

# Northamptonshire Police, Fire and Crime Panel - Complaints Sub Committee

A meeting of the Northamptonshire Police, Fire and Crime Panel - Complaints Sub Committee will be held in the Walton Room, The Guildhall, St Giles Street, Northampton NN1 1DE on Tuesday 31 January 2023 at 10.00am

## Agenda

1.	<b>Apologies for Absence and Notification of Substitute Members</b>
2.	<b>Appointment of Chair</b>
3.	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.
4.	<b>Exclusion of Press and Public</b> The following report(s) contain exempt information as defined in the following paragraph(s) of Part 1, Schedule 12A of Local Government Act 1972.  Paragraph 1 – Information relating to any individual.  Members are reminded that whilst the following item(s) have been marked as exempt, it is for the meeting to decide whether or not to consider each of them in private or in public. In making the decision, members should balance the interests of individuals or the Council itself in having access to the information. In considering their discretion members should also be mindful of the advice of Council Officers.  Should Members decide not to make a decision in public, they are recommended to resolve as follows:  “That under Section 100A of the Local Government Act 1972, the public and press be excluded from the meeting for the following item(s) of business on the grounds that, if the public and press were present, it would be likely that exempt information falling under the provisions of Schedule 12A, Part I, Paragraph 1 would be disclosed to them, and that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.”

<b>5.</b>	<b>Consideration of Complaint 02/2022</b> (Pages 9 - 50) To consider a non-criminal complaint (reference 02/2022) concerning the conduct of the Police, Fire & Crime Commissioner for Northamptonshire.
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Catherine Whitehead  
Proper Officer  
23 January 2023

**Northamptonshire Police, Fire and Crime Panel - Complaints Sub Committee Members:**

Councillor Adam Brown	Councillor Dorothy Maxwell
Councillor Ken Pritchard	Councillor Winston Strachan
Mrs Anita Shields	Miss Pauline Woodhouse

**Information about this Agenda**

**Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

**Declarations of Interest**

Members are asked to declare interests at item 3 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

**Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

**Evacuation Procedure**

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

**Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

**Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

**Queries Regarding this Agenda**

If you have any queries about this agenda please contact James Edmunds, Democratic Services, via the following:

Tel: 07500 605276

Email: [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

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**Northamptonshire Police, Fire & Crime Panel****Informal Resolution Protocol regarding non-criminal complaints against the Police, Fire & Crime Commissioner and Deputy Police, Fire & Crime Commissioner for Northamptonshire**

1. The Monitoring Officer of the host authority ('the Monitoring Officer') will act as the first point of contact for all complaints made against the Northamptonshire Police, Fire & Crime Commissioner (PFCC) and Deputy Police, Fire & Crime Commissioner (DPFCC) and will deal with any such complaints in accordance with the requirements of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 ("the Regulations").
2. Any complaints received by Panel Members, by any of the Panel's constituent authorities, by the Office of the Police, Fire & Crime Commissioner (OPFCC), or by the Chief Constable of Northamptonshire will be forwarded to the Monitoring Officer as soon as is practicable on their receipt.
3. The Monitoring Officer will determine whether or not a complaint should be recorded.
4. When a complaint is recorded the Monitoring Officer will:
  - (a) Send a copy of the record made of the complaint to the complainant.
  - (b) Send a copy of the complaint to the person complained against, subject to any decision taken not to supply a copy of the complaint or to supply the complaint in a form which keeps anonymous the identity of the complainant; and
  - (c) Refer the record, and copies of all the associated paperwork, to the Panel's Secretariat no later than 2 working days after the complaint has been recorded.
5. On receipt of the complaint the Panel's Secretariat will:
  - (a) Convene a meeting of the Panel's Complaints Sub Committee, normally to be held within three weeks of the Secretariat's receipt of the complaint.
  - (b) Write to the complainant, setting out timescales and providing details about the Informal Resolution procedure; and giving the complainant an opportunity to make further comments in support of their complaint. Where the Panel's Secretariat believes that the circumstances of the case are such that the Complaints Sub Committee may decide to treat the complaint as having been resolved the complainant will be asked to provide their representations in this regard for the Complaints Sub Committee to take into account.
  - (c) Write to the person complained about, setting out timescales and providing details about the Informal Resolution procedure; and giving them an opportunity to make comments in response to the complaint.

6. The Panel's Monitoring Officer will compile a brief report for the Complaints Sub Committee, setting out the pertinent details of the complaint, recording any failure by the person complained about to comment on the complaint and making suggestions for the next steps.
7. The Complaints Sub Committee will first consider whether the complaint has been satisfactorily dealt with and, subject to any representations by the complainant, may decide to treat the complaint as having been resolved. In such a case, the Complaints Sub Committee's reasons will be recorded and notified to all parties.
8. If, on considering the report, the Complaints Sub Committee feels that the matter needs to be resolved, it will decide its course of action. In accordance with the Regulations the Complaints Sub Committee may not conduct an investigation. The Complaints Sub Committee may use its delegated powers to require the person complained against to provide information or documents or attend before it to answer questions or give evidence, as this will not be regarded as an investigation. However, any other step intended to gather information about the complaint, other than inviting the comments of the complainant and the person complained against, will be likely to amount to investigation and will not therefore be undertaken.
9. The Complaints Sub Committee will consider whether to devise an action plan (to be drawn up by the Panel's Secretariat) and in so doing will take into account any applicable guidance issued by the Secretary of State and may also consider any guidance issued by the Independent Office for Police Conduct (IOPC) pursuant to Section 22 of the Police Reform Act 2002 on local resolution. Any such action plan will include an indicative timeframe.
10. Any such action plan may include (for example):
  - (a) An explanatory letter being written by the Panel's Secretariat (or on behalf of the Complaints Sub Committee),
  - (b) An explanatory letter being written by an officer of the OPFCC,
  - (c) A suggested change to OPFCC policy, practice or action; or
  - (d) A request that an apology is tendered (no apology may be tendered on behalf of the person complained against unless that person has admitted the alleged conduct and agreed to the apology).
11. The Complaints Sub Committee will also decide whether it wishes to:
  - (a) Reconvene to take any steps identified in the action plan,
  - (b) Authorise any named individual (who may not be the PFCC, the DPFCC or the OPFCC Chief Executive) to take any steps in accordance with the action plan; or
  - (c) Refer the matter to the full Police, Fire & Crime Panel recommending that the identified action be taken.

12. Once the actions from the plan have been completed the matter may be referred back to the Complaints Sub Committee or an authorised individual may determine that the matter has been resolved. The Panel's Secretariat must make a record of the outcome of the informal resolution as soon as practicable, normally within 3 working days, after the process is completed and provide copies to the complainant and the person complained against. The matter will then be closed.
13. No part of the record may be published by the Complaints Sub Committee unless, having given the parties an opportunity to make representations about the proposed publication and having considered any such representations, the Complaints Sub Committee considers that publication is in the public interest.
14. The Monitoring Officer will present a half-yearly update report to the full Police, Fire & Crime Panel about all complaints dealt with in the preceding six months, the actions taken (including any obligations to act, or refrain from acting, that have arisen under the Regulations but have not yet been complied with or have been contravened) and the outcome of the process.
15. If, at any stage, the IOPC informs the Panel that they require the complaint to be referred to them, or if the Complaints Sub Committee decides that the complaint should be referred to the IOPC, the Informal Resolution process will be discontinued. The Complaints Sub Committee may only decide that the complaint should be so referred if matters come to light during the Informal Resolution process that indicate the commission of a criminal offence, thus leading to the earlier decision as to whether or not the complaint was a serious complaint being reversed.

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