

Agenda item

Police and Crime Panel

Meeting to be held on 14th September 2022

COMPLAINTS UPDATE

Contact for further information:

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Executive Summary

This report sets out the current position with regard to communications relating to potential complaints received up to 9th September 2022 in relation to the Police and Crime Commissioner and Deputy Police and Crime Commissioner.

The report also asks the Panel to appoint members to the Police & Crime Panel for Lancashire Complaints Sub-Committee for 2022/23.

Recommendation

1. That the update in relation to communications and complaints be noted.
2. That the Panel appoint members to the Police & Crime Panel for Lancashire Complaints Sub-Committee for 2022/23.

Background and Advice

Through the Police Reform and Social Responsibility Act 2011, the Lancashire Police and Crime Panel has a duty to record and consider non-criminal complaints made against the Police & Crime Commissioner (PCC) when acting in relation to their policing and crime functions, and the Deputy Policing and Crime Commissioner (DPCC).

The Secretary of the Panel has authority for filtering complaints and must refer the following to the Independent Office for Police Conduct (IOPC):

- A 'serious complaint' (i.e. a complaint that constitutes or involves or appears to constitute or involve, the commission of a criminal offence)
- A recorded 'conduct matter' (i.e. where there exists an indication that the PCC/DPCC may have committed a criminal offence and this comes to light other than by way of a complaint).

Many issues and concerns raised do not relate directly to the conduct of the PCC/DPCC and therefore do not, under legislation come under the jurisdiction of the Police & Crime Panel.

Many communications received although purport to be complaints against the PCC/DPCC focus but actually relate to concerns on the alleged conduct of police officers, conduct of police investigations/operations or that of the chief constable. These are matters for which there are other complaints processes and/or, appropriate authorities to deal with such matters.

Since the last meeting of the Panel the Secretary has received two complaints against the PCC/DPCC. One of these complaint clearly relate to a police conduct/operational matter, which the PCC reviewed and determined that the Lancashire Constabulary handled the complaint under their processes reasonably and proportionately. It has been explained that PCC in his review cannot re-investigate the police conduct/operational issues raised initially raised with Lancashire Constabulary. The second complaint received is currently being considered by Secretary as to appropriate process for which further information is being requested.

Complaints Sub-committee

One of the functions of the Lancashire Police and Crime Panel is to oversee complaints made about the conduct of the PCC and the DPCC. As part of this, the Panel also has a responsibility to informally resolve non-criminal complaints about the conduct of the PCC and DPCC, as well as criminal complaints or conduct matters that are referred back to it by the Independent Office for Police Conduct (IOPC).

The Panel at its meeting on 26 November 2012 resolved:

“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.*

To ensure that 5 members would be available at relatively short notice the Panel may wish to consider appointing a 'pool' of members, including the Independent Co-opted Members. The Panel may also wish to consider appointing the e Chair and Vice-Chair to the membership of the Complaints Sub-Committee.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Legal Implications

The Police and Crime Panel (PCP) has the statutory role of overseeing all complaints against the PCC/DPCC, and informally resolving non-criminal complaints. This is set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

In relation to Part 4 of the Regulations and the informal resolution procedure, the Panel have established a Sub-Committee to facilitate an informal resolution of the complaint and report back to the Panel the conclusion of the process. The sub-committee cannot investigate the complaint; it can only subject the complaint to an informal resolution.

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 and the grant funding provided by the Home Office.

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	November 2012	Asad Laher, Legal & Governance 01254 585495