

MDA No.: 1327

Title: Review of Police and Crime Commissioners - Consultation Response

1. Executive Summary

- 1.1 At the Police and Crime Committee meeting on 9 June 2021, the Committee noted the following standing delegation, which was agreed by the London Assembly at its Annual Meeting on 1 May 2013:

That authority be delegated to Chairs of all ordinary committees and sub-committees to respond on the relevant committee or sub-committee's behalf, following consultation with the lead Members of the party Groups on the committee or sub-committee, where it is consulted on issues by organisations and there is insufficient time to consider the consultation at a committee meeting.

- 1.2 The Police and Crime Committee delegates all of its powers relating to complaints and conduct matters to the GLA Monitoring Officer. The Monitoring Officer has drafted the attached response on behalf of the Committee in consultation with the Chairman, Deputy Chairman and party Group Lead Members.
- 1.3 Following consultation with the Deputy Chairman and party Group Lead Members, the Chairman is asked to agree the consultation response, as attached at **Appendix 1**.

2. Decision

- 3.1 **That the Police and Crime Committee's response to the Home Office's review of Police & Crime Commissioners be agreed.**

Assembly Member

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Printed Name: **Shaun Bailey AM, Chairman of the Police and Crime Committee**

Date: **28/09/2021**

3. Decision by an Assembly Member under Delegated Authority

Background and proposed next steps:

- 3.1 The exercise of delegated authority agreeing the Committee's response to the Home Office's review of Police and Crime Commissioners will be formally noted at the Committee's next appropriate meeting.

Confirmation that appropriate delegated authority exists for this decision:

Signature (Committee Services): L. Harvey

Printed Name: Lauren Harvey, Senior Committee Officer

Date: 21/09/2021

Telephone Number: 020 7983 4383

Financial Implications: NOT REQUIRED

Note: Finance comments and signature are required only where there are financial implications arising or the potential for financial implications.

Signature (Finance): Not Required


Printed Name: N/A

Date: N/A

Telephone Number: N/A

Legal Implications:

The Chairman of the Police and Crime Committee has the power to make the decision set out in this report.

Signature (Legal): 

Printed Name: Emma Strain, Monitoring Officer

Date: 28/09/2021

Telephone Number: 020 7983 6550

Supporting Detail / List of Consultees:

- Susan Hall AM (Deputy Chairman)
- Unmesh Desai AM
- Caroline Pidgeon MBE AM
- Caroline Russell AM

4. Public Access to Information

- 4.1 Information in this form (Part 1) is subject to the FoIA, or the EIR and will be made available on the GLA Website, usually within one working day of approval.
- 4.2 If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.
- 4.3 **Note:** this form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral:

Is the publication of Part 1 of this approval to be deferred? NO

If yes, until what date:

Part 2 – Sensitive Information:

Only the facts or advice that would be exempt from disclosure under FoIA or EIR should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form? NO

Lead Officer / Author

Signature: L Harvey

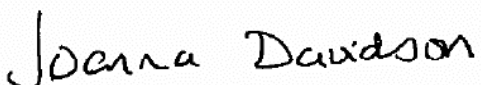
Printed Name: Lauren Harvey

Job Title: Senior Committee Officer

Date: 21/09/2021

Telephone Number: 020 7983 4383

Countersigned by Executive Director:

Signature: 

Printed Name: Joanna Davidson, Interim Executive Director of Secretariat

Date: 28/09/21

Telephone Number: 07813 796175

Proposed response to Home Office questions
28 September 2021 Final Version

6. Independent Office for Police Conduct (IOPC) and complaints

Reviewing the existing mechanisms for investigating complaints and allegations against Police and Crime Commissioners including the role of the IOPC in assessing criminal wrongdoings against Police and Crime Commissioners and issues relating to vexatious and unfounded complaints.

1. What do you think works well in respect of the existing legislative and administrative frameworks for dealing with complaints against Police and Crime Commissioners? What doesn't work well?

The London Assembly Police and Crime Committee (the Committee) and the Mayor of London (in his capacity as holder of the Mayor's Office for Policing and Crime (MOPAC)) have approved a new and substantially updated version of the procedure for handling complaints and conduct matters.

The procedure has been substantially updated, incorporating the comments of the IOPC. This new version is fully aligned with the 2012 Regulations and the IOPC's 2018 guidance. It has also been developed following discussions with the IOPC.

The procedure addresses complaints and conduct matters separately, given there are differences in how they should be handled under the relevant legislation. The procedure ensures that the Committee and the IOPC are consulted appropriately. It also provides further clarity on obtaining and gathering of information to assess whether:

- a complaint is a serious complaint; or
- information coming to the attention of the Monitoring Officer in any other circumstances is a conduct matter.

2. Are there any improvements or changes that should be made to the existing system?

Our revised procedure has improved the clarity and transparency on the handling of complaints and conduct matters. There could be a role for sharing best practice here, particularly in relation to obtaining and gathering information, as referred to above.

3. Should non-serious/non-criminal complaints continue to be handled by the local Police and Crime Panel or by another body?

In London, the Committee delegates its powers associated with all complaints and conduct matters to the GLA's Monitoring Officer. The 2012 Regulations (regulations 29) also provide that, where a complaint concerns the conduct of the holder of MOPAC (who is the Mayor of London), or the holder of the office of the Deputy Mayor for Policing and Crime (and they are a London Assembly Member), then the Committee will pass the complaint to the GLA's

Monitoring Officer to be dealt with as an allegation under the GLA's Code of Conduct. As such, non-serious/non-criminal complaints should continue to be handled by the GLA's Monitoring Officer as delegate of the Committee.

4. What role (if any) should the IOPC play in the Police and Crime Commissioner complaints system?

The IOPC has reviewed the revised complaints procedure, in place in London, for handling complaints and conduct matters. This has added significant clarity with regard to the expectations of the IOPC in terms of obtaining and gathering information to assess whether a complaint is a serious complaint; or whether information coming to the attention of the Monitoring Officer in any other circumstances is a conduct matter. In addition, the revised procedure includes the ability to consult the IOPC, where relevant, in relation to complaints and their handling. This is particularly helpful in ensuring that the procedure is being applied appropriately to the complaint or conduct matter.

If the complainant has ticked the 'Mayor of London' box on the complaints form, the IOPC's automated system sends the complaints directly to the Monitoring Officer as the Committee's representative without any review of these complaints. A significant proportion of these are complaints against police officers, which are dealt with by MOPAC and cannot be addressed by the Committee. This is an inefficient use of our resources and it would be helpful if the IOPC were able to allocate such complaints to the correct entity.

5. If you have direct experience of dealing with complaints about Police and Crime Commissioners, what proportion would you consider to be vexatious, oppressive, repetitive or otherwise an abuse of process?

A small number of complaints received (one or two per year) are from complainants who have repeatedly raised complex issues over long periods of time to a multitude of individuals/authorities. Generally, they contain accusations against police officers that the complainant does not perceive to have been addressed adequately. The Committee does not have a role to play in these cases, but they are time-consuming.