

CUMBRIA POLICE AND CRIME PANEL COMPLAINTS SUB-COMMITTEE

Minutes of a Meeting of the Cumbria Police and Crime Panel Complaints Sub-Committee held on Wednesday, 28 November 2018 at 10.00 am at Committee Room 4 - County Offices, Kendal, LA9 4RQ

PRESENT:

Miss HJ Fearon (Cumbria County Council) (Chairman)

Mrs J Cooke, Independent Co-opted Member
Mr W McEwan, Cumbria County Council

Also in Attendance:-

Mr H Cox	-	Policy and Scrutiny Officer
Mr T Gale	-	Senior Policy and Scrutiny Project Officer
Mrs L Harker	-	Senior Democratic Services Officer
Mr B Spencer	-	Group Solicitor/Deputy Monitoring Officer

PART 1 – ITEMS CONSIDERED IN THE PRESENCE OF THE PUBLIC AND PRESS

1 ELECTION OF CHAIR

RESOLVED, that Miss H Fearon be appointed Chairman of the Sub-Committee for this meeting only.

Miss Fearon thereupon took the Chair.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence on this occasion.

3 DECLARATION OF INTEREST

There were no declarations of interest on this occasion.

4 EXCLUSION OF PRESS AND PUBLIC

RESOLVED, that the public and press be excluded from the meeting during consideration of agenda items 5(a) and (b) – Consideration of Non-Criminal Complaints (minutes 5(a) and (b) refer) by virtue of paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972, as they relate to information relating to an individual.

PART 2 - ITEMS CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

5 CONSIDERATION OF NON-CRIMINAL COMPLAINTS

a Complaint A

Members considered a report by the Monitoring Officer (Cumbria County Council) which gave details of a complaint in accordance with the Panel's Complaints Procedure. The report outlined the background to the complaint, the steps taken to date, and a recommendation as to the next steps.

The Panel were informed that the substantive matter behind the complaint was the Complainant's concerns regarding "footballs coming over a school fence on to a very busy public road".

The Deputy Monitoring Officer explained that the Complainant had written to the Police and Crime Commissioner on several occasions regarding the matter and the Commissioner had engaged with the Complainant each time a request had been made. It was explained that the Commissioner had set out in clear terms why he had reached the conclusions that led to the complaint. It was highlighted that whilst the Complainant remained dissatisfied, it was the opinion of officers that such dissatisfaction could not reasonably be attributed to the quality of service or conduct of the Commissioner and it was felt the matter had been dealt with in an appropriate manner.

Following discussion it was

RESOLVED, that no further action be taken on the matter and that all parties involved be informed of the decision.

b Complaint B

The Sub-Committee considered a report by the Monitoring Officer (Cumbria County Council) which detailed a complaint in accordance with the Panel's Complaints Procedure. The report outlined the background to the complaint, the steps taken to date, and a recommendation as to next steps.

It was noted that in paragraph 3.3 of the report the reference to '4 August 2018' should read '4 August 2017'.

The Deputy Monitoring Officer informed the Sub-Committee that the substantive matter behind the complaint was the Complainant's concerns about what appeared to be a long running dispute regarding vehicles passing over a footpath that ran adjacent or close to the Complainant's property. It was explained that the footpath in question also formed a vehicular right of way to nearby properties.

Members noted that the Complainant had written to the Cumbria Police and Crime Commissioner to raise his concerns about police inaction in relation to this matter and the Commissioner had provided a written response stating it was a civil matter.

The Sub-Committee questioned whether initially the complaint had been considered through Cumbria Constabulary's formal complaints procedure. Members were informed there was no evidence to suggest that procedure had been suggested, therefore, the Complainant was in his rights to complain direct to the Commissioner.

Members were informed that the Complainant had also raised a complaint with the Independent Office for Police Conduct (IOPC) regarding the Cumbria Police and Crime Panel not dealing with the matter correctly. It was emphasised that this was incorrect, explaining that the Complainant had been unable to engage with the process correctly. It was highlighted that officers had offered to speak to the Complainant to assist but this offer had been rejected with a preference for written communication.

In conclusion members were informed that the Commissioner had engaged with the Complainant each time a request had been made. It was explained that the Commissioner had set out a clear approach for a local resolution but the Complainant had not engaged with the matter.

Members gave careful consideration to the matter, taking into account evidence regarding the option of a final letter to the Complainant, and

RESOLVED, that no further action be taken in this matter and that all parties involved be informed of the decision.

The meeting ended at 10.25 am