

# Subject: Complaints about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime

Report to: Police and Crime Committee

Report of: Monitoring Officer

Date: 26 January 2012

This report will be considered in public

## 1. Summary

- 1.1 The Committee is recommended formally to agree to delegate the powers conferred on it by the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011 to the GLA's Monitoring Officer and to agree and adopt the guidance on complaints about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime set out at **Appendix 1** to the report.

## 2. Recommendations

- 2.1 **That the Committee agrees, in accordance with Regulation 7 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011, to delegate to the GLA's Monitoring Officer, all of the powers and functions conferred on it by those regulations, with the exception of the functions set out at Part 4 of the regulations (resolution of other complaints) which may not be delegated;**
- 2.2 **That the Committee endorses, agrees and adopts the guidance on the handling of complaints about the conduct of the holder of the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime as set out at Appendix 1 to the report, and authorises the Monitoring Officer to take the actions described in it; and**
- 2.3 **That the Committee notes the advice and associated documents issued by the IPCC in respect of MOPC complaints-handling procedures.**

## 3. Background and Issues for Consideration

- 3.1 The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011 ("the Regulations") set out the process by which general conduct and complaints indicating criminal conduct by the holder of the Mayor's Office for Policing and Crime ("MOPC") and the Deputy Mayor for Policing and Crime ("DMPC") are to be dealt with. Under these regulations, the IPCC, MOPC, Police and Crime Committee and GLA's Monitoring Officer all have some responsibility for dealing with complaints, depending on their nature.

- 3.2 It is proposed that the Committee agrees, in accordance with Regulation 7 the Regulations, to delegate to the GLA's Monitoring Officer, all of the powers and functions conferred on it by those Regulations, with the exception of the functions set out at Part 4 (resolution of other complaints) which may not be delegated and agrees and adopts the guidance set out at Appendix 1.
- 3.3 The guidance has previously been submitted to the Assembly's Business Management and Administration Committee (on 3 November 2011) and to the GLA's Standards Committee (on 22 November 2011) for comment and was also submitted to the London Assembly at its Plenary meeting on 7 December 2011, for noting.
- 3.4 The Independent Police Complaints Commission has provided the Committee and Monitoring Officer with an advice note (noting that this is not formal guidance). This note and associated documents are attached at Appendix 2 for noting.

#### **4. Legal Implications**

- 4.1 The Police Reform and Social Responsibility Act 2011 and the Regulations concern the handling of complaints and other matters concerning the conduct of the holders of the office of MOPC (the Mayor) and the DPMC (currently Kit Malthouse AM). The Regulations set out the process to be followed in relation to such matters, and this is reflected in the Guidance Note attached at Appendix 1. Regulation 7 permits the Committee to delegate its functions under the Regulations (apart from those in Part 4) to the Monitoring Officer. In order to discharge his functions under the Regulations concerning the obtaining and preservation of evidence the Monitoring Officer needs powers to direct GLA staff and resources, including contractors etc, to take such action as he considers necessary or expedient for that purpose. In approving the Guidance the Committee is asked to endorse his ability to do so.

#### **5. Financial Implications**

- 5.1 There are no direct financial implications arising from this report.

#### **List of appendices to this report:**

**Appendix 1** – Draft GLA Guidance on Complaints about the Mayor's Office for Policing and Crime and the Deputy Mayor for Policing and Crime

**Appendix 2** – Advice note from the IPCC and associated Complaints Referral Form

<b>Local Government (Access to Information) Act 1985</b>
List of Background Papers: None
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