

NORTH YORKSHIRE POLICE AND CRIME PANEL

Report of the Complaints Sub-Committee: Mr H

The North Yorkshire Police and Crime Panel is responsible for dealing with complaints about the conduct of the Police and Crime Commissioner for North Yorkshire (PCC).

Complaints are handled by Informal resolution which is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without investigation or formal proceedings. The Panel has appointed a sub-committee of three members of the Panel to carry out this responsibility.

The Complaints Sub-Committee met on Friday, 27 June 2014 to consider the complaint lodged by Mr H regarding: the North Yorkshire Police and Crime Commissioner's conduct in office; and remarks she is reported as passing at a special 'Question Time' meeting of the Scarborough Urban Area Forum on Thursday 24th April 2014.

Present: Cllr Fiona Fitzpatrick, Cllr Mick Griffiths (Chair), Santokh Sidhu, Community Co-opted Member.

In attendance Ray Busby, Officer

The Panel **CONSIDERED:** the evidence submitted by Mr H, comprising various supporting information and items of correspondence in relation to each of the themes highlighted below; and response of the PCC to the complaint.

Correspondence and Communication between the Complainant and the PCC

The Panel firmly believes that correspondence should always be properly responded to. The Panel looked for evidence that the PCC responded to the complainant on every occasion in a manner commensurate to the nature of the correspondence received.

The Panel agreed with the PCC's assessment that many of the issues raised by Mr H are not matters on which the PCC has the authority or responsibility to take action.

The Panel accepts the Commissioner's explanation regarding how correspondence from Mr H has been handled in the past. The Panel was mindful of the PCC's comments about the approach she inherited from the former police authority to handling correspondence. The Panel is supportive of the PCC's commitment to improve this process, acknowledges the development and implementation of the new policy and that all correspondence will now be responded to according to the policy.

The Panel noted the PCC's confidence that all correspondence was now being responded to according to the recently adopted policy as a matter of course. **The panel therefore CONCLUDED that no further consideration need be given to Mr H's complaint regarding Correspondence and Communication between himself and the PCC**

Comments made at a Public Meeting

The Panel notes the complainant's and the PCC's account of the comments that the PCC made at a public meeting. Given that these claims are partly based on individual perceptions, and the absence of any other further information on which the panel could make a judgement, it does not believe it is in a position to comment. The Panel recognised that Mr H felt aggrieved by these remarks but accepts the explanation offered by the PCC that the remarks made – especially those described as "disgraceful" – referred to another individual and were not, as the complainant claims, directed at him personally.

The panel found no evidence to suggest that Commissioner Mulligan's remarks were inappropriate and that she has in any way interfered in police investigation and therefore CONCLUDED that no further consideration need be given to Mr H's complaint regarding the comments he alleges the PCC made at a Public Meeting and the meaning he himself has inferred from them.

Investigation into the conduct of North Yorkshire Police

The complainant claims that the PCC Mrs Mulligan *herself*, motivated by political considerations, personally influenced the terms of reference of an investigation into the conduct of North Yorkshire Police, restricting their scope. The complainant also implies "continuing interference" by Mrs Mulligan. The Panel found no such interference or anything to indicate that the Commissioner's actions were motivated by personal or political allegiance. The Panel also accepts it is not for the Commissioner to concern herself – as the complainant suggests - with the actions of

a former head of the Police Authority; this is not her responsibility and there has been no neglect of duty in this matter.

The Panel recognised the strength of Mr H's comments but concurs with the Commissioner that it would have been inappropriate for her to comment further whilst investigation by the IPCC is still on-going. This is consistent with her stated determination to hold the Chief Constable to account.

The panel therefore CONCLUDED that the PCC's reiteration of the importance of the operational independence of the police is appropriate, as is her statement that she is required to stand outside those investigations. Her stance is supported by the Panel entirely.

In the light of all the above the Panel **CONCLUDED that there has been no breach of office nor has the Commissioner transgressed the Nolan principles of public office.**

Bearing in mind the Panel's limited powers of investigation, the panel **RESOLVED** that the options for informal resolution of this case have been exhausted and to take no further action in relation to this matter.

COUNCILLOR MICK GRIFFITHS

1 July 2014