

<b>CAMBRIDGESHIRE POLICE AND CRIME PANEL</b>	<b>Agenda Item No. 14</b>
<b>14 JUNE 2017</b>	<b>Public Report</b>

**Report of: Kim Sawyer, Peterborough City Council**

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**USE OF DELEGATED AUTHORITY UNDER COMPLAINTS PROCEDURE**

**1. PURPOSE**

- 1.1 This purpose of this report is for the Cambridgeshire Police and Crime Panel (“the Panel”) to be formally notified that the Chief Executive of the Police and Crime Commissioner’s Office (“OPCC”) has exercised her delegated authority to refer a conduct matter relating to the Deputy Police and Crime Commissioner (DPCC) to the Independent Police Complaints Commission for investigation (IPCC).

**2. RECOMMENDATIONS**

As the duty to refer has been discharged under the Chief Executive’s delegated authority, this report is for information only.

**3. TERMS OF REFERENCE**

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

**4. BACKGROUND**

- 4.1 The OPCC became aware of allegations in relation to the historical conduct of the DPCC and in respect of which, civil proceedings against the Police were said to have been instigated. Various reports were circulated in the national and local media and on 15th May 2017 the DPCC resigned with immediate effect.

It is a statutory requirement for the Panel to record any matter in which it is notified that civil proceedings have been brought or are likely to be brought by a member of the public and it appears that those proceedings involve or would involve a conduct matter. Where a matter of this nature has been recorded, it is then a statutory requirement to refer it to the IPCC for investigation and that referral must take place without delay and in any case not later than the end of the day after it first becomes clear that it is a matter which must be referred.

The statutory position is reflected in the Complaints Procedure which recognises that these are matters which cannot wait and which are not efficient for the Panel to meet to consider. Consequently, the Chief Executive has delegated authority to refer a conduct matter to the IPCC on behalf of the Panel and exercised this authority on 15th May 2017.

**5. KEY ISSUES**

- 5.1 In accordance with the Police Reform Act 2002, once a referral is made to the IPCC it must determine whether the matter should be investigated. If it decides that the matter should be investigated then it must determine the mode of investigation, having regard to the seriousness of the case and the public interest. If the IPCC decides that it does not need to undertake an investigation then it may refer the matter back to the Panel for local investigation or resolution. In

that event appropriate arrangements will be made in accordance with the Complaints Procedure.

- 5.2 The OPCC does not currently have a DPCC however, the Police Reform and Social Responsibility Act 2011, specifies that the OPCC *may* make an appointment and it is not therefore mandatory to do so. In the event that a future appointment is required, this will be in accordance with the Arrangements for the Panel.

## **IMPLICATIONS**

- 6.1 The Police Reform and Social Responsibility Act 2011 and Regulation 11(3) of Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (“the Regulations”) require the Panel to record any matter in which civil proceedings have or are likely to be instigated against a relevant office holder and which relate to a conduct matter. Regulation 13(2)(a) of the Regulations requires that when a matter has been recorded under Regulation 11(3) it must be referred to the IPCC and Regulation 13(4) prescribes that this must be done as soon as is practicable and in any event not later than the end of the day following the day on which it first becomes clear to the Panel that the conduct matter is one to which Regulation 13(2)(a) applies.

The Panel has complied with its statutory requirements to record and refer via its delegation to the Chief Executive.

## **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