

Agenda item

Police and Crime Panel for Lancashire

Meeting to be held on 6th March 2023

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 5 December 2023, 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.

In relation to the ongoing matter in respect of the PCC and DPCC, the Complaints Sub-Committee met on 1 February 2023 to consider a report from the Secretary and answer questions. Although the 'Initial Handling' of complaints has been delegated to the Secretary under the Police and Crime Panel Complaints Procedure, in this matter the Sub Committee was requested to determine how the matter should be considered as during correspondence the complainant made allegations/complaints against the Secretary and the Chair. Therefore, the Secretary and the Chair appropriately withdrew from the meeting of the Complaints Sub-Committee, and were supported by a legal advisor and the Corporate and Democratic Lead from the host authority.

- A) In relation to the complaints against the Deputy Police and Crime Commissioner the Sub-Committee resolved:
1. To record the complaint
 2. That the matter not be referred to the Independent Office for Police Conduct (IOPC);
 3. To take no further action

The matter was not referred to the IOPC because the Sub-Committee considered that the allegations were not sufficiently clear in identifying the conduct that would justify bringing criminal proceedings against the DPCC. The Sub-Committee also decided to take no further action in accordance with regulation 15 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. This was on the grounds that they concluded each of the complaints and allegations were either relating to a local authority's ongoing trigger process (and therefore a matter to be raised with them) or they lacked sufficient grounds and therefore believed them to be vexatious.

- B) In relation to your complaints against the PCC the Sub-Committee resolved:
1. To record the complaint
 2. That the matter not be referred to the Independent Office for Police Conduct (IOPC);
 3. To take no further action

The Sub-Committee concluded that none of the allegations amounted to a crime and so did not need to be referred to the IOPC. The also decided to take no further action in accordance with regulation 15 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012. This was on the grounds that they considered the complaint and allegations to be vexatious, with no evidence presented that proved any wrongdoing by the PCC.

Since the last meeting of the Panel the Secretary has received another purported complaint against the PCC. It seems that matter relates to operational police matters and further clarification has been sought in relation to the concerns raised by the complainant.

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