

CAMBRIDGESHIRE POLICE AND CRIME PANEL	Agenda Item No. 12
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**Report of: Alison Stuart, Assistant Director Legal & Democratic Services
Peterborough City Council**

Contact Officer(s) – Alison Stuart
Contact Details – Alison Stuart@peterborough.gov.uk

REVIEW OF COMPLAINTS

1. PURPOSE

1.1 To update the Cambridgeshire Police and Crime Panel on complaints received against the Cambridgeshire Police and Crime Commissioner or his Deputy.

2. RECOMMENDATIONS

2.1 To note that 2 complaints have been received against the Commissioner.

2.2 To agree to the complaints being referred to a Police and Crime Panel Sub Committee for consideration and a decision under Regulation 13 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and the Cambridgeshire Police and Crime Panel complaints procedure.

2.3 To agree that the complaints should not be disclosed at this time pending the decision of the Police and Crime Panel Sub Committee and/or any referral to the IPCC should this be necessary.

2.4 To agree in accordance with the Panels Complaints Procedure to establish a Sub Committee consisting of 3 members of the Panel one of whom should be an Independent Co-opted Member who will be Chairman of the Panel.

3. TERMS OF REFERENCE

3.1 This report discharges the responsibility for the panel to have an overview and record complaints made against the Commissioner or his Deputy.

3.2 The complaints have been recorded by the Panel as part of their statutory duty. As a consequence of the OPCC Chief Executive referring the matter to the Panel in line with the Panel's Complaints Procedure, the Chief Executive has therefore not recorded the complaints.

3.3 The Panel must now consider recommending the establishment of a Sub Committee consisting of 3 members to deal with consideration of the complaints following a referral from the Chief Executive and Monitoring Officer of the Cambridgeshire Police and Crime Commissioner to the Police and Crime Panel who shall determine whether the complaints are serious complaints or whether they can be dealt with by informal resolution.

4. BACKGROUND

4.1 Two complaints have been received regarding the Police and Crime Commissioner. Both complaints relate to comments made by the Commissioner on social media in November 2009. Whilst these comments were made some years ago, these complaints are considered as the Commissioner is a relevant office holder. Both complaints have been recorded in accordance with Regulation 9(5) of the Elected Local Policing Bodies (Complaints and Misconduct)

Regulations 2012.

- 4.2 Under the Panel's Complaints Procedure, The Chief Executive and Monitoring Officer of the Cambridgeshire Police and Crime Commissioner, who received the complaints has referred, the decision as to whether the complaint is a serious complaint to the Police and Crime Panel who need to record the complaint as part of their statutory duty and thereafter refer the complaints to a Sub Committee for consideration.
- 4.3 The power to consider complaints sits with the Panel who have delegated some functions to the Chief Executive. The Panel's Complaint Procedure (section 2) provides for the referral back to the Panel if the Chief Executive feels she cannot accept the delegation of the Panel's power due to a potential or perceived conflict of interest.
- 4.4 Having recorded the complaint under Regulation 9(5) a determination would then need to be made under Regulation 13 as to whether it is a serious complaint, about conduct which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence. This will be undertaken by a Sub Committee in line with the Cambridgeshire Police and Crime Complaints procedure.
- 4.5 Under Regulation 13(1) of the Elected Local Policing Bodies (Complaints and Misconduct Regulations 2012, it shall be the duty of a Police and Crime panel to refer a complaint to the Commission if the panel determines that the complaint is a serious complaint.
- 4.6 Where complaints or conduct matters concerning a Police and Crime Commissioner or the Deputy Commissioner allege criminality, they must be referred to the Independent Police Complaints Commission (IPCC). Where the Commission determines under Regulation 14(2) that it is not necessary for a complaint or conduct matter to be investigated, it shall refer the complaint or matter back to the Police and Crime panel.
- 4.7 Where the Panel decide that a complaint is not serious, it can be dealt with by the Panel under Regulation 15. The Panel has discretion to refuse to deal with the complaint or to take whatever approach to the complaint as it sees fit, for reasons set out in the Regulations, such as delay, anonymous complaint, injustice would be likely to be caused by the delay, the matter is already subject of a complaint, more than 12 months have elapsed between the incident, or the latest incident or the complaint is vexatious.
- 4.8 Informal resolution of the complaint may be carried out by the Panel, a Sub Committee or a single member of the Panel.
- 4.9 The Panel can ask the person complained about to provide documents or to attend before the Panel to answer questions. The Panel has the power under paragraph 28 of the Regulations to ask the complainant and the person complained of to comment on the complaint.

5. KEY ISSUES

- 5.1 Whilst there is a public interest in matters involving the Police and Crime Commissioner or his Deputy, it would be prudent for the complaints to be recorded but the contents to not be disclosed at this time pending the decision of the Police and Crime Panel Sub Committee and/or any referral to the IPCC should this be necessary and to avoid impeding due process.

6. IMPLICATIONS

- 6.1 The Panel must have due consideration of the Provisions of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

7. BACKGROUND DOCUMENTS

- 7.1 Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
- Cambridgeshire Police and Crime Panel complaints procedure.

8. APPENDICES

8.1 None

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