chief Constable.</p> <p>The Chief Executive of the OPCC was asked to deal with these issues and advised complainant that no action would be taken in relation to either complaint and that her decision in relation to the second complaint was on the basis that she considered the allegations to be repetitious.</p> | <p>The Secretary considers the complaint against the PCC is vexatious and an abuse of the procedures for dealing with complaints within the meaning of Regulation 15(e) of the 2012 Regulations.</p> <p>Furthermore, even if the complaint against the PCC Chief Executive could be regarded as a separate issue (which is not considered to be the case) that complaint relates solely to the conduct of a person working as a member of the PCC's staff within the meaning of Regulation 15(3)(a).</p> |
| COM4 | <p>Complaint by an individual about failure to notify the Information Commissioner's Office and register as a data controller, processing personal data, as from the PCC taking up office on 22nd November 2012.</p> | <p>The complainant has written to 30 of the 41 PCC's who it is alleged, have committed the same offence. Accordingly, the Secretary considers this a complaint against the OPCC and not the PCC in his personal capacity under regulation 2 of The Elected Local Policing Bodies (Complaints and</p> |

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| | [Registration took place 4 th December 2013]. | Misconduct) Regulation 2012. The Secretary is of the view it is the OPCC that should be registered, not the PCC as an individual. This complaint has been referred back to the OPCC and the complainant informed in writing. |
| COM5 | Comment by an individual that PCC is trying to recruit 'Police Volunteers' to replace police officers in Lancashire, whilst he has recruited a Deputy and Assistant Commissioner to support him. The complainant referred to and requested an update on the progress of the existing complaint (COM1) under investigation by the IPCC. | The Secretary considered the reference to 'Police Volunteers' a comment rather than complaint and did not consider it appropriate for the PCP to respond in respect of a matter already subject to complaint. The Secretary suggested the IPCC may wish to acknowledge and confirm the status of the investigation, in order to avoid the risk of the PCP prejudicing any findings. |
| COM6 | Complaint PCC is continuing as act in overseeing Lancashire Constabulary. Alleged conflict of interest as PCC cannot have fair judgement of conduct of Lancashire Police [LC] as they are assisting the CPS in investigating the IPCC referral in relation to expenses. Suggested PCC should, in public interest, stand down, allowing election of replacement PCC. Alleged if proved innocent, would be suspicion that LC had exonerated PCC, in return for expected lenient treatment from him in future. | Complaint was forwarded to Secretary by OPCC.PCP has statutory duty to investigate complaints about non criminal behaviour of PCC. The Panel has no legal power to suspend the PCC in the present circumstances. Section 30 of the Police Reform and Social Responsibility Act 2011 provides that a panel may suspend a PCC if it appears he/she is charged with an offence that carries a maximum prison term of more than two years. PCC has not been charged with an offence. The Secretary has responded to the complainant to set out this legal position. |
| COM7 | Explanation requested as to why PCC has not been suspended whilst CPS consider the allegations? Who makes that decision? Does the PCC consider that it would be acceptable if the Chief Constable or his Deputy or Assistants were subject to similar allegations, if they carried on working? | Complaint was forwarded to Secretary by OPCC. Unclear to Secretary whether this was a complaint but a written response has been provided to explain PCP has a statutory duty to investigate complaints about non criminal behaviour of the PCC. The Panel has no legal power to suspend the PCC in the present circumstances. Section 30 of the Police Reform and Social Responsibility Act 2011 provides that a panel may suspend a PCC if it appears he/she is charged with an offence that carries a maximum prison term of more than two years. PCC has not been charged with an offence. The OPCC support the PCC in his role of holding the Chief Constable to account. Not within the Secretary's remit to comment upon latter part of the query and any rules/regulations that may apply. This issue referred back to the OPCC for them to respond. |