



LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND CRIME PANEL: 04 FEBRUARY 2025

REVIEW OF THE LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND CRIME PANEL CONSTITUTION

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE – LEICESTERSHIRE COUNTY COUNCIL

Purpose of the Report

1. This report is intended to seek approval from the Police and Crime Panel to formally amend Part 4 of the Constitution, in order to provide clarity regarding the process for dealing with serious complaints and conduct matters relating to the PCC/DPCC, and to include detail regarding the authority which the Panel has delegated to the Director of Law and Governance at Leicestershire County Council with regards to complaints.

Policy Framework and Previous Decisions

2. The responsibility for dealing with complaints against the PCC or DPCC is vested in the Panel by virtue of s31 and Schedule 7 Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) regulations 2012 (as amended).
3. On 20th December 2012, the Panel delegated authority to the Director of Law and Governance, Leicestershire County Council to:
 - i. act as the first point of contact for complaints (and that the Chairman and Vice-Chairman of the Panel act as second or reserve points of contact);
 - ii. make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether:
 - (1) a complaint has been made which requires resolution under the complaint's procedures;
 - (2) that complaint should be referred to the Independent Office of Police Conduct (IOPC);
 - (3) the complaint should be subject to the informal resolution process; and
 - (4) to make arrangements for the process of informal resolution.

- iii. produce such further procedures, notes of guidance and forms as may be helpful to assist in the operation of the process and the provision of information to complainants.

4. At the same meeting the Panel delegated authority to the Director of Law and Governance, in consultation with the Chairman and Vice-Chairman, to:
 - i. resolve complaints informally, or
 - ii. arrange for a meeting of a sub-committee to be drawn from the full membership of the Police and Crime Panel, to resolve complaint informally.
5. At a meeting on 2nd December 2021, the Panel amended the delegation at ii (2) and delegated to the Chief Executive of the Office of the Police and Crime Commissioner (OPCC), rather than the Monitoring Officer, the power to refer relevant complaints to the IOPC.
6. At a meeting on 27th October the Panel approved an amendment to Part 4 of the Constitution, in order to make changes to the delegated authority so that the Director of Law and Governance, Leicestershire County Council, has the power to make decisions, in consultation with the Chairman of the Panel if appropriate, as to whether complaints about the PCC or DPCC should be referred to the IOPC.

Background

7. In November 2022, The IOPC published an operational advice note to police and crime panels on the handling of complaints or conduct matters recorded against police and crime commissioners. The guidance outlines that Panels must refer the following to the IOPC:
 - all recorded conduct matters;
 - all serious complaints (i.e. a complaint which constitutes or involves, or appears to constitute or involve, the commission of a criminal offence);
 - any conduct matter or serious complaint where the IOPC has told the panel that it must be referred (Regulations 13 (1) and (2) of the 2012 Regulations).
8. The nature of the complaint must be assessed before it is referred to the Independent Office for Police Conduct (IOPC). This may involve contacting the complainant for clarification. The Panel should evaluate whether the alleged conduct, if proven, would qualify as a serious complaint under Regulation 2 of the 2012 Regulations. The Panel does not assess the merits of the complaint at this stage. A referral to the IOPC is only mandatory if the conduct could amount to a criminal offence. The initial assessment and supporting evidence must be included in the referral papers.

9. Regulation 7 of the 2012 Regulations allows the PCP to delegate the assessment to the Chief Executive of the OPCC, the Monitoring Officer, a subcommittee, or a local authority officer.

Proposal

10. It is proposed that additional wording be added to Part 4 of the Constitution regarding the process for dealing with serious complaints and conduct matters relating to the PCC/DPCC, as indicated within the appendix. This is proposed because the IOPC has provided feedback that the Constitution in its current form was not clear on this.
11. It is also proposed that detail be added regarding the authority which the Panel has delegated to the Director of Law and Governance at Leicestershire County Council with regards to complaints, as indicated within the appendix.

Recommendations

12. The Panel is asked to formally approve an amendment to Part 4 of the Constitution in order to provide clarity regarding the process for dealing with serious complaints and conduct matters relating to the PCC/DPCC, and to include detail regarding the authority which the Panel has delegated to the Director of Law and Governance at Leicestershire County Council with regards to complaints.

Background Papers

13. Part 4 of Police and Crime Panel Constitution:
<https://www.leicestershire.gov.uk/sites/default/files/2024-10/LLR-police-and-crime-panel-constitution-making-complaints.pdf>
14. Independent Office for Police Conduct: Operational advice note to Police and Crime Panels:
https://www.policeconduct.gov.uk/sites/default/files/documents/PCP%20complaints_guidance_for_police_and_crime_panels_Nov22.pdf

Circulation under the Local Issues Alert Procedure

15. None

Equality Implications

16. There are no equality implications arising from the recommendations in this report.

Human Rights Implications

17. There are no human rights implications arising from the recommendations in this report.

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