

DORSET COUNCIL - POLICE AND CRIME PANEL COMPLAINTS SUB-COMMITTEE

MINUTES OF MEETING HELD ON TUESDAY 24 SEPTEMBER 2019

Present: Iain McVie (Chairman), Bobbie Dove, Barry Goringe and Bill Pipe

Apologies: Cllr Les Fry

Officers present (for all or part of the meeting):

Marc Eyre (Service Manager for Assurance) and Fiona King (Senior Democratic Services Officer)

14. Apologies

An apology for absence was received from Cllr Les Fry and the Monitoring Officer (Dorset Council), Jonathan Mair.

15. Minutes

The minutes of the meeting held on 15 August 2019 were confirmed and signed.

16. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

17. Public Participation

There were no statements or questions submitted from Town and Parish Councils at this meeting.

There were no public statements and questions submitted for this meeting.

18. Exempt Business

Decision

That the press and the public be excluded for the following item(s) in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended).

19. Consideration of a complaint against the Police and Crime Commissioner

The Sub-committee considered a complaint by a member of the public, which had been set out in the complaint form received on 22 July 2019. The complaint related to the actions of the PCC in that the complainant felt she had reasonable belief that the PCC had committed the crime of misconduct in public office and/or perverting the course of justice. The complainant also included some background evidence to the allegations which was also circulated to members.

A copy of an email dated 23 September from the complainant to the Leaders of the two unitary councils and a response from the Monitoring Officer (Dorset Council) that was sent on 24 September 2019 was circulated to members.

The Chairman advised members that the aim of this sub- committee meeting was to review the decision taken by the Monitoring Officer (OPCC) and to establish whether the PCP Complaints Protocol had been followed.

Ordinarily a complaint would be made direct to Dorset Council as host for the PCP. The Council would then refer the complaint to the Monitoring Officer (OPCC) in accordance with the Complaints Protocol and the Monitoring Officer would consider the complaint, including whether it should be referred to the Independent Office for Police Conduct (IOPC).

In this instance the complainant had submitted her letter of complaint and supporting documentation direct to the IOPC. The complaint had been referred by the IOPC to the host council for the PCP. As the complainant was dissatisfied with the decision made by the Monitoring officer (OPCC) it was now for the Complaints Sub-committee to review the decision.

Members reviewed the action taken by the Monitoring Officer OPCC and concluded that he had acted correctly and lawfully. They confirmed that the Monitoring Officer had followed the Protocol and had carried out what was expected of him.

In the email from the Monitoring Officer (Dorset Council) of 24 September 2019 the legal position had been highlighted for members of the sub-committee and the role that the OPCC had performed. Members agreed with the advice of the Monitoring Officer (Dorset Council) that it was within the regulations, within their own protocol and appropriate that the first stage of the complaints procedure should be delegated to the Monitoring officer (OPCC).

Following a discussion Members agreed unanimously with the decision of the Monitoring Officer (OPCC) that the complaint was of a criminal allegation and that it was not for the PCP Complaints Sub-Committee to investigate any further.

Members felt it was therefore appropriate for the IOPC to consider the complainant's appeal and whether it warranted criminal investigation.

Resolved

That the Service Manager for Assurance, Dorset Council should:

1. Write to the complainant confirming that the Sub-Committee's view of the decision taken by the Monitoring Officer, OPCC was correct and in line with the PCP Complaints Protocol.
2. Inform the Monitoring Officer (OPCC) of the outcome of the review of his decision.
3. Refer the complaint to the IOPC for it consider whether the complaint warranted criminal investigation.

20. **Urgent items**

There were no urgent items of business.

Duration of meeting: 2.30 - 3.00 pm

Chairman

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