



HAMPSHIRE &
ISLE OF WIGHT
POLICE & CRIME PANEL

Complaints Sub-Committee

**Friday, 19th May, 2023 at 10.00 am
Held in Ell Court, Winchester
(Hampshire County Council)**

Councillors:

Chairman

p Dave Stewart
(Independent Co-opted Member)

a Stuart Bailey
(Hart District Council)
p Lesley Meenaghan
(Hampshire County Council)
P Seán Woodward
(Fareham Borough Council)

At the invitation of the Chairman:

Peter Baulf *Legal Advisor to the Panel*

BROADCASTING ANNOUNCEMENT

The Chairman announced that the press and members of the public were permitted to film and broadcast the meeting. Those remaining at the meeting were consenting to being filmed and recorded, and to the possible use of those images and recordings for broadcasting purposes.

1. WELCOME AND APOLOGIES FOR ABSENCE

Apolgies were received from Cllr Stuart Bailey.

2. DECLARATIONS OF INTEREST

No declarations were made.

3. **MINUTES OF THE PREVIOUS MEETING (PUBLIC)**

The public minutes of the previous meeting were agreed as an accurate record.

4. **SUMMARY OF POWERS - COMPLAINTS PROCEDURE**

The Summary of Powers were noted.

5. **EXCLUSION OF THE PRESS AND PUBLIC**

Members were asked to consider whether the press and public be excluded from the meeting during the following three items of business, considering whether it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during those items there would be disclosure to them of exempt information within Paragraphs 1 and 2 of Part I of Schedule 12A to the Local Government Act 1972, being information relating to any individual (paragraph 1) or information which is likely to reveal the identity of an individual (2) and, further, that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

RESOLVED:

In respect of item 6 of the agenda the Sub-Committee agreed not to exclude the press and public.

In respect of items 7 and 8 of the agenda the exclusion was agreed.

6. **TO REVIEW COMPLAINTS MADE AGAINST THE POLICE AND CRIME COMMISSIONER FOR HAMPSHIRE**

The Sub-Committee received a report of the Democratic Services Officer outlining the detail of three complaints received against Donna Jones, in her role as the Police and Crime Commissioner for Hampshire and the Isle of Wight (PCC).

The Chairman explained consideration of the complaints would be taken together as they related to the same matter, videos feature the PCC alongside candidates standing for election in Hart District Council.

The Chairman further explained the Sub-Committee would consider whether the complaints being reviewed demonstrated a failure to meet the Code of Conduct, as published on the PCC's website, and that the Sub-Committee's findings would be made on fact.

The Chairman noted that the report complainants' identities were anonymised, at their request, and would be referred to as complainant A, B and C and that the outcome of the meeting would be confirmed in writing to all parties.

The legal adviser was invited to raise any comments to the meeting, for which he confirmed he had none at this point of the meeting.

The four videos referenced by the complainants were played to the meeting.

The Chairman invited any comments from Members, through which it was observed that:

- The PCC held a very particular role, but was still a politician and an elected official. When considering the role of a PCC, any duties should be dispensed with impartiality, but in campaigning would represent their own political party.
- Members would need to consider whether, in appearing to support these candidates, the Commissioner had gone beyond what might be considered as acceptable and whether the actions taken had demonstrated a breach in the code of conduct.

At 10:18am the Chairman called for the meeting to be adjourned to allow the Sub-Committee to consider legal advice on the evidence presented.

The meeting resumed at 10:50am.

The Chairman noted that office holder role of the Police and Crime Commissioner was not a civil servant and therefore the guidance on conduct for civil servants, as provided to the complaint, did not apply.

The Chairman then read out the comments received from the PCC, for the benefit of the meeting and those observing. It was noted by the Chairman that the images initially provided by the PCC had not been provided to the Sub-Committee, at her request, following confirmation that images would not be eligible for exemption from publication.

Debate was invited by the Chairman, through which Members expressed:

- Whilst the PCC was expected to carry out their duties in an impartial way, it would be usual that they would support campaign activity for their party, providing that they were not themselves subjected to pre-election restrictions and that no public resources were utilised, including staff or resources of their office or of the Constabulary. It was noted that other PCCs across the country had also taken part in campaign activity during the recent local elections.
- A member of the Sub-Committee raised concerns that the role of PCC allowed them to engage and supporting such election activity and hoped that the PCC would give consideration to the views of these complaints when supporting election activity in the future.
- Appreciation as to how the complaints had arisen, given that the role of the PCC was still fairly new and the expectations of the role may not be fully understood. The Sub-Committee noted that they were grateful that the matter had been brought forward for their consideration, to allow them to determine clarity in the matter.

- It was suggested that the Chairman may wish to publish a statement following the meeting explaining the outcome of the meeting.

Members then considered whether Ms Jones was acting in her capacity as Police and Crime Commissioner in the activities seen in the videos, which it was agreed that she was, and therefore the Sub-Committee agreed that PCC's Code of Conduct was engaged.

In reviewing the Commissioner's actions against the code of conduct, in particular 2.1.4 and 2.1.7, the Sub-Committee noted that there was no evidence to suggest the Commissioner had acted in a manner which had brought the office into disrepute or that she had improperly used resources. The Sub-Committee, therefore, concluded that the complaint did not demonstrate a breach in the code of conduct.

RESOLVED:

That the complaints be closed, without any further action taken, on the basis that the complaints do not evidence any failure in the code of conduct by Donna Jones, in her role as Police and Crime Commissioner for Hampshire and the Isle of Wight.

7. GOVERNANCE - REPORT ON THE USE OF DELEGATED POWERS BY THE MONITORING OFFICER

Members received a report from the Monitoring Officer to the Panel which outlined use of their delegated powers when taking a decision either not to record or to disapply the informal resolution procedure in respect of a complaint, or part thereof, since the Sub-Committee last met on 12 April 2022.

It was noted that since the last meeting of the Sub-Committee ten complaints received by the Panel were not recorded, and no further action taken under regulation 9 of the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (the regulations). It was further noted that the informal resolution procedure had been disappplied for one complaint recorded by the Panel, under part 2 of the Regulations

RESOLVED:

That the report from the Monitoring Officer is noted.

8. MINUTES OF THE PREVIOUS MEETING (EXEMPT)

The exempt minutes of the previous meeting were agreed as an accurate record.

