



## Dorset Police and Crime Panel Complaints Sub-Committee

Minutes of a meeting held at Dorset County Council,  
County Hall, Dorchester, DT1 1XJ on 3 July 2013.

### **Present:** **Members**

#### Borough of Poole

Phil Goodall (Vice-Chairman)

#### Bournemouth Borough Council

John Adams (Chairman)

#### Christchurch Borough Council

Bernie Davis

#### Dorset County Council

Ian Gardner

#### Independent Co-opted Member

Iain McVie

#### Officer advisers to the Dorset Police and Crime Panel Complaints Sub-Committee:

Jonathan Mair, Head of Legal and Democratic Services, Dorset County Council (joined the meeting at the conclusion of the Complaints Monitoring Protocol)

Jonathan French, Corporate Policy and Performance Officer (Complaints), Dorset County Council  
Rebecca Thomas, Senior Democratic Services Officer, Dorset County Council

### **Election of Chairman**

#### **Resolved**

1. That Mr John Adams be elected Chairman for the remainder of the year 2013/14.

### **Appointment of Vice-Chairman**

#### **Resolved**

2. That Mr Phil Goodall be appointed Vice-Chairman for the remainder of the year 2013/14.

### **Apology**

3. No apologies for absence were received.

### **Code of Conduct**

4. Mr McVie advised that he worked for Her Majesty's Inspectorate of Constabulary; this was already registered.

### **Terms of Reference**

5. Members received the Dorset Police and Crime Panel Complaints Sub-Committee's Terms of Reference, which had been agreed by the Dorset Police and Crime Panel at their meeting on 3 June 2013.

#### **Noted**

## **Complaints Monitoring Protocol**

6.1 The Sub-Committee considered a report by the Chief Executive, Dorset County Council, which outlined the Sub-Committee's responsibility and working arrangements for handling non-criminal complaints against the Police and Crime Commissioner (PCC), as referred to them by the Independent Police Complaints Commission (IPP).

6.2 Members noted that the Dorset Police and Crime Panel had established the Sub-Committee to consider complaints about the conduct of the PCC, as per the complaints monitoring protocol agreed by the Police and Crime Panel on 3 June 2013.

6.3 Consideration was given as to how the Sub-Committee could receive factual unbiased evidence to assist their determination of a complaint. The Corporate Policy and Performance Officer (Complaints) suggested that a 'complaints proforma/template' be composed and sent to the PCC and complainant to elicit the necessary information. Members welcomed this suggestion.

6.4 Consideration was also given to the adopted complaints protocol and concerns were raised, in light of its practical application, for the need of a more structured approach to complaints handling.

6.5 Members asked if they could see the complaint protocols other Police and Crime Panels were using. The Corporate Policy and Performance Officer (Complaints) agreed to look into this.

6.6 The following amendments were suggested and supported by the Sub-Committee:

- (i) that upon receipt of a complaint, the Complaint Administrator determines the nature of the complaint, referencing the list within paragraph 2.1 of the complaints protocol.
- (ii) that a complaints proforma/template be composed and sent to both the PCC and complainant to obtain pertinent information to the complaint.
- (iii) that the complaint be sent to the PCC for comments and that he be given seven calendar days to respond.
- (iv) that the complainant also receive a response at that time.
- (v) that a meeting date for the Dorset Police and Crime Panel Complaints Sub-Committee be arranged at that time.
- (vi) that following receipt of the PCC's response to the complaint, the complainant be given seven calendar days to make further comments in support of his/her complaint.
- (vii) that to avoid any doubt, when requesting correspondence from any party, a deadline for the return of the information be detailed in both number of days (for example seven calendar days) and the required return date (for example 14 July 2013).

### **Recommended**

7.1 That the Dorset Police and Crime Panel amend the complaints protocol to include the Sub-Committee's suggestions, as listed in minute number 6.6 (i) to (vii).

### **Reason for Recommendation**

To ensure the complaints protocol was fit for purpose.

**Exempt Business**

## **Exclusion of the Public**

### **Resolved**

8.1 That in accordance with Section 100 A (4) of the Local Government Act 1972 to exclude the public from the meeting in relation to the business specified in minutes 9 - 10 because it was likely that if members of the public were present, there would be disclosure to them of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act and the public interest in withholding the information outweighed the public interest in disclosing the information to the public.

8.2 To preserve confidentiality of debate and decisions taken in private Session, the Panel resolved to exclude the press and public.

## **Consideration of a Complaint against the Police and Crime Commissioner (Paragraph 7)**

9.1 The Sub-Committee considered a report by the Chief Executive, Dorset County Council, which presented a complaint about an alleged failure of the Police and Crime Commissioner to deal with crimes against the complainant.

9.2 Reference was made to the Police and Crime Commissioner's response to the complaint that was circulated separately to the agenda, and members confirmed their receipt of the document. A discussion followed as to the relevance of the response and to which paragraphs the Sub-Committee deemed as material considerations.

9.3 Members agreed to concentrate on the elements of the complaint that fell within their remit and to refer only to the factual evidence submitted. In particular, following the Head of Legal and Democratic Services' advice, the Sub-Committee determined that paragraph four of the PCP's response was not material and was irrelevant to the complaint and would therefore be disregarded. The Chairman suggested that the PCC be informed of the Sub-Committee's dissatisfaction regarding the content of his response, following the resolution of the complaint.

9.4 The Head of Legal and Democratic Services summarised the complaints procedure and the way in which the Sub-Committee carried out its functions. He also advised on the manner in which the complaint could be referred to the Local Government Ombudsman, and the way in which a complaint would then be reviewed.

9.5 In light of advice received by the Head of Legal and Democratic Services and earlier considerations in relation to the complaints monitoring protocol (as detailed in minute number 6) members felt that, at present, it would be inappropriate to determine the complaint until there had been an opportunity for further comments from the complainant in support of his complaint. This was the first consideration of a complaint under the protocol and this experience demonstrated that in practice, changes needed to be made.

### **Resolved**

10.1 That following the proposed amendments to the Complaints Monitoring Protocol, consideration of the complaint against the Police and Crime Commissioner be adjourned to adhere to the proposed amended protocol.

10.2 That the Panel Administrator write to the complainant to advise him of the Sub-Committee's considerations and ask whether he wished to make any further comments in support of his complaint.

## **Date of Reconvened Meeting**

### **Resolved**

11. That the next meeting of the Dorset Police and Crime Panel Complaints Sub-Committee be held on Tuesday 30 July 2013 at 2.00pm.

Meeting Duration: 2.00pm – 3.10pm