

LEICESTER, LEICESTERSHIRE AND RUTLAND
POLICE AND CRIME PANEL – 27TH JANUARY 2021

REPORT OF THE CITY BARRISTER – LEICESTER CITY COUNCIL

ANNUAL REPORT ON COMPLAINTS AGAINST THE POLICE AND
CRIME COMMISSIONER

Purpose of Report

1. The report is intended to provide the Police and Crime Panel with an update on complaints relating to the Police and Crime Commissioner over the last 12 months.

Policy Framework and Previous Decisions

2. At its meeting on 20th December 2012, the Panel delegated authority to the County Solicitor (now the City Barrister) to:-
 - a) act as the first point of contact for complaints.
 - b) make decisions in consultation with the Chairman of the Panel as to whether -
 - i. a complaint has been made which requires resolution under the complaint's procedure;
 - ii. that complaint should be referred to the Independent Police Complaints Commission;
 - iii. the complaint should be subject to the informal resolution process.
 - c) make arrangements for the process of informal resolution
 - d) in consultation with the Chairman and Vice Chairman, to resolve complaints informally or to arrange for a meeting of the Sub-Committee of the Panel to resolve complaints informally.

3. The Panel reviewed and updated the complaints procedure as part of its review of the Constitution in December 2020 but the process referred to above remained unchanged.

Background

4. The Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out certain responsibilities on the Police and Crime Panel to deal with complaints against the PCC and conduct matters.
5. The Regulations require the Panel to make suitable arrangements for receiving and recording complaints, for the initial sorting of complaints to determine whether they appear to have criminal elements which would require referral to the Independent Office for Police Conduct (formerly the Independent Police Complaints Commission) and to informally resolve complaints that do not have a criminal element. Informal resolution is intended to represent a locally agreed process involving engagement with the complainant and the person complained against. It does not permit an investigation of the complaint and the Panel is prohibited from taking any action intended to gather further information other than inviting comments from the complainant and PCC.

Complaints against the PCC received in 2020

6. Five complaints were referred to the City Barrister during 2020 alleging to impugn the Police & Crime Commissioner:
 - Examination of three of these cases revealed that the complaints related to operational policing matters and accordingly the complainants were directed, or redirected, to the police complaints procedure as the appropriate method to pursue the issues raised.
 - One of the complaints was referred to the IOPC (Independent Office for Police Complaints) because it alleged criminal misconduct, and in such cases the City Barrister is not permitted to look more closely but must allow the IOPC to decide whether to investigate. The IOPC promptly decided that there was no substance to the allegations and referred the case back to the City Barrister, who in turn

concluded that the allegations were without foundation in respect of the conduct of the PCC.

- One more complaint is awaiting drafting by the City Barrister but appears to be overwhelmingly about operational policing concerns. This complaint will therefore not be pursued.

Recommendations

7. The Panel is asked to note the contents of this report.

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