

NORTHAMPTONSHIRE POLICE, FIRE & CRIME PANEL

17 JUNE 2021

Report Title	Appointments to the Northamptonshire Police, Fire & Crime Panel Complaints Sub Committee for 2021/22
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List of Appendices

Appendix A – Informal Resolution Protocol regarding non-criminal complaints against the Northamptonshire Police, Fire & Crime Commissioner and Deputy Police, Fire & Crime Commissioner.

1. Purpose of Report

- 1.1. The report is intended to enable the Northamptonshire Police, Fire & Crime Panel to appoint members to serve on the Panel's Complaints Sub Committee for 2021/22.

2. Executive Summary

- 2.2. The report summarises the Northamptonshire Police, Fire & Crime Panel's statutory responsibilities for considering non-criminal complaints about the conduct of the Police, Fire & Crime Commissioner and the approach that the Panel has adopted to carry out this function, using a Complaints Sub Committee. In order to continue this approach the Panel must appoint members to serve on the Sub Committee for 2021/22.

3. Recommendations

- 3.1 It is recommended that the Northamptonshire Police, Fire & Crime Panel agrees to appoint the following Panel members to serve on the Panel's Complaints Sub Committee during 2021/22:
- a) 4 councillor Panel members, 2 from each of the political groups represented on the Panel; and
 - b) 3 independent co-opted Panel members to act as a pool providing 1 independent co-opted member for Sub Committee meetings.
- 3.2 Reasons for Recommendation(s) – The recommendation is intended to enable the Panel to fulfil statutory requirements using an approach that has previously operated effectively.

4. Report Background

- 4.1 The Police Reform & Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints & Misconduct) Regulations 2012 require Police (Fire) & Crime Panels to adopt a process for carrying out "Informal Resolution" of non-criminal complaints about the conduct of the relevant Police (Fire) & Crime Commissioner and the Deputy Commissioner, should a Deputy Commissioner be appointed.
- 4.2 Informal Resolution is intended to represent a locally-agreed process for resolving a complaint as far as possible by mediation between the complainant and the subject of the complaint. It is not an investigation of the complaint: a panel is prohibited from taking any action intended to gather information about a complaint other than inviting comments from the complainant and the subject of the complaint.

5. Issues and Choices

- 5.1 The Northamptonshire Police, Fire & Crime Panel agreed in 2012/13 to incorporate in its Rules of Procedure the following arrangements for carrying out Informal Resolution:
- Adoption of an Informal Resolution Protocol (included with this report at Appendix A).
 - Establishment of a Complaints Sub Committee with the following powers and duties:
 - Where a complaint or conduct matter comes to the Sub Committee's attention it must secure that all appropriate steps are taken, both initially and from time to time after that, for obtaining and preserving evidence relating to the conduct in question and to comply with any directions given by the Independent Office for Police Conduct (IOPC) in this regard.
 - To provide the IOPC and every member of its staff with such assistance as it may reasonably require in connection with the carrying out of any investigation by the IOPC or by anyone appointed to carry out an investigation on its behalf.
 - To determine whether a complaint that has been recorded should be subject to Informal Resolution, or should be excluded from Informal Resolution on grounds identified in the 2012 Regulations, and in that case, to determine how to handle the matter or whether to take no action in relation to it.
 - To deal with the Informal Resolution of complaints in accordance with the requirements of the 2012 Regulations.

- 5.2 The Panel has updated the composition of the Complaints Sub Committee since it was originally established when this has been considered necessary. The following changes have been made:
- 2014/15: The Panel reviewed the Sub Committee’s original membership, which consisted of three Panel members: one councillor from each of the two political groups represented on the Panel and one independent co-opted member. In light of experience and to give the Sub Committee more flexibility the Panel agreed to increase the membership of the Sub Committee to 5 members, consisting of two councillors from each of the political groups represented on the Panel and one independent co-opted member, who could also be substituted by another independent co-opted member.
 - 2020/21: The Panel agreed that the independent co-opted member on the Sub Committee should be drawn from the pool of all three independent co-opted members on the Panel, rather than a specific member being identified. Again, this change was intended to increase flexibility and to enable the Panel to make more use of independent co-opted members in this area of its work.
- 5.3 It is proposed that the composition of the Complaints Sub Committee established by the Panel in 2020/21 still represents an effective and practical approach and should therefore continue to apply in 2021/22. The composition of the Sub Committee should give it the necessary capacity to carry out its role and enable it to do so in way that reflects the Panel’s role of scrutinising and supporting the Police, Fire & Crime Commissioner. It is open to the Panel to consider and agree alternative ways of achieving this if it sees this as necessary.
- 5.4 For reference, the members of the Complaints Sub Committee in 2020/21 were Councillors Richard Auger (Daventry District Council / Conservative), Janice Duffy (Northampton Borough Council / Labour), Ken Pritchard (South Northamptonshire Council / Conservative) and Winston Strachan (Northamptonshire County Council / Labour) and Mr Robert Mehaffy, Mrs Anita Shields and Miss Pauline Woodhouse (independent co-opted members). All Sub Committee members are provided with appropriate training and support to carry out the role.
- 5.5 It should be further noted that the workload of the Complaints Sub Committee is substantially determined by the number of complaints about the Police, Fire & Crime Commissioner that it needs to consider. The number of Sub Committee meetings in each of the years since it was established has been as follows:

Municipal year	Complaints Sub Committee meetings
2013/14	4
2014/15	1
2015/16	0
2016/17	0
2017/18	1
2018/19	0
2019/20	2
2020/21	1

6. Implications (including financial implications)

6.1 Resources and Financial

6.1.1 The resource implications associated with the proposal consist of the reimbursement of expenses that may be claimed by Complaints Sub Committee members for any meetings that need to be convened and/or other activity involved in carrying out their role. These can be met from Police & Crime Panel grant funding that the Home Office makes available to the local authority that hosts each panel. As stated in paragraph 5.5 above, the Complaints Sub Committee will only be convened during 2021/22 if there is a specific need to do so.

6.2 Legal

6.2.1 There are no legal implications arising from the proposal. It represents an established approach that has been used by the Panel to carry out part of its statutory functions.

6.3 Risk

6.3.1 The recommended decision will mean that the Complaints Sub Committee can be convened should the need arise for it to consider a complaint about the conduct of the Police, Fire & Crime Commissioner. The risk of not taking the decision is that the Panel would not be in a position to carry out part of its statutory functions, which would have a practical and reputational impact. It is open to the Panel to consider alternative means of carrying out the complaints functions but this could take time to establish and be unproven, whereas the Complaints Sub Committee in its current form has previously operated effectively.

7. Background Papers

Police Reform & Social Responsibility Act 2011

The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012

Northamptonshire Police & Crime Panel's statutory responsibilities relating to complaints against the Police & Crime Commissioner – report to the Police & Crime Panel (5th March 2013)

Future operation of the Northamptonshire Police & Crime Complaints Sub Committee – report to the Police & Crime Panel (3rd July 2014)

Appointments to the Northamptonshire Police, Fire & Crime Complaints Sub Committee for 2020/21 – report to the Police, Fire & Crime Panel (16th July 2020)