

**LEICESTER, LEICESTERSHIRE AND RUTLAND**  
**POLICE AND CRIME PANEL – 14<sup>th</sup> DECEMBER 2022**

**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 (Mr Rupert Matthews) 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 2021 and the process referred to above was amended in one respect as follows – *“At a further meeting on 2<sup>nd</sup> December 2021 the Panel amended the delegation at ii (2) in the light of legal advice, and delegated to the Chief Executive of the OPCC (rather than the Monitoring Officer) the power to refer relevant complaints to the IOPC”*

## **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 (i) make suitable arrangements for receiving and recording complaints, for (ii) the initial sorting of complaints to determine whether they appear to have criminal elements which would require referral to the Chief Executive of the OPCC (who in turn is responsible for deciding whether to refer on to the Independent Office for Police Conduct; and (iii) 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 2021**

6. Since the last report was issued in December 2021 two complaints have been referred to the City Barrister. The first of these was discussed by the Monitoring Officer with the PCP Chair Councillor Taylor. This complaint concerned the PCC’s decision to review the composition and role of the Ethics Committee. Mr Matthews cooperated fully with the Panel’s request for information/explanation. Once this exchange was complete the Mr Matthews provided his response to the complainants, and the matters were subsequently closed. The second complaint is still being considered and having received some information from the PCC the Monitoring Officer is yet to decide whether he has jurisdiction. The matter appears to concern a procedure (namely the

reviewing of operational policing complaints) which is undertaken by the OPCC (the office) and not one which has any direct input of the PCC himself. If this is verified, then the Monitoring Officer will conclude that it is not a “conduct” matter.

### **Recommendations**

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

#### **Officer to Contact:**

Kamal Adatia

City Barrister & Head of Standards

Monitoring Officer

Leicester City Council

E-mail: [Kamal.Adatia@leicester.gov.uk](mailto:Kamal.Adatia@leicester.gov.uk)