

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.

Chairman,