

AGENDA

Meeting: **WILTSHIRE POLICE AND CRIME PANEL**
Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER
Date: Wednesday 6 February 2013
Time: **10.00 am**

Please direct any enquiries on this Agenda to Kirsty Butcher, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713948 or email kirsty.butcher@wiltshire.gov.uk

Membership:

Cllr Junab Ali, Swindon Borough Council
Cllr Andrew Bennett, Swindon Borough Council
Cllr Richard Britton, Wiltshire Council (Chairman)
Cllr Chris Caswill, Wiltshire Council
Cllr Brian Dalton, Wiltshire Council
Cllr Brian Ford, Swindon Borough Council (Vice-Chairman)
Malcolm Grubb, Co-Opted Independent Member
Cllr Mike Hewitt, Wiltshire Council
Cllr Keith Humphries, Wiltshire Council
Cllr Peter Hutton, Wiltshire Council
Amanda Newbery, Co-Opted Independent Member
Cllr Pip Ridout, Wiltshire Council
Cllr Bob Wright, Swindon Borough Council

Substitutes:

Cllr Peter Doyle, Wiltshire Council
Cllr Howard Greenman, Wiltshire Council
Cllr Charles Howard, Wiltshire Council
Cllr Stephen Petty, Wiltshire Council
Cllr Paul Sample, Wiltshire Council

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies for Absence**

2 **Minutes and matters arising** (*Pages 1 - 4*)

To confirm the minutes of the meeting held on 4 January 2013.

3 **Declarations of interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

5 **Public Participation**

The Panel welcomes contributions from members of the public.

5a **Questions**

Questions

Members of the public are able to ask questions in relation to the responsibilities and functions of the Panel at each meeting. Those wishing to ask questions are required to give notice of any such questions in writing to the Head of Democratic Services at Wiltshire Council no later than **5.00 pm** on **Thursday 31 January 2013**. Please contact the officer named on the first page of the agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

5b **Statements**

Statements

If you wish to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the

meeting. Speakers are permitted to speak for up to 3 minutes on any agenda item. Please contact the officer named on the first page of the agenda for any further clarification.

5c **Public Participation protocol** (*Pages 5 - 6*)

To consider the public participation protocol.

6 **PCC Update report**

To receive a verbal update from the Commissioner.

7 **Formal Consideration of PCC's proposed precept 2013-14** (*Pages 7 - 12*)

To formally consider the PCC's proposed precept 2013-14.

8 **Complaints against the Police and Crime Commissioner** (*Pages 13 - 24*)

To consider the detailed complaint process for complaints against the Police and Crime Commissioner.

9 **Community Safety Partnership (CSP) and Crime and Disorder (C+D) relationship**

To receive a verbal update from Cllr Richard Britton, the Chairman on the relationship between the CSP, C+D and the Panel.

10 **Forward Work Plan** (*Pages 25 - 26*)

To note the forward work plan.

11 **Future meeting dates**

To note the future meeting dates below:

1 March 2013

26 March 2013

12 June 2013

16 September 2013

26 November 2013

Part II

Item(s) during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

WILTSHIRE POLICE AND CRIME PANEL

DRAFT MINUTES OF THE WILTSHIRE POLICE AND CRIME PANEL MEETING HELD ON 4 JANUARY 2013 AT WESSEX ROOM - THE CORN EXCHANGE, MARKET PLACE, DEVIZES, SN10 1HS.

Present:

Cllr Junab Ali, Cllr Andrew Bennett, Cllr Richard Britton (Chairman), Cllr Brian Dalton, Cllr Brian Ford (Vice Chairman), Malcolm Grubb, Cllr Mike Hewitt, Cllr Keith Humphries, Cllr Peter Hutton, Amanda Newbery, Cllr Pip Ridout and Cllr Bob Wright

Also Present:

Cllr Peter Doyle, Kieran Kilgallen and Angus Macpherson

1 Apologies for Absence

Apologies were received from Councillor Chris Caswill.

2 Minutes and matters arising

Decision

The minutes of the meeting held on 5 December 2012 were agreed as a correct record and signed by the Chairman.

3 Declarations of interest

Councillor Keith Humphries declared a personal interest in agenda item no. 9 being Wiltshire Council's Cabinet member with responsibility for Community Safety and Wiltshire Council's representative on the Community Safety Partnership.

4 Chairman's Announcements

The Chairman asked Panel members to stay after the meeting for a short briefing on the confirmation hearing.

5 Public Participation

Receipt of a letter and accompanying report as seen on pages 7 to 31 of the agenda was acknowledged. It was explained that the letter had been published redacted as permission had not been received from Mr Skelton at time of publication.

Mr Skelton's letter detailed his concern over the cost of the PFI deal involving a bespoke firearms training facility in Portishead, the lack of consultation on this and he urged the Panel to move around the county and to hold some meetings in the evening.

The Panel noted the potential usefulness of the information when analyzing the precept but explained that in this instance the issue should be raised in the first instance with the OPCC as it did not fall within the remit of the Panel and the business detailed had been agreed some time ago.

The Panel stressed the importance of ensuring the public were aware of Panel meetings being open for all to attend. The need to hold meetings throughout the force area was discussed however it was agreed that venues and times would be reviewed after the Wiltshire Council elections being held in May 2013.

Decision

The Panel agreed:-

- 1. To respond to Mr Skelton explaining his issue would be sent to the OPCC for their attention and response, welcoming him to attend future meetings of the Panel and explaining that times / venues of meetings would be reviewed after the Wiltshire Council elections being held in May 2013.**
 - 2. To remove the redaction from the published documents**
 - 3. To provide guidance to members on the process for dealing with future requests for public participation.**
 - 4. To review times / venues of meetings at the first meeting after the Wiltshire Council elections, currently scheduled for 12 June 2013.**
- 6 To receive updates from the Commissioner and his office**

Angus Macpherson, Police and Crime Commissioner provided a verbal update on the following:

Financial Settlement

He explained that the financial settlement was in line with forecast, being 2 million down on last year. He was not minded to increase the precept this year and was confident that savings of £3.3 million would be achieved.

Preparation of the Police and Crime Plan

Preparation of the plan was underway and will give a detailed budget on commissioning, including the timescale for moving to the commissioning process. A draft would be available from 25 January 2013 and subject to revision and consultation. The suggestion for a regular Police and Crime Plan Area Board item in the last quarter of the financial year was welcomed by all members.

PCC report

The Commissioner's diary and blog are now available on his website and he was happy to print and bring this to Panel meetings. He indicated his intention to attend Area Boards throughout the year and was happy to provide a written report with a local view for the Area Boards.

The process for handling complaints against the Police

The closing date for the Independent Assessor position is 7 January 2013 and an update will be provided when they are in place.

7 Complaints against the Police and Crime Commissioner

The panel was informed that work was underway on the complaints process and a detailed report will be available at the next meeting.

8 Draft PCP / PCC Protocol

A debate around the draft protocol highlighted the need to incorporate and understand the Panel's role in supporting the Commissioner and the need to reflect that a future Commissioner could be female.

Decision

The Panel agreed:-

- 1. To establish a working party consisting of Councillors Bennett and Hewitt and Mr Malcolm Grubb to work on draft protocol, in consultation with the Chair and Vice-Chair. Panel Members to be asked to email any thoughts or suggestions to the group once the date for the working group is known.**
- 2. To bring the revised draft protocol to the 26 March 2013 meeting.**

9 Community Safety Partnership (CSP) and Crime and Disorder (C+D) relationship

The Chairman explained that he had met with Maggie Rae from Wiltshire Council Community Safety Partnership (CSP) and a meeting had been scheduled with Swindon Borough Council's CSP Lead Officer. He was advised to contact the SBC Cabinet Member with responsibility for Community Safety. A paper will be brought to the Panel after these meetings.

10 Forward Work Plan

The suggestion supplementing the business items with specific themes, such as Victim Support, Restorative Justice, Community Engagement and Vulnerable People was welcomed.

The Panel noted the forward work plan.

11 Future meeting dates

The next meeting of the Police and Crime Panel will be on 11 January 2013, 10.30 am in the Wessex Room, Corn Exchange, Devizes.

Future meeting dates were:

6 February 2013

26 March 2013

12 June 2013

16 September 2013

26 November 2013

(Duration of meeting: 10.00 am - 12.05 pm)

The Officer who has produced these minutes is Kirsty Butcher, of Democratic Services, direct line 01225 713948, e-mail kirsty.butcher@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

WILTSHIRE POLICE AND CRIME PANEL

PUBLIC PARTICIPATION PROTOCOL

1. The Panel's Terms of Reference provide for members of the public to ask questions or make a statement in relation to the responsibilities and functions of the Panel at each meeting. A maximum of 30 minutes will be allocated to this at the start of each meeting, and each question or statement should last no longer than 3 minutes.
2. Questions must be put in writing to the Head of Democratic Services at Wiltshire Council no later than 3 clear working days before the meeting, to allow a response to be formulated, and are limited to a maximum of 2 per person / organisation. A response will be given as either a direct oral answer or a written reply.
3. The questioner is able to ask one supplementary question after receiving a response. There is usually no debate on questions; however this is at the Chairman's discretion.
4. Statements must be given in writing and can be received up to 10 minutes before the start of the meeting.
5. It is important for members of the public to understand that it is not the purpose of meetings of the Panel to provide the opportunity for members of the public to cross examine the Police and Crime Commissioner in public. The purpose of public participation is to enable members of the public to question and challenge the Panel over the way that it is discharging its role.
6. On that basis the following approach will be adopted:-
 - A. Requests for public participation that relate to the responsibilities and functions of the Panel will be considered by the Panel in accordance with its Terms of Reference.
 - B. Where there is any doubt as to whether a request should be referred to the Panel the Chairman will be the final arbiter.
 - C. Questions and statements that relate to the activities of the Police and Crime Commissioner will be referred to the PCC for his attention.
 - D. Members of the Panel may respond to questions or statements circulated directly to them by members of the public but in doing so should make it clear that their response represents their personal views and not those of the Panel. Any referral to the PCC will be undertaken by the Democratic Services team at Wiltshire Council to prevent the proliferation of referrals to the Office of the PCC.
 - E. Where issues have been referred to the PCC and the member of the public is not satisfied with the response the matter may be referred to the

Panel at the request of the member of the public subject to the approval of the chairman of the Panel.



POLICE AND CRIME PANEL

AGENDA ITEM NO: 7

6 February 2013

PCC PROPOSED PRECEPT 2013-14

Introduction

1. This report presents the Panel with my proposed precept for 2013-14, consistent with section 26 (4) and schedule 5 of the 2011 Police Reform and Social Responsibility Act.

Background

2. In December 2012 the Government announced the provisional settlement for all Police and Crime Commissioners. This included the transfer of some specific grants to main funding which is important to note when comparing funding between years.
3. The other part of the funding available to the PCC comes from council tax. In recent years the Government has encouraged Councils and Forces to freeze the council tax levy by providing a special grant. In 2013-14 a grant equivalent to a 1% increase in tax is available to organisations that freeze their council tax. This paper concludes with my decision not to increase the council tax and to accept the freeze grant in 2013-14. It should be noted that any council tax increase above 2% would require a referendum with the possibility that local voters might veto the increase.

Funding Available

4. Appendix A identifies that the total funding available, with no increase in the Band D council tax, is £106.693m.
5. £69.919m of the funding comes from central government. When comparing the central funding to that received last year a cash reduction of 1% is identified. Assuming inflation of 2.5% this equates to a real terms reduction of 3.5%.
6. Local funding is split between the collection fund and the precept. The collection fund reports any surplus or deficit incurred by Wiltshire Council and Swindon Borough Council when collecting the council tax. The surplus of £0.488m derives from both authorities collecting a higher percentage of the council tax than expected.
7. The reduction in precept income is due to the new Localisation Bill. This bill gives Councils more freedom surrounding council tax benefits. In return there has been a reduction in central grant of 10% and a change in the funding mechanism with grants now paid to each precepting authority rather than the billing authority. The impact on Wiltshire Police is a reduction in precept funding of £3.812m and a new grant of £3.830m. Whilst it looks like there has been a small gain, the normal 1% growth in council tax base has been lost. This would have been worth over £300,000 to our budget.

Funding Allocation

8. I am expected to commission services from the funding balance of £106.693m and propose that initially funding will be split as follows;

Total Funding	£106.693m
Less Office of the PCC	-£0.687m
Less Community Safety Grants	-£0.477m

For the commissioning of Policing Services (Provided to the Chief Constable of Wiltshire)	£105.529m

9. A summary of this is shown, for information, in Appendix B.

Legal

10. In line with the requirements of the 2011 Act, I have received advice from my Treasurer confirming that in his view, the budget is robust and our financial reserves adequate.
11. In addition to this reassurance, the Chief Financial Officer to the Chief Constable has also confirmed the “soundness of the budget in relation to the Force.”

Recommendation

12. I am pleased to notify the Panel that for 2013-14, after Government funding, my proposed precept will be £36.286 million. This means a Council Tax for policing services for all property bands based on £157.77 for Band D properties, representing a percentage increase of 0% on 2012-13 (as shown in Appendix A).

Angus Macpherson

Police and Crime Commissioner

POLICE AND CRIME COMMISSIONER FOR WILTSHIRE AND SWINDON

Funding Available 2013-14

Budget 2012-13 £million		Budget 2013-14 £million	Change	
			£million	%
Col 1	Col 2	Col 3	Col 4	Col 5
	Funding			
	Government Support :			
37.689	Formula Police Grant	41.714		
2.805	Neighbourhood Policing	0.000		
0.990	CT Freeze Grant (11-12)	0.990		
0.000	CT Freeze Grant (13-14)	0.363		
24.790	DCLG Grant	22.545		
66.274	Sub Total 'Original' Central Funding	65.612	-0.662	-1.0%
	Localisation Grant (note 1)	3.830		
	Community Safety Fund (note 2)	0.477		
66.274	Total Central Funding	69.919		
0.488	Collection Fund Balances	0.488	0.000	0%
40.098	Precept (note 1)	36.286	-3.812	-9.5%
106.860	Total Funding Available (note 3)	106.693	-0.167	-0.2%
0.254	Tax Base	0.230	-0.024	-9.5%
£157.77	Council Tax at Band D (£)	£157.77	£0	0%

Note 1 The Localisation Grant funds the reduction in precept income

Note 2 This is new funding provided to the PCC for commissioning, historically this has been paid to Local Authorities.

Note 3 The Budget requirement reported in 2012/13 was £103.064m as the Neighbourhood Policing Grant and the 2011/12 Council tax freeze grant were treated as specific grants in 2012/13.

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Initial Allocation of 2013-14 Funding by National Police Objectives Analysis

(includes PCC costs - allocated in line with national guidelines)

Area	Description	£m	%
Local Policing	NPT, Response, Partnerships	29,396	27%
Dealing with the Public	Call Centres, Front Desks	7,000	6%
Criminal Justice Arrangement	Custody, CJU	8,112	8%
Road Policing	Traffic Units	3,579	3%
Specialist Policing	Firearms, Dogs, Air Support	4,815	4%
Intelligence	Intel Gathering & Analysis	4,572	4%
Investigations	Local Inv., Major Inc., Public Protection	19,828	18%
Investigative Support	SOCO, Forensics, Images	3,065	3%
National Policing	Counter Terrorism, Special Branch	728	1%
Support Functions	ICT, Fleet, Estates, HR, ACPO, etc.	22,575	21%
PCC Costs	PCC Costs, Internal Audit	1,298	1%
Central Costs	Pensions and Capital Financing	2,891	3%
Net Budget before unidentified saving		107,859	100%
Savings to be identified		-1,166	
Total PCC Budget		106,693	

Initial Allocation of 2013-14 Funding by Budget Holder

Budget Holder	£m
Local Policing	37,711
Contact Management	6,929
Protective Services	28,639
People Services	6,143
Business, Strategy and Improvement	6,534
Fleet	1,187
Stores	560
Estates	4,790
Finance (includes rev cont to capital)	1,819
ACPO	2,198
Corporate Communications	603
Operational Support Services (CJU, Custody, etc)	8,335
Joint Control Room (infrastructure)	548
Pensions	699
Sub Total	106,695
PCC (incl CSF Funding, Interest)	1,164
Total	107,859
Savings to be allocated	-1,166
Total PCC Funding	106,693
Chief Constable Funding (Excluding PCC)	105,529

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POLICE AND CRIME PANEL – 6 FEBRAURY 2013

COMPLAINTS AGAINST THE POLICE AND CRIME COMMISSSIONER

Purpose of report

1. To present to members of the Panel a complaints process for approval.

Background

2. The Panel at its meeting on 5 December 2012 agreed:-
 - a. To delegate to the Monitoring Officer of Wiltshire Council the Panel's responsibilities for handling and recording complaints as laid out in the report.
 - b. To establish a Complaints Sub-Committee to informally resolve those complaints referred to it by the Monitoring Officer after consultation with the chairman and vice-chairman of the Panel.
 - c. To note that a detailed complaints process will be reported to the next meeting of the Panel for approval.
 - d. To reserve the right to review recommendations a and b above in light of experience.

The Complaints Process

3. Work has now been completed on developing the flow chart into a detailed complaints process and this is attached as an appendix to this report.
4. The process only deals with complaints against the Police and Crime Commissioner (PCC) or his deputy if one is appointed. However the recording process will capture all complaints received and this will provide the background for a regular report to the Panel on complaints monitoring.
5. It is anticipated that as this process evolves both locally and nationally the procedures will have to be amended in the light of precedent and experience. On that basis it is recommended that the Panel requests for a review of the process after 12 months.

The Complaints Sub Committee

6. The Panel has agreed to appoint a Sub Committee to informally resolve those complaints referred to it by the Monitoring Officer after consultation with the chairman and vice-chairman of the Panel.
7. Now that the complaints process is complete it would be timely to appoint members to that Sub Committee.
8. It is suggested that 3 members would be an appropriate number for the Panel and any member can serve except it is suggested that the chair and vice chair do not serve as they will be involved in the preliminary decision around referring the matter to the sub committee.
9. The appointment of substitutes would also give some flexibility in terms of meeting dates.

RECOMMENDATIONS

- A. That the complaints process as set out in the appendix to the report be agreed.**
- B. That this process be reviewed after 12 months to reflect both local and national learning in this area.**
- C. That 3 members (plus substitutes) of the Panel be appointed to serve on the Complaints Sub Committee.**

JOHN QUINTON, HEAD OF DEMOCRATIC SERVICES WILTSHIRE COUNCIL

JANUARY 2013

Draft Complaints Procedure

Arrangements for Dealing with Complaints about the Wiltshire Police and Crime Commissioner

1 Introduction

- 1.1 These arrangements set out the process for dealing with complaints about the conduct of the Wiltshire Police and Crime Commissioner (PCC) or Deputy Police and Crime Commissioner (DPCC).
- 1.2 The arrangements are made under the Police Reform and Social Responsibility Act 2011, the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 and the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012.
- 1.3 A flow chart providing an overview of the complaints process is attached at Annex 1.

2 Roles and Responsibilities

- 2.1 Police and Crime Panels (PCP) have statutory responsibilities under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 relating to the recording and determination of complaints.
- 2.2 The Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 enable this function to be delegated to a Sub-Committee of the PCP or to an officer of the local authority in the police area.
- 2.3 The Wiltshire Police and Crime Panel has delegated the implementation of the complaints process to the Monitoring Officer of Wiltshire Council.
- 2.4 The Monitoring Officer is the main point of contact for complaints under these Regulations and is responsible for recording formal decisions.
- 2.5 The PCP will retain the responsibility for the overall effectiveness of this procedure and will monitor on a regular basis its practical implementation.

3 What is covered under the complaints procedure?

- 3.1 A complaint about the conduct of the PCC or the DPCC.

4 What is not covered by the complaints procedure?

- 4.1 Operational policing matters or the conduct of individual police personnel. These complaints will be dealt with by the Chief Constable.
- 4.2 Policing policy matters or complaints relating to the conduct of the Chief Constable. These complaints will be dealt with by the Police and Crime Commissioner under their procedures.
- 4.3 Potential criminal conduct of the PCC and DPCC, both where a formal complaint has been made or where the circumstances point to potential criminal behaviour in the absence of a formal complaint (referred to in the Regulations respectively as serious complaints and conduct matters). Such complaints will be referred by the Monitoring Officer to the Independent Police Complaints Commission (IPCC) for determination.

5 Making a Complaint

- 5.1 If you wish to make a complaint please complete the online complaints form and email it to governance@wiltshire.gov.uk or print it off and post it to:

The Monitoring Officer
Wiltshire Council
Trowbridge
Wiltshire
BA14 8JN

- 5.2 Alternatively you can send a letter or an email to the Monitoring Officer using the above addresses.

6 Assessment of Complaints

- 6.1 Upon receipt of a formal complaint the Monitoring Officer will record the complaint.
- 6.2 The Monitoring Officer is required by the Regulations to maintain a Recorded Complaints and Conduct Matters Register and Section 13 of this procedure provides details of what information will be recorded in the Register. Certain complaints are exempt from the requirement to be entered into the Register (see Section 13.3 of this procedure) however the Monitoring Officer will keep an informal record of all complaints received.
- 6.3 The Monitoring Officer will then establish whether the complaint concerns the conduct of the PCC or the DPCC.

- 6.4 Where the complaint does not relate to the conduct of the PCC or DPCC the complaint will be referred to the appropriate body as set out above in Section 4 and the Monitoring Officer will close the file.
- 6.5 Where the complaint does concern the conduct of the PCC or DPCC the Monitoring Officer will formally record the complaint in the Register (unless one of the exemptions apply) and make an assessment about whether the complaint is 'serious'.
- 6.6 A 'serious complaint' is that which *constitutes or appears to constitute or involve* the commission of a criminal offence. Serious complaints are dealt with by the IPCC to whom the Monitoring Officer will refer the complaint. The Monitoring Officer will inform the parties of his or her decision and close the file.
- 6.7 The Monitoring Officer must also refer a matter to the IPCC where there is an *indication* that the PCC or DPCC may have committed a criminal offence. These are referred to in the legislation as 'conduct matters' and can arise without a formal complaint having been made. Following referral of a conduct matter to the IPCC for investigation, the Monitoring Officer will inform the parties of his or her decision and close the file.
- 6.8 Complaints which are neither 'serious' nor a 'conduct matter' will be dealt with under the following procedures.

7 Initial Tests

- 7.1 Where the Monitoring Officer determines that a complaint is suitable to be dealt with under this complaints process an acknowledgement will be sent to the complainant. The PCC or DPCC will be notified of the complaint.
- 7.2 The Regulations provide that the Monitoring Officer may decide not to deal with a complaint under the following procedures or to take no further action in respect of a complaint where the Monitoring Officer considers the complaint falls into one of a number of specified categories. These categories are:
- The complaint is by a member of the PCC or DPCC's staff, arising from the staff member's work
 - Where more than twelve months have elapsed since the incident giving rise to the complaint and there is no good reason for the delay, or injustice would be likely to be caused by the delay;
 - The matter has already been the subject of a complaint;
 - The complaint is anonymous;
 - The complaint is vexatious, oppressive or otherwise an abuse of the procedures for dealing with complaints; or

- The complaint is repetitious. A repetitious complaint is one which is substantially the same as a previous complaint, it concerns substantially the same conduct as a previous conduct matter, it contains no fresh allegations which significantly affect the account of the conduct complained of, no fresh evidence (being evidence which was not reasonably available at the time the previous complaint was made is tendered in support of it) and, in respect of the previous complaint or conduct matter, a determination or withdrawal of complaint has been made).
- 7.3 If the complaint falls into any of the above categories the Monitoring Officer will notify the complainant and PCC or DPCC of the decision in respect of the complaint and close the file.

8 Resolution of Complaints

- 8.1 Where the complaint does not fall within one of the above categories, the Monitoring Officer will invite written comments from the complainant and PCC or DCC as soon as practicable.
- 8.2 The flow chart at Annex 1 sets out the process to be followed.
- 8.3 Any comments received will be considered by the Monitoring Officer in consultation with the Chair/Vice-Chairman of the PCP.
- 8.4 If the complaint can be resolved on the available information, the Monitoring Officer will conduct an informal resolution. This might mean for example that the complaint is resolved by explaining, clearing up or settling the matter direct with the complainant. The Monitoring Officer's decision will be communicated to the parties, the complaint log will be updated and the file closed.
- 8.5 Procedures for informal resolution shall not include a formal investigation of the complaint but documents in relation to the complaint and meetings with the person complained against may be requested.
- 8.6 If the complaint cannot be resolved based on the information available, a Sub-Committee of the PCP will be convened to which the PCC or DPCC will be invited to respond to the allegations in person.
- 8.7 The Sub-Committee of the PCP will consider the written and oral evidence and make an informal resolution. The decision of the Sub-Committee will be communicated to the parties, the complaint log will be updated and the file closed.
- 8.8 Where it appears to the Monitoring Officer or the Sub-Committee of the PCP that a complaint against the PCC and/ or DPCC had in fact already been satisfactorily dealt with at the time it was brought to their notice, they may, subject to any further representations, treat it as having been resolved. The Monitoring Officer or PCP Sub-Committee shall, prior to

making a final decision that a complaint has already been resolved, give the complainant and the person complained against an opportunity to comment on the proposed decision.

- 8.9 Where the person complained against chooses not to comment on a complaint, the Monitoring Officer or Sub-Committee of the PCP shall record this fact in writing.
- 8.10 The Monitoring Officer or Sub-Committee of the PCP may seek informally to resolve a complaint by securing an apology from the PCC or DPCC to the complainant, either directly or indirectly. The PCP shall not, however, tender on behalf of the person complained against an apology for his or her conduct unless the person complained against has agreed to issue the apology.
- 8.11 In exceptional circumstances a complaint may be referred to the PCP as a whole if the Monitoring Officer is of the opinion that this will lead to a more satisfactory resolution of the complaint.

9 Meetings of a Sub-Committee of a PCP

- 9.1 Any meeting of a Sub-Committee of a PCP which is convened to consider a complaint for informal resolution will first need to consider whether to pass a resolution to exclude the press and public from the meeting.
- 9.2 The Sub-Committee will consider whether to agree to exclude the public from the meeting because it is likely that if members of the public were present there would be a disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.
- 9.3 At the meeting the Monitoring Officer, or his or her representative, will present the available written information to the Sub-Committee.
- 9.4 The subject of the complaint, i.e. the PCC or DPCC, will have the opportunity to attend the meeting to make a statement in support of his or her position and will be expected to answer questions of the Sub-Committee.
- 9.5 The PCC or DPCC may be represented at the meeting by a friend or legal representative if he or she wishes to do so.

10 Recording of a Resolution

- 10.1 Where a complaint has been subjected to informal resolution, the Monitoring Officer shall as soon as practicable make a record of the outcome of the procedure and send a copy of that record to the complainant and the person against whom the complaint has been made.

- 10.2 The Regulations state that the Monitoring Officer shall not publish any part of any such record unless it:
- has given the complainant and the person complained against the opportunity to make representations in relation to the proposed publication; and
 - has considered any such representations, and is of the opinion that publication is in the public interest.
- 10.3 Where a Sub-Committee of the PCP has resolved to exclude the press and public from a meeting at which an informal resolution was determined, the record of the outcome of the complaint will not be published.
- 10.4 Notwithstanding the above, any requests for information received under the Freedom of Information Act 2000 will be considered in line with the requirements of that Act.

11 Sanctions

- 11.1 In cases where the Monitoring Officer or Sub-Committee of a PCP upholds a complaint, there exist no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the office-holder concerned.

12 Timescales

- 12.1 In accordance with Local Government Ombudsman guidance, we aim to deal with all complaints under this procedure, from receipt to resolution, within 12 weeks. There is, however, an element of flexibility depending on the nature and circumstances of each individual complaint.
- 12.2 The following timescales are a general guide:
- Receipt of complaint to acknowledgement and notification of the complaint to the PCC or DPCC – 10 working days
 - Conduct of initial tests and invitation of comments from the PCC/DPCC and complainant – 5 working days
 - Receipt of comments – 10 working days
 - Consideration of comments by Monitoring Officer in consultation with the Chair/Vice-Chair of the PCP – 15 working days
- 12.3 Then:

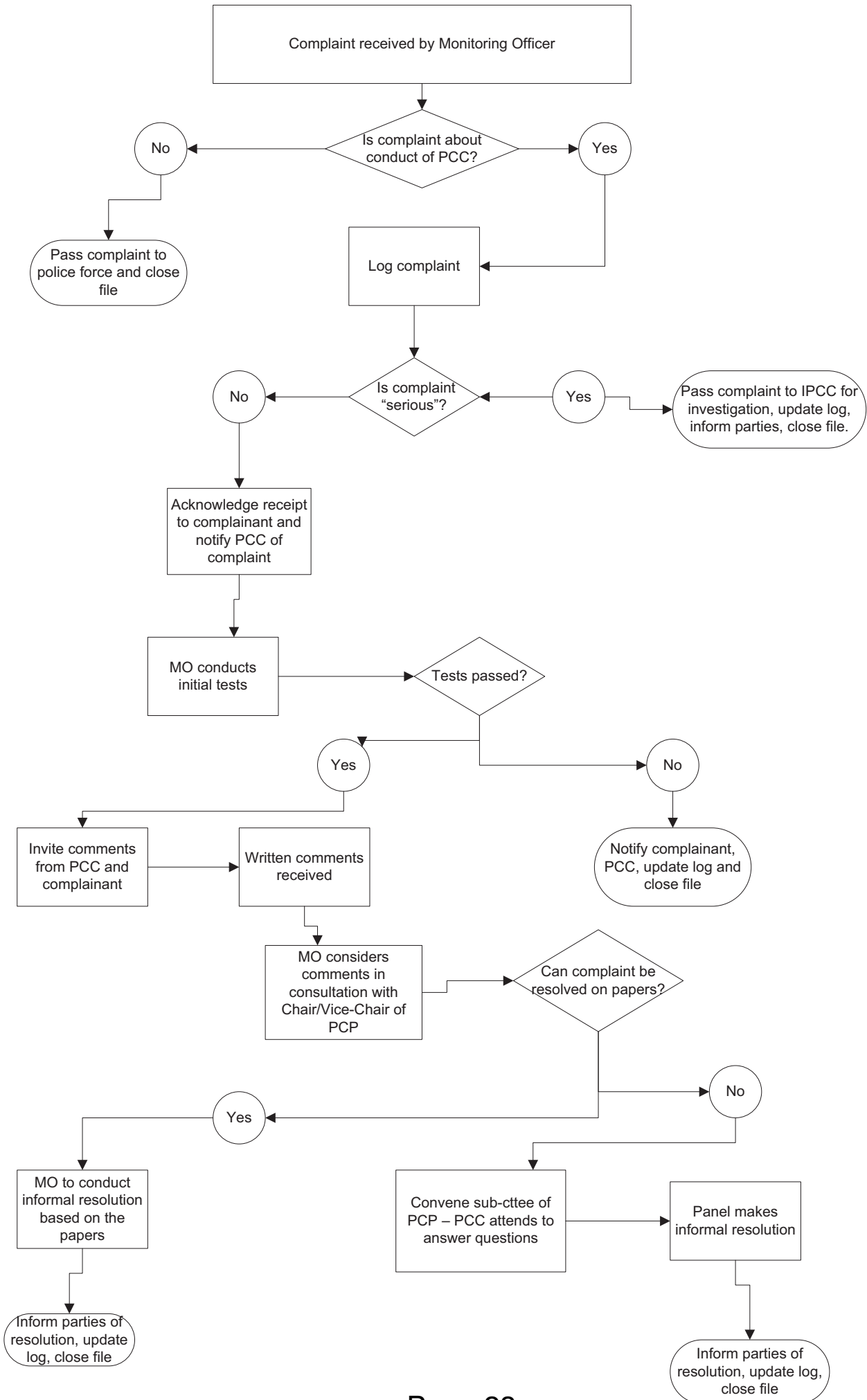
- Monitoring Officer conducts informal resolution and informs parties – 10 working days; or
- Sub-Committee of PCP is convened to conduct an informal resolution and inform parties – 20 working days.

13 The Recorded Complaints and Conduct Matters Database

- 13.1 The Monitoring Officer will establish a formal register: “the Recorded Complaints and Conduct Matters Register” for the purposes of recording every complaint and purported complaint it receives, every conduct matter it records and every action taken under the Regulations.
- 13.2 This Register will take the form of an electronic database within which to record all key details pertaining to a complaint including the date received, the complainant, a summary of the complaint / the category into which it falls (Conduct Matter, Serious Complaint or other Recorded Complaint), the date on which it was recorded, an indication of intended action, how the matter was subsequently dealt with and any other information deemed relevant.
- 13.3 A complaint will be recorded unless the Monitoring Officer is satisfied that any of the following exceptions apply, in which case it is not necessary to record the complaint, in whole or in part:
- if it has been or is currently being dealt with by criminal proceedings; or
 - the complaint has been withdrawn; or
- in the case of a conduct matter:
- the matter has already been recorded as a complaint, i.e. as a Recorded Complaint; or
 - the matter has been, or is already being, dealt with by means of criminal proceedings against the PCC or DPCC.
- 13.4 If a complaint is not recorded in the Register, the Monitoring Officer will notify the complainant of the decision not to record the complaint and, therefore, to take no action upon it. An explanation will be given of the grounds on which that decision was made, whether in relation to whole or part of the complaint.
- 13.5 If recorded (in whole or part) the Monitoring Officer will notify the complainant of that fact and provide information about the next steps to be taken in relation to the complaint.

14 Withdrawal of complaints

- 14.1 If the Monitoring Officer receives a notification that the complainant wishes to withdraw their complaint, signed either by them or their solicitor or any other person authorised to act on their behalf, then the Regulations shall cease to apply to the complaint, subject to the following provisions.
- 14.2 If the complaint has been referred to the IPCC, the Monitoring Officer will notify the IPCC that it has recorded the withdrawal of the complaint. The IPCC will then consider whether the complaint should be treated as a conduct matter.
- 14.3 In the case where a complaint has not been referred to the IPCC or where it was referred and the IPCC has referred the complaint back to the Monitoring Officer, the Monitoring Officer must consider whether it is in the public interest for the complaint to be treated as a conduct matter (notwithstanding the complaint's withdrawal) and shall refer it to the IPCC accordingly.
- 14.4 The Monitoring Officer shall notify the PCC or DPCC complained about of the recording of a withdrawal of the complaint and whether he/she has decided to treat it as a conduct matter or if the Regulations cease to apply, and shall amend the Register accordingly.



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Police and Crime Panel Forward Work Plan

Please note: this is a working document which is subject to change

Date	Location	Provisional Agenda Items
Wednesday 6 February 2013 10.00 am	Council Chamber, Monkton Park	<ul style="list-style-type: none"> • Formal consideration of precept • Complaints process – agree / confirm for complaints against the PCC • Community Safety Partnership and Crime and Disorder relationship • PCC Update report
Friday 1 March 2013 10.00 am	Wessex Room, Devizes Corn Exchange	<ul style="list-style-type: none"> • Draft Police and Crime Plan for consideration
26 March 2013 10.00 am	Council Chamber, Monkton Park	<ul style="list-style-type: none"> • Formal consideration of the Police and Crime Plan • Quarterly report – Finance/Performance/Risk Register • Update from working group on the draft PCP / PCC protocol • PCC Diary report
12 June 2013 10.00 am	Council Chamber, Monkton Park	<ul style="list-style-type: none"> • PCC Diary report • Meeting arrangements • Themed meeting – Victim Support (TBC)

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