

# HAMPSHIRE POLICE AND CRIME PANEL

## Report

<b>Date:</b>	16 June 2023
<b>Title:</b>	Use of delegated powers by the Monitoring Officer
<b>Report From:</b>	Monitoring Officer to the Police and Crime Panel

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### Purpose of this Report

1. The purpose of this report is to notify the Police and Crime Panel (PCP) Complaints Sub-Committee (the Sub-Committee) of any occasions, since it last met, where the Monitoring Officer has used their delegated powers when taking a decision either not to record or to dissaply the informal resolution procedure in respect of a complaint, or part thereof, in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the regulations).

### Recommendation(s)

2. That the report from the Monitoring Officer is noted.

### Contextual information

3. The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the Regulations) mandate the statutory responsibility for the Police and Crime Panel (PCP) to handle non-criminal complaints about the conduct of the Police and Crime Commissioner (PCC) and Deputy Police and Crime Commissioner (DPCC), where appointed.
4. The Panel have a published Protocol outlining the informal resolution procedure it will follow when considering complaints made against the PCC/DPCC, an update to which was agreed at its meeting on 19 May 2023.

### Non-Recording of Complaints

5. If, following receipt of a complaint against the PCC/DPCC, the Democratic Services Officer, reaches the view that action should not be taken under regulation 9 of the Regulations for notifying or recording the whole or any part

of the complaint received, as it does not properly fall within the responsibility of the PCP, they will refer the matter the Monitoring Officer.

6. The Monitoring Officer, in consultation with the Chairman of the Sub-Committee, will determine whether the complaint should be recorded as such. If it is agreed that action shall not be taken under regulation 9, the Monitoring Officer shall notify the complainant and PCC/DPCC in writing.
7. Since the last meeting of the Sub-Committee, on 19 May 2023, there have been no instances where complaints received by the Panel were not recorded.

### **Disapplication of the Regulations**

8. In some cases, the informal resolution procedure may be disapplied in respect of a complaint in accordance with Part 2, paragraph 15 of the Regulations. If the Democratic Services Officer identifies that a complaint may be suitable for consideration for disapplication under part 2 of the Regulations, they will refer it to the Monitoring Officer.
9. The Monitoring Officer, in consultation with the Chair of the Sub-Committee, will consider the suitability of the complaint for disapplication under part 2 of the Regulations.
10. In the event that disapplication is determined to be appropriate in relation to a complaint, either in its entirety or in part, the Monitoring Officer will write to the complainant and the PCC/DPCC, notifying them of this decision.
11. Since the last meeting of the Sub Committee, on 19 May 2023 the informal resolution procedure has not been disapplied for any complaints recorded by the Panel, under part 2 of the Regulations.

**REQUIRED LEGAL INFORMATION:**

**Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
<a href="http://legislation.gov.uk">Police Reform and Social Responsibility Act 2011 (legislation.gov.uk)</a>	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
Protocol for the Informal Resolution Procedure Regarding Complaints made against the Police and Crime Commissioner	<a href="https://documents.hants.gov.uk/partnerships/hampshire-pcp/PCP-ProtocolfortheInformalComplaintsProcedure.pdf">https://documents.hants.gov.uk/partnerships/hampshire-pcp/PCP-ProtocolfortheInformalComplaintsProcedure.pdf</a>