

**LEICESTER, LEICESTERSHIRE AND RUTLAND POLICE AND  
CRIME PANEL – 5 DECEMBER 2017**

**REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE –  
LEICESTERSHIRE COUNTY COUNCIL**

**ANNUAL REPORT ON COMPLAINTS AGAINST THE POLICE AND  
CRIME COMMISSIONER**

**Purpose of Report**

1. The report is intended to provide the Police and Crime Panel with an update on complaints relating to the Police and Crime Commissioner over the last 12 months.

**Policy Framework and Previous Decisions**

2. At its meeting on 20th December 2012, the Panel delegated authority to the County Solicitor (now the Director of Law and Governance) to:-
  - (a) act as the first point of contact for complaints.
  - (b) make decisions in consultation with the Chairman of the Panel as to whether -
    - a complaint has been made which requires resolution under the complaints procedure;
    - that complaint should be referred to the Independent Police Complaints Commission;
    - the complaint should be subject to the informal resolution process.
  - (c) make arrangements for the process of informal resolution
  - (d) in consultation with the Chairman and Vice Chairman, to resolve complaints informally or to arrange for a meeting of the Sub-Committee of the Panel to resolve complaints informally.

**Background**

3. The Police Reform and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out certain responsibilities on the Police and Crime Panel to deal with complaints against the PCC and conduct matters.

4. The Regulations require the Panel to make suitable arrangements for receiving and recording complaints, for the initial sorting of complaints to determine whether they appear to have criminal elements which would require referral to the Independent Police Commission and to informally resolve complaints that do not have a criminal element. Informal resolution is intended to represent a locally agreed process involving engagement with the complainant and the person complained against. It does not permit an investigation of the complaint and the Panel is prohibited from taking any action intended to gather further information other than inviting comments from the complainant and PCC.

### **Complaints against the PCC received in 2017**

5. There have been no serious complaints i.e. complaints about conduct which constitutes or involve or appear to constitute or involve a criminal offence.
6. There have been two complaints which were both resolved informally by the provision of information as follows:-

*01-17*

Complainant asserted that the PCC had failed to assist him in obtaining disclosure of personal data (crime scene comparison data of DNA profile held on the police national computer) held by the Leicestershire Police on their database. Information was obtained from the Office of the PCC and it had been identified that a response had been provided to the complainant properly directing him to the Information Commissioner if he wished to pursue his challenge to the way in which the police had managed his personal data.

*02-17*

Complaint related to the PCC's response to a query about the allocation of police resources within the complainant's locality. Information was obtained from the Office of the Police and Crime Commissioner which showed that a response had been provided. The informal resolution comprised confirmation of the statutory provisions about the allocation of responsibility for operational policing matters (including the allocation of resources) to the Chief Constable. The complainant was directed to the Leicestershire Police organisational complaint process as a mechanism to challenge the issue.

### **Recommendations**

The Panel is asked to:-

- a. Note the contents of this report.
- b. Consider the frequency at which the Panel would wish to receive reports in relation to complaint related matters in future.

**Officer to Contact:**

Lauren Haslam, Director of Law and Governance  
Leicestershire County Council  
Tel: 0116 305 6240  
Email: Lauren.Haslam@leics.gov.uk

**Appendices**

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