

Agenda item

Police and Crime Panel

Meeting to be held on 5th December 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 and an update on an ongoing complaint referred to at the Panel Meeting on 14 September 2022, in relation to the Police and Crime Commissioner and Deputy Police and Crime Commissioner.

Recommendation

That the update in relation to communications and complaints be noted.

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 a purported complaint against the PCC. However, the OPCC has confirmed that it is an operational matter currently being dealt with by the Professional Standards Department of Lancashire Constabulary, and that the PCC has not been involved. There is also an ongoing matter in relation to both PCC and DPCC, which is still being considered by Secretary as to the appropriate process, and despite requests from the complainant for clarity on the allegations made, no coherent response has been received explaining clearly the basis for the allegations made. The Secretary will be consulting with Complaints Sub-committee on 5th December 2022 to consider the appropriate process for dealing with the matter.

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

Paper

Date

Contact/Directorate/Tel