

# Public Document Pack



**Date and Time** Tuesday, 12th April, 2022 at 10.30 am

**Place** EII Court, Hampshire County Council, Winchester

**Enquiries to** [hampshire.pcp@hants.gov.uk](mailto:hampshire.pcp@hants.gov.uk)

## FILMING AND BROADCAST NOTIFICATION

This meeting may be recorded and filmed by the press and public. Filming or recording is only permitted in the meeting room whilst the meeting is taking place so must stop when the meeting is either adjourned or closed. Filming is not permitted elsewhere in the building at any time. Please see the Filming Protocol available on Hampshire County Council's website.

## AGENDA

- 1. WELCOME AND APOLOGIES FOR ABSENCE**
- 2. DECLARATION OF INTEREST**

To enable Members to declare to the meeting any disclosable pecuniary interest they may have in any matter on the agenda for the meeting, where that interest is not already entered in their appointing authority's register of interests, and any other pecuniary or personal interests in any such matter that Members may wish to consider disclosing

- 3. MINUTES OF THE PREVIOUS MEETING (PUBLIC) (Pages 3 - 6)**

To confirm the public minutes from the meeting of the Complaints Sub-Committee held on 9 February 2022.

- 4. SUMMARY OF POWERS - COMPLAINTS PROCEDURE (Pages 7 - 10)**

- 5. EXCLUSION OF THE PRESS AND PUBLIC**

With respect to each of the following items, the Sub-Committee is recommended to consider:

That, under the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the meeting on the grounds that the report(s) contain or there may otherwise be disclosed information which is defined as exempt in within paragraph 1 (information relating to an individual) or paragraph 2 (information which is likely to reveal the identity of an individual) of Part 1 of Schedule 12A to the Local Government Act 1972 and that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**6. MINUTES OF THE PREVIOUS MEETING (EXEMPT) (Pages 11 - 12)**

To confirm the exempt minutes from the meeting of the Complaints Sub-Committee held on 9 February 2022.

**7. TO REVIEW A COMPLAINT MADE AGAINST THE POLICE AND CRIME COMMISSIONER FOR HAMPSHIRE (Pages 13 - 94)**

(a) To consider a complaint made against the Police and Crime Commissioner for Hampshire.

(b) To consider comments received from the complainant

(c) To consider comments received from the complained against

**8. REVIEWING THE DECISION TO RESTRICT ACCESS (Pages 95 - 120)**

To review a decision to restrict access in accordance with the Guidance Note on the management of unreasonable complainant behaviour.

**ABOUT THIS AGENDA:**

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

**ABOUT THIS MEETING:**

The press and public are welcome to attend the public sessions of the meeting. If you have any particular requirements, for example if you require wheelchair access, please contact [hampshire.pcp@hants.gov.uk](mailto:hampshire.pcp@hants.gov.uk) for assistance.

Appointed Members of the Police and Crime Panel attending this meeting qualify for travelling expenses in accordance with their Council's 'Member's Allowances Scheme', as set out in the agreed Police and Crime Panel Arrangements.

**HAMPSHIRE POLICE AND CRIME PANEL  
COMPLAINTS SUB-COMMITTEE**

**Wednesday, 9th February, 2022 at 10.30 am  
Held in Mitchell Room, Winchester  
(Hampshire County Council)**

**Councillors:**

Chairman

p David Stewart  
(Independent Co-opted Member)

p John Beavis MBE  
(Gosport Borough Council)

p Tony Jones  
(Local Authority Co-opted Member)

a Philip Lashbrook  
(Test Valley Borough Council)

p Ken Muschamp  
(Rushmoor Borough Council)

**At the invitation of the Chairman:**

Peter Baulf                      *Legal Advisor to the Panel*

**BROADCASTING ANNOUNCEMENT**

The Chairman announced that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recordings for broadcasting purposes.

**16. WELCOME AND APOLOGIES FOR ABSENCE**

The Chairman welcomed Members to the meeting. Apologies were noted from Councillor Philip Lashbrook.

**17. DECLARATIONS OF INTEREST**

No declarations were made.

**18. MINUTES OF THE PREVIOUS MEETING (PUBLIC)**

The public minutes of the previous meetings were agreed as an accurate record.

**19. SUMMARY OF POWERS - COMPLAINTS PROCEDURE**

Members noted the Sub-Committee's Summary of Powers.

20. **EXCLUSION OF THE PRESS AND PUBLIC**

Members were asked to consider whether the press and public be excluded from the meeting during the following three items of business, considering whether it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those items there would be disclosure to them of exempt information within Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972, being information relating to any individual (paragraph 1) or information which is likely to reveal the identity of an individual (2) and, further, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

In respect of item 6 of the agenda the Sub-Committee agreed not to exclude the press and public.

In respect of items 7 and 8 of the agenda the exclusion was agreed.

21. **TO REVIEW COMPLAINTS MADE AGAINST THE DEPUTY POLICE AND CRIME COMMISSIONER FOR HAMPSHIRE**

The Sub-Committee received a report of the Democratic Services Officer outlining the detail of two complaints received against Mr Luke Stubbs, the Deputy Police and Crime Commissioner (DPCC).

Copies of the PCC's Code of Conduct and a copy of the public apology made by the DPCC on 22 December were tabled at the meeting.

The Chairman explained consideration of the complaints would be taken together as they related to the same matter, comments made by the DPCC at a meeting of the Hampshire and Isle of Wight Fire and Rescue Authority on 14 December 2021.

The Chairman further explained the Sub-Committee would consider whether the complaints being reviewed demonstrated a failure to meet the Code of Conduct, as published on the Police and Crime Commissioner's (PCC) website, and that the Sub-Committee's finding will be made on fact.

The Chairman noted that both complainants and the DPCC had been invited to attend the meeting but had declined, and therefore the Sub-Committee would rely upon their written representation. It was confirmed that outcomes of the meeting would be confirmed to all parties in writing.

The legal adviser was invited to raise any comments to the meeting, for which he confirmed he had none.

The Chairman observed from the evidence presented that:

- The DPCC attended a meeting of the Hampshire and Isle of Wight Fire and Rescue Authority on 14 December.

- The minutes of that meeting noted that the DPCC had attended the meeting on behalf of the PCC, who had given her apologies. In this capacity he was invited to address the meeting.
- During item 9 of that meeting the DPCC, by his own admission, had made a number of comments related to equality and diversity which were of his own personal view.
- On 22 December 2021 the DPCC made a public apology for any harm or offence caused by the comments made.
- The complainants alleged that in making these comments the DPCC had breached the code of conduct and caused reputational damage to the Office of the Police and Crime Commissioner (OPCC).

Members commented that it was appropriate that the DPCC had made a public apology, although one of the complainants considered the apology to be forced and therefore not entirely meaningful.

Members felt that the PCC had made her policy on matters of equality and diversity very clear since taking office and whilst acting as a representative of the PCC, any comment by the DPCC should have been reflective of the PCC's policy, not personal views which may not have been aligned with those of the PCC.

The meeting was adjourned in order for the Sub-Committee to consider the evidence that had been presented and to deliberate on their findings. When the meeting resumed, the Chairman announced the Panel's determination that:

The Sub-Committee consider that, in speaking at the meeting of the Hampshire and Isle of Wight Fire and Rescue Authority on 14 December 2021, as a representative of the Police and Crime Commissioner (PCC), the Deputy Police and Crime Commissioner (DPCC) brought the Office of the Police and Crime Commissioner (OPCC) into disrepute and compromised the position of the PCC by expressing personal views and opinions which appeared to be contrary to the policy of the PCC.

Therefore, the Sub-Committee determined that Mr Stubbs, in his role as the Deputy Police and Crime Commissioner, breached section 2.1.4 of the Code of Conduct.

Further, the Sub-Committee consider that the DPCC failed to abide by the Nolan Principles by not promoting and supporting the principles by leadership and example (section 1.1 of the code of conduct).

The Sub-Committee acknowledges that Mr Stubbs issued a public apology for any harm or offence caused by the comments made. Whilst being minded that the complainants asked to retain their anonymity, the Sub-Committee had no evidence that the DPCC requested to share his apology with the complainants through the Sub-Committee.

The Sub-Committee agreed the following recommendations to the PCC, following the review of these complaints, which would be shared with the PCC in writing:

- That the PCC ensures any individual from the OPCC who is appointed to represent them on any occasion is fully briefed in advance to ensure that any views represented are aligned to the policy of the PCC.
- Being minded of the PCC's expressed intention to be open in communication, the Sub-Committee would recommend that the PCC undertake an internal review of the OPCC policies associated with the promotion of Public Sector Equality duty and equality of opportunity.
- That the PCC ensures all members of staff at the OPCC, including those in senior roles, undertake appropriate training in Equality, Diversity, and Inclusion with regular refresh. The Sub-Committee would ask that an update on this recommendation be reported to the next meeting of the Panel's Equality and Diversity Working Group.

22. **TO REVIEW A COMPLAINT MADE AGAINST THE DEPUTY POLICE AND CRIME COMMISSIONER FOR HAMPSHIRE**

Members considered a report outlining the complaint, including comments received from the complainant and complained against.

(Summary of an exempt minute)

23. **MINUTES OF THE PREVIOUS MEETING (EXEMPT)**

The exempt minutes of the previous meeting were agreed as an accurate record.

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Chairman,

## **HAMPSHIRE POLICE AND CRIME PANEL**

### **Complaints Sub-Committee**

#### **Report – Summary of Powers**

#### **1. Executive Summary**

- 1.1. This report outlines the powers of the Police and Crime Panel (PCP) Complaints Sub-Committee in relation to non-criminal complaints made against the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC).
- 1.2 The report also sets out the actions that the Complaints Sub-Committee (the Sub-Committee) may take as part of the informal resolution process.

#### **2. Contextual Information**

- 2.1. The Police and Crime Panel (PCP) has the statutory role of overseeing all complaints against the PCC and DPCC and informally resolving non-criminal complaints. This is set out in the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012.
- 2.2 The Panel has delegated powers and duties under the Regulations, with the exception of Part 4 (informal resolution of complaints), to the Chief Executive of the Office of the PCC for the Hampshire Police Area. In relation to Part 4 and the informal resolution procedure, the Panel have appointed a Sub-Committee to secure the informal resolution of the complaint and report back to the Panel the conclusion of the process.

#### **3. Process to be Followed by Complaints Sub-Committee**

- 3.1 With regard to the informal resolution procedure, the Regulations state that the procedure must make provision for, as soon as practicable, giving the complainant and the person complained against an opportunity to comment on the complaint (if the latter chooses not to comment, the procedure must provide that be recorded in writing).
- 3.2 The informal resolution procedure must provide for, as soon as practicable, the making of a record of the outcome of the procedure which must be sent to the complainant and the person complained about.

#### **4. Initial Sub-Committee Meeting – Alternatives for Consideration**

4.1 The Sub-Committee may first consider whether to disapply Part 4 of the Regulations. The legislation allows for this if the Sub-Committee determines that:

- The complaint is concerned entirely with the conduct of the PCC/DPCC in relation to a person who was working in his capacity as a member of the PCC/DPCC's staff at the time when the conduct is supposed to have taken place (this ground has presumably been included because the complainant has a separate right to raise a grievance under employment legislation).
- The matter took place more than 12 months ago and no good reason for the delay has been shown or injustice would be likely to be caused by the delay.
- The matter is already the subject of a complaint.
- The complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address.
- The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints; and/or the complaint is repetitious (in accordance with the meaning given in regulation 15(4)).

4.2 Should the Sub-Committee determine not to disapply the informal resolution procedure, it may wish to consider whether any of the following apply before reaching a conclusion:

*From evidence, the complaint appears resolved:*

4.2.1 Where it appears that the matter has already been satisfactorily dealt with prior to it being brought to the Sub-Committee's notice, (subject to any representations by the Complainant), the Sub-Committee may treat the matter as having been resolved. Should it choose this course of action, it must record its reasons for doing so and notify these to the parties.

*From evidence, complaint appears to be one of alleged criminal conduct:*

4.2.2 The Sub-Committee may receive additional comments which lead it to decide that the complaint being handled in accordance with the informal resolution procedure should be referred to the Independent Office for Police Conduct (IOPC).

*From evidence, complaint does not appear resolved:*

4.2.3 The Sub-Committee must consider whether it has the information available to it to reach a conclusion. Should it feel that it requires further evidence in order to reach an outcome, the Sub-Committee may hold further meetings.



4.2.4 The Sub-Committee, at any additional meeting, may require the person complained against to provide information or documents or attend before it to answer questions or give evidence.

## **5. Initial Sub-Committee Meeting – Formal Resolution**

5.1 If the Sub-Committee agrees that the matter requires a formal resolution, it will decide its course of action. In accordance with the Regulations, the Sub-Committee is not able to conduct an investigation. Aside from requesting additional comments, or those actions discussed in paragraph 4.2.4, the Sub-Committee may not take any further steps.

5.2 The Sub-Committee can consider whether to devise an action plan in relation to the complaint, with indicative timeframes included. Such a plan could include:

- An explanatory letter being written on behalf of the Sub-Committee or the PCP;
- An explanatory letter being written by an officer of the Office of the PCC;
- A suggested change to the Office of the PCC's policy;
- A request that an apology is tendered (but it must be noted that the procedure should prohibit the tendering on behalf of the person complained against an apology for his conduct unless that person has admitted the conduct in question and has agreed to the apology.)

5.3 If the Sub-Committee draws together an action plan, it may wish to reconvene at a later date in order to review the progress of the actions. It may authorise a named individual (not the PCC/DPCC or Chief Executive of the Office of the PCC) to review this on their behalf, or refer the plan to the PCP for further action.

5.4 Once all of the actions from the Sub-Committee's plan have been completed, the democratic support officer will make a record of the outcome within three working days, unless this is not practicable. Copies of this record will be provided to the complainant and complained against. The matter will then be closed.

## **6. Report of the Complaints Sub-Committee to the Panel**

6.1 The PCP's democratic support officer will prepare an annual complaints report, which will set out the activities undertaken by the Sub-Committee in the previous year. This will include any actions taken and the outcome of the process.

6.2 No part of the record may be published by the Panel unless the parties involved have had an opportunity to make representations about the proposed publication.

6.3 The Panel has the power to determine whether, having provided the opportunity described in paragraph 6.2 above and having considered any representations received, the proposed publication of the record of the outcome of the informal resolution procedure is in the public interest. If it decided it is, the Panel has the power to publish it accordingly.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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