

<b>CAMBRIDGESHIRE POLICE AND CRIME PANEL – COMPLAINTS SUB COMMITTEE</b>	<b>Agenda Item No. 4</b>
<b>13 OCTOBER 2016</b>	<p><b>Public Report</b></p> <p>The attached report contains appendices with exempt information, not for publication, as defined by Paragraph 1 of Schedule 12A of Part 1 of the Local Government Act 1972, 'Information relating to any individual'. The public interest in maintaining the exemption outweighs the public interest in disclosing this information.</p>

**Report of: Alison Stuart, Assistant Director Legal & Democratic Services  
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**CONSIDERATION OF RESPONSE FROM THE INDEPENDENT POLICE  
COMPLAINTS COMMISSION**

**1. PURPOSE**

1.1 Following the decision of the Independent Police Investigation Commission that the complaints which the Sub Committee referred were not serious to warrant investigation, the Sub Committee must decide what further action if any they wish to take in respect of the complaints under Regulation 28 Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.

**2. RECOMMENDATIONS**

2.1 To recommend that :

- Further action be taken against the Police and Crime Commissioner or
- No further action is taken against the Police and Crime Commissioner

**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.

**4. BACKGROUND**

4.1 On 29th June 2016, the Police and Crime Panel resolved that 2 complaints received against the Police and Crime Commissioner or his deputy should be 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.

- 4.2 On 11th July 2016, the constituted Sub Committee for the Police and Crime Panel resolved that the 2 complaints received should be referred to the Independent Police Complaints Commission under Regulation 13(1) of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, where 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.
- 4.3 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.
- 4.4 On 19th August 2016, the Independent Police Complaints Commission notified Peterborough City Council that they had decided that the matter did not need to be investigated and referred the matter back to the Police and Crime Panel for final resolution.
- 4.5 Following this decision, it now falls to the Sub Committee under Regulation 28 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 to deal with the matter by informal resolution.
- 4.6 The Sub Committee can ask the person complained about to provide documents or to attend before the Sub-Committee 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 As the matter has been considered by the Independent Police Complaints Commission and a decision has been taken that no investigation is necessary, the complaints do not need to be disclosed.

## **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

## **8. EXEMPT APPENDICES**

- 8.1 Letter to the named complainant by the Independent Police Complaints Commission as it discloses information relating to an individual under Schedule 12A Local Government Act 1972