

**Police and Crime
Commissioner**
for Hertfordshire

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| MEETING | POLICE AND CRIME PANEL |
| DATE | 19 June 2014 |
| TITLE OF REPORT | Report of Complaints and Conduct Matters for the period 1 April 2013 to 31 March 2014 |
| SUBMITTED BY | Deputy Chief Executive of the Police and Crime Commissioner for Hertfordshire |

1 PURPOSE

- 1.1 The purpose of this paper is to present an overview to the Police and Crime Panel of complaints and conduct matters in regard to the Police and Crime Commissioner and the Deputy Police and Crime Commissioner.

2 BACKGROUND

- 2.1 Under current legislation, the Police and Crime Panel is responsible for the initial handling and resolution of complaints against the Police and Crime Commissioner, and any Deputy Commissioner appointed, other than serious complaints or conduct matters which must be referred to the Independent Police Complaints Commission.
- 2.2 The legislation allows some of the powers and duties of the Panel to be delegated to the Chief Executive of the Commissioner.
- 2.3 In the meeting held on 6 December 2012 the Panel decided to enact the power of delegation with the exception of the power to informally resolve a complaint.
- 2.4 The Panel also requested the Chief Executive of the Commissioner to provide an annual report on complaints and conduct matters (this report).

3 COMPLAINTS REPORT

- 3.1 Two complaints regarding the Commissioner were recorded between 1 April 2013 and 31 March 2014 summarised as follows:

Agenda Item: 9 Appendix A

- 3.2 The Commissioner failed to carry out his statutory duty to publish statutory information within the statutory timescales.

The Chief Executive referred the complaint to the Panel for informal resolution at the July 2013 Panel meeting. Written responses were submitted by the Commissioner's office to questions submitted to the Panel in relation to specific items of information. A detailed update report to the Panel on all requirements for compliance with the Specified Information Order was provided and the matter was discussed as a specific agenda item. No further action was recommended. All papers are available on the Panel's website for the July 2013 meeting.

- 3.3 The Commissioner failed to comply with Section 7 of the Local Government and Housing Act 1989 (appointment of staff on merit) in the appointment of the Chief Executive and that the appointment did not comply with the requirements of the Equality Act 2010.

As this related to the Chief Executive role, consideration had to be given to the potential conflict of interest in handling this complaint. The Chief Executive was therefore excluded from all involvement. The Deputy Chief Executive was unsuccessful in securing assistance from an independent Monitoring Officer and therefore took further advice from counsel on the legality of the appointment. Following this, the complaint was also then referred to Mr Miles who responded to the complainant. Mr Miles letter set out the context and practical implications of the seconded shared appointment and noted that the Panel had considered equalities and 'Nolan' principles in the making of the appointment. The Panel had approved the proposal and therefore it was not appropriate for the Panel to seek to resolve the complaint. The complainant was informed of how to proceed if not satisfied with the outcome.

- 3.4 No complaints recorded in relation to the Deputy Commissioner.

4 RECOMMENDATION

The Panel is asked to note this report.