

## GREATER MANCHESTER POLICE, FIRE AND CRIME PANEL

**DATE:** Monday, 16th November, 2020

**TIME:** 2.30 pm

**VENUE:** MS Teams

### AGENDA

1. **APOLOGIES**
2. **CHAIRS ANNOUNCEMENTS AND URGENT BUSINESS**
3. **DECLARATION OF INTEREST** 1 - 4  
  
To receive declarations of interest in any item for discussion at the meeting. A blank form for declaring interests has been circulated with the agenda.
4. **MINUTES** 5 - 10  
  
To consider the approval of the minute of the meetings held on 29 September 2020
5. **iOPS Update**  
  
Update from ACC Chris Sykes, GMP
6. **POLICE PRECEPT SETTING PROCESS** 11 - 16  
  
Report of Beverley Hughes, GM Deputy Mayor for Policing, Fire and Crime
7. **GMP - POLICE RECRUITMENT - Full Council Meeting - Oldham Council** 17 - 18  
  
Report of Jeanette Staley, Head of Community Safety, Salford City Council, and GM Policy and Strategy Support Officer.

<b>BOLTON</b>	<b>MANCHESTER</b>	<b>ROCHDALE</b>	<b>STOCKPORT</b>	<b>TRAFFORD</b>
<b>BURY</b>	<b>OLDHAM</b>	<b>SALFORD</b>	<b>TAMESIDE</b>	<b>WIGAN</b>

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**8. GM POLICE, FIRE & CRIME PANEL - COMPLAINTS PROCEDURE**

19 - 32

Report of Liz Treacy, GMCA Solicitor and Monitoring Officer

**9. ACTIONS AND DECISIONS TAKEN BY THE DEPUTY MAYOR - TO FOLLOW**

Report of Beverley Hughes, GM Deputy Mayor for Policing, Fire and Crime

For copies of papers and further information on this meeting please refer to the website [www.greatermanchester-ca.gov.uk](http://www.greatermanchester-ca.gov.uk). Alternatively, contact the following

Governance & Scrutiny Officer: Steve Annette

✉ [steve.annette@greatermanchester-ca.gov.uk](mailto:steve.annette@greatermanchester-ca.gov.uk)

This agenda was issued on Friday 6 November 2020 on behalf of Julie Connor, Secretary to the Greater Manchester Combined Authority, Churchgate House, 56 Oxford Street, Manchester M1 6EU

**POLICE AND CRIME PANEL – 16 NOVEMBER 2020**

Declaration of Councillors' Interests in Items Appearing on the Agenda

NAME: \_\_\_\_\_

DATE: \_\_\_\_\_

Minute Item No. / Agenda Item No.	Nature of Interest	Type of Interest
		Personal / Prejudicial / Disclosable Pecuniary
		Personal / Prejudicial / Disclosable Pecuniary
		Personal / Prejudicial / Disclosable Pecuniary
		Personal / Prejudicial / Disclosable Pecuniary
		Personal / Prejudicial / Disclosable Pecuniary
		Personal / Prejudicial / Disclosable Pecuniary

Please see overleaf for a quick guide to declaring interests at meetings.

## QUICK GUIDE TO DECLARING INTERESTS AT MEETINGS

This is a summary of the rules around declaring interests at meetings. It does not replace the Member's Code of Conduct, the full description can be found in the GMCA's constitution Part 7A.

Your personal interests must be registered on the GMCA's Annual Register within 28 days of your appointment onto a GMCA committee and any changes to these interests must notified within 28 days. Personal interests that should be on the register include:

- Bodies to which you have been appointed by the GMCA
- Your membership of bodies exercising functions of a public nature, including charities, societies, political parties or trade unions.

**You are also legally bound to disclose the following information called DISCLOSABLE PERSONAL INTERESTS which includes:**

- You, and your partner's business interests (eg employment, trade, profession, contracts, or any company with which you are associated)
- You and your partner's wider financial interests (eg trust funds, investments, and assets including land and property).
- Any sponsorship you receive.

### FAILURE TO DISCLOSE THIS INFORMATION IS A CRIMINAL OFFENCE

#### STEP ONE: ESTABLISH WHETHER YOU HAVE AN INTEREST IN THE BUSINESS OF THE AGENDA

If the answer to that question is 'No' – then that is the end of the matter. If the answer is 'Yes' or 'Very Likely' then you must go on to consider if that personal interest can be construed as being a prejudicial interest.

#### STEP TWO: DETERMINING IF YOUR INTEREST PREJUDICIAL?

A personal interest becomes a prejudicial interest:

- where the well being, or financial position of you, your partner, members of your family, or people with whom you have a close association (people who are more than just an acquaintance) are likely to be affected by the business of the meeting more than it would affect most people in the area.
- the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

#### FOR A NON PREJUDICIAL INTEREST

##### YOU MUST

- Notify the governance officer for the meeting as soon as you realise you

#### FOR PREJUDICIAL INTERESTS

##### YOU MUST

- Notify the governance officer for the meeting as soon as you realise you

have an interest

- Inform the meeting that you have a personal interest and the nature of the interest
- Fill in the declarations of interest form

**TO NOTE:**

- You may remain in the room and speak and vote on the matter
- If your interest relates to a body to which the GMCA has appointed you to you only have to inform the meeting of that interest if you speak on the matter.

have a prejudicial interest (before or during the meeting)

- Inform the meeting that you have a prejudicial interest and the nature of the interest
- Fill in the declarations of interest form
- Leave the meeting while that item of business is discussed
- Make sure the interest is recorded on your annual register of interests form if it relates to you or your partner's business or financial affairs. If it is not on the Register update it within 28 days of the interest becoming apparent.

**YOU MUST NOT:**

- participate in any discussion of the business at the meeting, or if you become aware of your disclosable pecuniary interest during the meeting participate further in any discussion of the business,
- participate in any vote or further vote taken on the matter at the meeting

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# Agenda Item 4

## MINUTES OF THE MEETING OF THE GM POLICE, FIRE AND CRIME PANEL HELD ON TUESDAY 29 SEPTEMBER 2020 VIA MICROSOFT TEAMS

### PRESENT:

Councillor Nadim Muslim	Bolton Council
Councillor Nigel Murphy	Manchester City Council – (In the Chair)
Councillor Steve Williams	Oldham Council
Councillor Janet Emsley	Rochdale Council
Councillor David Lancaster	Salford City Council
Councillor Amanda Peers	Stockport Council
Councillor Warren Bray	Tameside Council
Councillor Mike Freeman	Trafford Council
Councillor Kevin Anderson	Wigan Council
Majid Hussain	Independent Member
Angela Lawrence	Independent Member

### ALSO PRESENT:

Baroness Beverley Hughes	GM Deputy Mayor
Robert Potts	Assistant Chief Constable, GMP

### OFFICERS:

Clare Monaghan	Director Policing, Crime and Fire, GMCA
Kelly Simcock	Strategic Advisor, GMCA
Jeanette Staley	Salford City Council & GM Police and Crime Policy Lead
Gwynne Williams	Deputy Monitoring Officer, GMCA
Sarah Keaveny	Head of Comms, GMCA
Jenny Hollamby	GMCA Governance and Scrutiny
Lee Teasdale	GMCA Governance and Scrutiny
Steve Annette	GMCA Governance and Scrutiny

### APOLOGIES

Apologies were received on behalf Councillor David Jones, Bury Council, Councillor Graham Whitham, Trafford Council and Carolyn Wilkins, Lead Chief Executive, Policing, Fire and Crime.

## **DEATH OF SERGEANT MATIU RATANA**

At the invitation of the Chair, the members of the Panel observed a brief period of silence in respect to the memory of Sgt Matui Ratana of the Metropolitan Police Force, killed in the line of duty on 25<sup>th</sup> September 2020.

### **PFCP/03/20 CHAIR'S ANNOUNCEMENTS AND URGENT BUSINESS**

There were no items raised.

### **PFCP/04/20 MINUTES**

The Minutes of the meeting held on 24<sup>th</sup> July 2020 were approved as a correct record.

### **PFCP/05/20 DECLARATIONS OF INTEREST**

There were no declarations of interest made

### **PCFP/06/20 GM POLICE AND CRIME PLAN 2019/20**

Consideration was given to a report which outlined the functions, activity and progress in meeting the police and crime objectives in the Mayor's police and crime plan.

Introducing the report the Deputy Mayor placed the achievements made towards the objectives in the Plan squarely against the significant contribution that the police and fire services had made during the current pandemic, including their role in securing compliance with a frequently changing regulatory framework, and the joint effort being coordinated by the Strategic Coordination Group and the Mayor's Emergency Covid Committee, support in securing PPE, staffing the Nightingale Hospital, establishing an emergency mortuary, and an important humanitarian role supporting vulnerable people.

'Standing Together', the new police and crime plan was launched in March 2018 following the election of the Mayor and appointment of the Deputy Mayor in May 2017. This report covered the period April 2019 to March 2020 and outlined progress against each of the three priorities of the Standing Together Plan.

The report detailed the unprecedented challenges faced but also the successes achieved in rising to meet those challenges and responding to the needs of citizens. It also provided detail of partnerships and the work of Police and Crime Teams and communities in individual districts forging local solutions to local situations.

The report also identified the challenges of technical change, financial pressures, and the increasing complexity and nature of crime, including serious and organised crime, emerging cybercrime, human exploitation and human trafficking. Priorities in terms of keeping people safe, supporting victims, including victims of domestic abuse and historic child sex abuse, were also highlighted. The report also focussed on the early intervention approaches to youth justice and supporting vulnerable women, together with innovatory multi-agency



approaches to complex safeguarding.

Innovatory work in partnership working with local communities in projects such as the Community Safety Fund and canvassing citizens in regular quarterly surveys to provide meaningful benchmarks by which to gauge service delivery and performance were also highlighted.

Members welcomed all the achievements made and the foundations that these now presented for sustained improvements going forward. The importance of partnership working was seen as being key in sustaining the progress so far made, and involving and supporting communities. The work on the Hate Crime Plan was also welcomed in view of the emergence of specific hate crime issues during the pandemic, and the need to give support and reassurance to encourage victims to come forward.

#### **RESOLVED/-**

1. To welcome both the achievements made, and each of the key elements of the Plan, during a uniquely difficult period of unprecedented and unforeseen challenges, and to extend the Panel's congratulations to all the officers and key partners, and to the representatives of local communities, for the work that they have taken forward together.

#### **PCFP/07/20 IOPS AND CRIME DATA UPDATE / PARTNER ACCESS**

Consideration was given to a report which informed the Panel of the progress in the continuing development of GMPs iOPS technology.

It was reported that the PoliceWorks 2.7 was the next major release which was still on track for early autumn 2020. This release contained a number of significant fixes as well as further functional enhancements, including 'Soundex', which will improve the search capability. PoliceWorks 2.7 is currently being tested and is on track for an autumn release.

Any outstanding issues not included in PoliceWorks 2.7 are currently being reviewed for inclusion in the PoliceWorks 2.8 release, with delivery planned for the end of the year. The iOPS suite of products continued to perform well and was stable. PoliceWorks remains the product of focus for the iOPS Futures product team with a programme of enhancements planned for the next 18 months.

The Panel was also updated on how non- Greater Manchester Police employees can access data and reports held within iOPS. PoliceWorks is Greater Manchester Police's records management system and provided a number of reports that have been requested by business owners. Access to reports is controlled by 'role-based access', from 23<sup>rd</sup> June 2020, as a result of which it was possible to provide access to non-GMP employees access to the reports following training delivered by the iOPS team. iOPS Cognos is the data management and Information system designed to enable business users without technical knowledge to extract corporate data for analysis. An important feature of Cognos is that it will help to identify data quality issues to ensure that data and performance / operational information is accurate so as to assist the Force in making informed decisions.

A procedure was in place for appropriate partners to request access to iOPS subject to an Information Sharing Agreement.

Whilst welcoming the developments, members asked when remote access would be available as access currently was limited to GMP laptops. It was reported that arrangements were in hand to roll-out Windows 10 to give remote access, and the timetable for this would be reported to the next meeting. It was recognised that some groups would not have discrete access to analytical support to properly interpret data, and a member asked if they were any shared resources that could be accessed by such groups.

The Chair suggested that this was something that the GM Police and Crime Steering Group might be able to look at in greater detail.

**RESOLVED/-**

1. That the reports and the various benefits resulting from the implementations of the iOPS programme be noted.

**PCFP/08/20                      2020 OFFICER UPLIFT**

Consideration was given to a report which provided an update of the final distribution decisions that have been made around the 347 additional officers allocated to GMP for the year 2020/2021. Officers reported that the primary decision driving the allocation of additional police officers remained the Force's commitment to neighbourhood policing but with effective and responsive flexibility with other key operational and organisational needs.

The report identified that the majority of the additional officers (246) had been allocated to local policing roles and broke these down between individual districts, and detailed the other officer allocations made.

A member asked how initial training needs for new recruits had changed over the past decade in the light of the changing face and complexity of crime. Officers indicated that the key change was certainly in terms of the complexity of crime but also that a great deal of police work now focused on recognising vulnerability and safeguarding and dealing with vulnerable people. Members asked if it was possible to drill down the details for each district to show (a) the division between neighbourhood beat officer and neighbourhood police officer roles, (b) the position of PCSOs and special constables, and (c) the likely impact of planned retirements over the next 12 months. It was confirmed that this could be done.

**RESOLVED/-**

1. That the report be noted.

**PCFP/09/20                      GMP CRIME DATA -2020**

Consideration was given to a report which informed the Panel of the recorded crime in Greater Manchester in the first 6 months of 2020. Total recorded crime figures exhibited an overall reduction of 19% in the period, and the report broke down the reductions by crime type and assessed the relationship with the period of 'lockdown'.

**RESOLVED/-**

1. That the report be noted.

**PFCP/10/20**

**DECISIONS AND ACTIONS TAKEN BY THE DEPUTY MAYOR**

Consideration was given to a report which highlighted decisions made by the Deputy Mayor in the period from 20<sup>th</sup> January 2020 to September 2020.

**RESOLVED/-**

1. That the report be noted.
2. That all future reports include recommendations that assess and identify the impact of the proposal on inequalities, environmental and financial issues in relation to the topic. This would be supported by a commitment to collect, analyse and report on data, including community intelligence, to understand that impact.

**PFCP/11/20**

**ANNUAL RECORD OF COMPLAINTS RECORDED ON BEHALF OF GREATER MANCHESTER POLICE, FIRE AND CRIME PANEL**

In line with the Police, Fire and Crime Panel's Forward Plan consideration was given to a report which provided members with a summary of complaints recorded on the Panel complaints record in respect of police and crime matters.

**RESOLVED/-**

1. That the report be noted.

**PFCP/12/20**

**DATE OF NEXT MEETING**

Monday 16 November 2020 at 2.30 pm, via MS Teams.

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**GREATER MANCHESTER COMBINED AUTHORITY  
POLICE, FIRE AND CRIME PANEL**

Date: **16<sup>th</sup> November 2020**

Subject: **POLICE PRECEPT SETTING PROCESS**

Report of: **GMCA TREASURER**

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**PURPOSE OF REPORT**

To explain the statutory duties of the Police and Crime Panel in relation to the setting of the police precept.

**RECOMMENDATIONS**

1. Note that statutory duties of the Police and Crime Panel in relation to the setting of the police precept.
2. Note the timetable for the setting of the 2021/22 police precept and give consideration as to whether an additional meeting is required in mid January.

## 1. Police and Crime Panels – Scrutiny of Precepts

The process for the police and crime panel's (PCP) scrutiny of the police and crime commissioner's (PCC) proposed precept should be read alongside:

- Schedule 5 of the Police Reform and Social Responsibility Act 2011 ("the Act")  
<http://www.legislation.gov.uk/ukpga/2011/13/contents/enacted>
- [Part 2 of the Police and Crime Panels \(Precepts and Chief Constable Appointments\) Regulations 2012 \("the Regulations"\)](#)

Hyperlinks to the document are provided however the salient points are described below along with a flow chart on page 5.

### Background

Schedule 5 of the Act sets out the process for issuing a precept, including the panel's role in reviewing the proposed precept, their power to veto the precept and the steps to be taken if they do veto the proposed precept.

The Regulations provide greater detail to the Act, including time limits applicable to the stages of the process and the process for reviewing and issuing a revised precept.

### Schedule 5 requires:

- the PCC to notify the panel of his/her proposed precept;
- the panel to review the proposed precept;
- the panel to make a report to the PCC on the proposed precept (this may include recommendations);
- the panel's report (if they veto the proposed precept) to include a statement that they have vetoed it;
- a decision of veto to be agreed by two-thirds of the panel members;
- the PCC to have regard to the report made by the panel (including any recommendations in the report);
- the PCC to give the panel a response to their report (and any such recommendations);
- the PCC to publish the response.

It is for the panel to determine how a response to a report or recommendations is to be published. If there is no veto and the PCC has published his/her response to the panel's report, the PCC may then issue the proposed precept - or a different precept (but only if in accordance with a recommendation in the panel's report to do so).

### The Regulations require:

- the PCC to notify the panel of his/her proposed precept **by 1 February**;
- the panel to review and make a report to the PCC on the proposed precept (whether it vetoes the precept or not) **by 8 February**;
- where the panel vetoes the precept, the PCC to have regard to and respond to the Panel's report, and publish his/her response, including the revised precept, **by 15 February**;
- the panel, on receipt of a response from the PCC notifying them of his/her revised precept, to review the revised precept and make a second report to the PCC **by 22 February**;
- the PCC to have regard to and respond to the Panel's second report and publish his/her response, **by 1 March**.

### **Panel's report on the proposed precept**

If the panel fails to report to the PCC by 8 February the scrutiny process comes to an end, even if the panel have voted to veto the proposed precept, and the PCC may issue the proposed precept.

### **PCC's response to a veto**

Where the panel vetoes the proposed precept, the PCC must have regard to the report made by the panel, give the panel a response to the report and publish the response, by 15 February. In his/her response, the PCC must notify the panel of the revised precept that he intends to issue.

Where the panel's report indicates that they vetoed the precept because it was:

- too **high**, the revised precept must be lower than the previously proposed precept.
- too **low**, the revised precept must be higher than the previously proposed precept.

The PCP may only veto the first proposed precept. Such a veto must be agreed by two-thirds of PCP members (the full membership rather than those present at a meeting). Where a veto occurs, the report to the PCC must include a statement to that effect.

### **Panel's review of the revised precept**

On receipt of a response from the PCC notifying them of the revised precept proposal, the panel must review the revised precept proposal and make a second report to the PCC on the revised precept by 22 February. This report may:

- indicate whether the panel accepts or rejects the revised precept (although rejection does not prevent the PCC from issuing the revised precept); and
- make recommendations, including recommendations on the precept that should be issued.

If the panel fails to make a second report to the PCC by 22 February, the PCC may issue the revised precept.

### **Issuing the precept**

Excluding where the panel fails to report on the proposed precept by 8 February or make a second report on the revised precept by 22 February, the scrutiny process ends when the PCC gives the panel his/her response to their second report.

The PCC may then:

- issue the revised precept; or
- issue a different precept, although:
  - they must not issue a precept that is higher than the revised precept if the revised precept was lowered following the panel's initial report on the first proposed precept indicating it was vetoed because it was too high;
  - they must not issue a precept which is lower than the revised precept if the revised precept was raised following the panel's initial report on the first proposed precept indicating it was vetoed because it was too low.

**2. Timetable for Greater Manchester Police Precept  
2020/21**

The nationally set timescales outlined in this report are the final dates by which the precept setting must take place, these do not lend themselves to coordination of precept setting at a Local Authority level. The police precept is required to be included in each Local Authority's Council Tax setting report with the majority of Greater Manchester Council's holding their budget / precept setting Council meetings towards the end of February to allow for the printing of Council tax bills in time for 1 April.

Normally the Government would, by now, have given some indication as to the levels of grant funding that would be received next year and of the possible rules, if any, for the limiting of precept increases, however, this year, there have been no such announcements.

Given the cancellation of the Autumn Budget and the pressures on Government on delivering a Settlement during the current climate, there is a possibility that there is no indication of police funding/precept levels at the Spending Review scheduled to take place on 25<sup>th</sup> November 2020, nor any indication of a multi-year settlement as was originally planned.

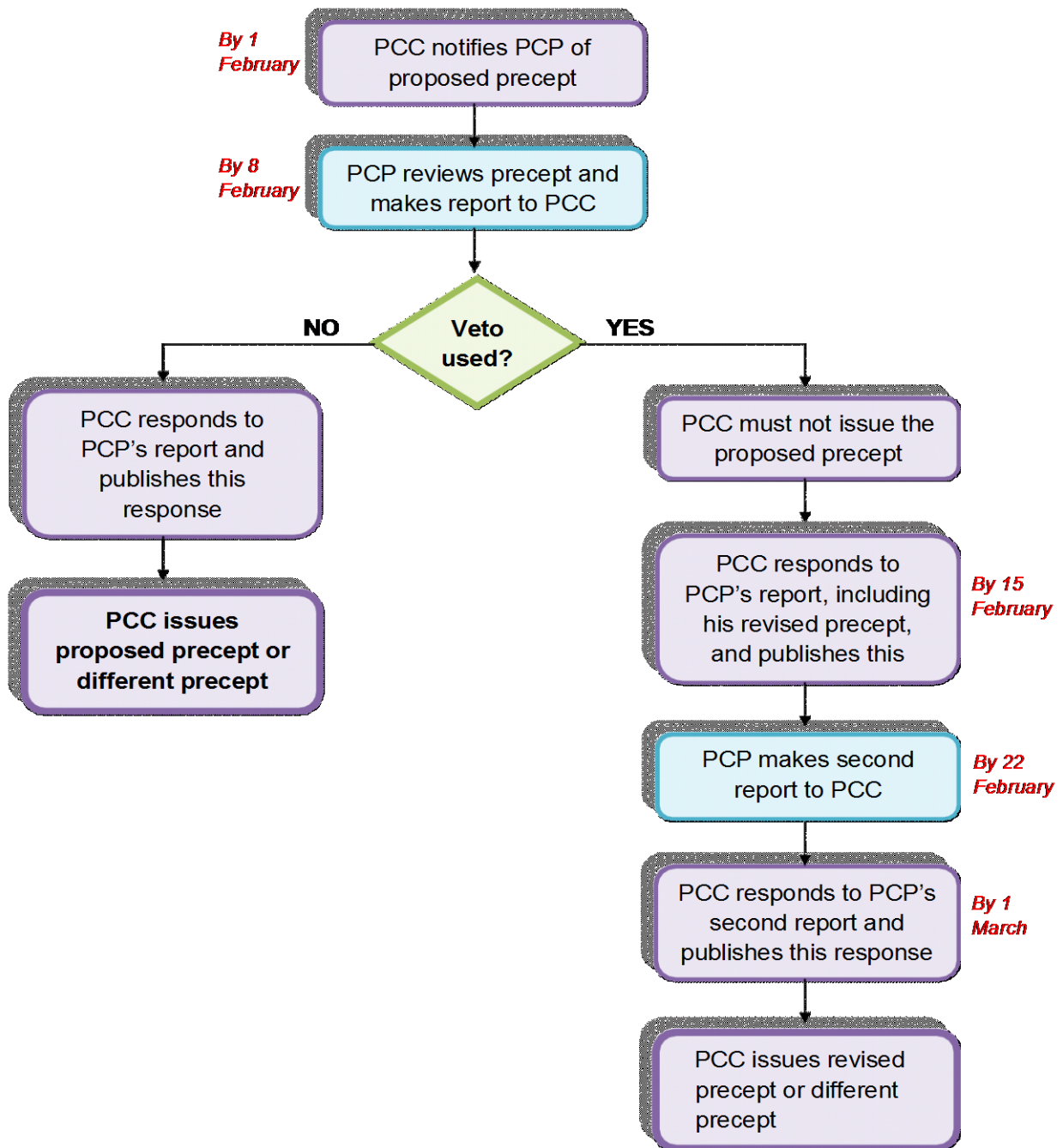
The settlement announcement for 20/21 was late due to the general election on 12<sup>th</sup> December, however Home Office contacts have reassured PCCs that a pre-Christmas provisional grant settlement is more likely than not.

For this purpose a timetable for the setting of the police precept in Greater Manchester is as follows and allows for the statutory time periods should the Police and Crime Panel wish to veto the initial precept presented to them.

<b>Report</b>	<b>Date</b>
Precept setting process presented to the Police and Crime Panel	16 <sup>th</sup> November 2020
Draft precept report presented to the Police and Crime Panel	Mid January 2021
Final precept proposal report presented to the Police and Crime Panel	26 <sup>th</sup> January 2021
Precept resolution signed by the Mayor	w/c 8 <sup>th</sup> February 2021



**Process for PCP scrutiny of PCC's proposed precept**



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## GREATER MANCHESTER POLICE FIRE AND CRIME PANEL

Date: 16<sup>th</sup> November 2020

Subject: Oldham Council Motion - Roads Policing Not Optional

Report of: Jeanette Staley, Head of Community Safety, Salford City Council, and GM Policy and Strategy Support Officer.

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### PURPOSE OF REPORT

The purpose of this report is to outline a motion raised at the Full Council meeting in Oldham on 9<sup>th</sup> September regarding a report published by Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) on Roads Policing.

### RECOMMENDATIONS:

The Panel is requested to note the motion and discuss whether to revisit the local policing plan to ensure that roads policing is sufficiently prioritised.

### CONTACT OFFICER:

Head of Community Safety, Salford City Council, and GM Policy and Strategy Support Officer.  
[Jeanette.staley@salford.gov.uk](mailto:Jeanette.staley@salford.gov.uk)

## 1. INTRODUCTION AND BACKGROUND

- 1.1 In July 2020 HMICFRS published its report on '*Roads Policing: Not optional - An inspection of roads policing in England and Wales*'. The report looked at roads policing nationally, and made a series of recommendations.
- 1.2 At the full Council meeting in Oldham on 9th September 2020 the following motion was debated:
- 1.3 "Council notes that:
  - In the last ten years, there has been no significant decline in the number of people killed or seriously injured on Britain's roads, after decades of reducing casualties.

- According to Department of Transport figures, there are still on average 5 fatalities and 68 serious injuries in England and Wales every day.
- In early July, the Department of Transport published a public consultation document supporting a Roads Policing Review. The closing date for submissions is October 5th.
- In the preamble to that document, the Under Secretary of State for Transport said the review sought to 'build the fairest and most operationally effective enforcement capability in police and other agencies to deliver the best outcome for the safety of all road users'.
- In the same month, the HM Inspectorate of Constabulary published a damning report which predicted an increase in road deaths because:
  - According to the Chartered Institute of Public Finance and Accountancy, there has been a 34% cut in funding in real terms for road policing between 2012/3 and 2019/20 leading to a reduction of police officers available for these duties.
  - These officers receive insufficient training and operational support.
  - Road policing is 'seen as less of a priority than it should be' in most local plans and there is an 'unclear national strategy'.
  - The HM Inspectorate called for urgent action as 'roads policing is not optional'."

#### 1.4 Full Council resolved to:

- Ask that the Chief Executive write to the Home Secretary and the Secretary of State for Transport, making clear this Council's position that funding in real terms for road policing should be restored; that the HM Inspectorate's recommendation be implemented in full as a priority; and that a new national strategy for road policing and safety should be developed. The Chief Executive is asked to send copies of this letter to the Police and Crime Panel, Oldham's three local Members of Parliament and the Greater Manchester Police and Crime Commissioner and to seek support for the Council's position.
- Ask the Council's representative on the Greater Manchester Police and Crime Panel to request the Panel revisit the local policing plan to ensure that roads policing is sufficiently prioritised; and
- Ask that the Chief Executive, in conjunction with the appropriate Council officers and the relevant Cabinet Member, make a submission to the Roads Policing Review consultation on behalf of the Council taking this resolution in to account.

## 2.0 RECOMMENDATIONS.

### 2.1 Appear at the front of the report

## GREATER MANCHESTER POLICE FIRE AND CRIME PANEL

Date: 16 November 2020

Subject: Greater Manchester Police Fire and Crime Panel – Complaints Procedure

Report of: Liz Treacy, GMCA Monitoring Officer

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### PURPOSE OF REPORT

The purpose of this report is to (1) present minor revisions to the Panel's Complaints Procedure for approval, arising from the Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 and (2) request that the Panel delegate the functions of the Lead Chief Executive, Carolyn Wilkins, under the Complaints Procedure to the Chief Executive of Salford City Council, Jim Taylor, in the GM Lead Chief Executive's current absence from role.

### RECOMMENDATIONS:

The Panel is requested to –

1. Approve the revised Complaints Procedure attached at Appendix 1
2. Give delegated authority to Jim Taylor, Chief Executive of Salford City Council to undertake the functions of the GM Lead Chief Executive under the Complaints Procedure, in the GM Lead Chief Executive's absence from role.

### CONTACT OFFICER:

Name: Gwynne Williams  
Position: Deputy Monitoring Officer, GMCA  
E-mail: [williamsg@manchesterfire.gov.uk](mailto:williamsg@manchesterfire.gov.uk)

### BACKGROUND PAPERS:

- The Police Reform and Social Responsibility Act 2011
- The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012
- The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017
- The Greater Manchester Combined Authority (Fire and Rescue Functions) Order 2017
- The Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020
- Report of the GMCA Monitoring Officer - Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 – 30 June 2020

## **1. INTRODUCTION AND BACKGROUND**

- 1.1. The Greater Manchester Combined Authority (Fire and Rescue Functions) (Amendment) Order 2020 (the Amendment Order) came into force on 26 June 2020.
- 1.2. Members of the Panel received a report from the Monitoring Officer at their meeting on 30 June 2020 on the implications of the Amendment Order for the Panel.

## **2. THE PANEL'S COMPLAINTS PROCEDURE**

- 2.1. The Panel's Complaints Procedure has been reviewed in the light of the Panel's extended remit in relation to fire and rescue functions.
- 2.2. A revised procedure is attached at Appendix 1.

## **3. INTERIM DELEGATION OF FUNCTIONS**

- 3.1. The GM Lead Chief Executive is the main point of contact for complaints made under the Complaints Regulations and is responsible for recording formal decisions.
- 3.2. The GM Lead Chief Executive has been given delegated responsibility by the GMPFCP for the discharge of its statutory functions under Part 2 of the Complaints Regulations. This includes the initial assessment as to whether or not a matter constitutes a complaint which is to be dealt with under the Complaints Regulations.
- 3.3. The GMPFCP has also delegated certain functions set out in Part 4 of the Complaints Regulations to the GM Lead Chief Executive, which relate to the informal resolution of complaints.
- 3.4. Members will aware that the GM Lead Chief Executive is currently undertaking a national role as Contain Director for NHS Test & Trace.
- 3.5. Jim Taylor, Chief Executive of Salford City Council has agreed to undertake the functions of the GM Lead Chief Executive under the Complaints Procedure, in the GM Lead Chief Executive's absence from role and the Panel is requested to approve this arrangement.

## **4. RECOMMENDATIONS**

- 4.1. Recommendations appear at the front of this report.

# **Greater Manchester Police Fire & Crime Panel**

## **Procedure for Dealing with Complaints made against the Greater Manchester Mayor and the Greater Manchester Deputy Mayor for Policing and Crime**

### **1. Introduction**

- 1.1 This procedure details the process for dealing with complaints about the conduct of the Greater Manchester Mayor (GMM) and Greater Manchester Deputy Mayor for Policing and Crime (GMDMP&C) as it relates to the discharge of their Police Fire and Crime functions.
- 1.2 The procedure has been introduced in accordance with Section 31 and Schedule 7 of the Police Reform and Social Responsibility Act 2011 (“the Police Reform Act”) and The Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 (“the Complaints Regulations”). Nothing in this procedure overrules the provisions of those Regulations.
- 1.3 A flow chart providing an overview of the complaints process can be found at appendix 1.

### **2. Roles and Responsibilities**

- 2.1 Police and Crime Panels have statutory responsibilities under the Complaints Regulations relating to the recording and determination of complaints against the GMM and GMDMP&C as it relates to the discharge of their Police Fire and Crime functions. The remainder of this procedure shall take complaints to mean complaints in relation to the discharge of their Police Fire and Crime functions, unless otherwise stated.
- 2.2 In accordance with Part 2 of the Complaints Regulations, the GM Police Fire and Crime Panel (GMPFCP) is responsible for initially handling all complaints against the GMM and GMDMP&C, including all Serious Complaints (as defined by Paragraph 2(6) of Schedule 7 to the Police Reform Act) and Conduct Matters (as defined by Section 31(1)(b) of the Police Reform Act). Any Serious Complaints or Conduct Matters must be referred to the Independent Office for Police Conduct (IOPC).
- 2.3 Regulation 6 of the Complaints Regulations requires the GMPFCP to be responsible for the following non delegable ‘general duties’ in relation to complaints against the GMM and GMDMP&C (referred to in the Complaints Regulations as “Relevant Office Holders”):

- a) To ensure that the GMPFCP is kept informed about all matters relating to a Relevant Officer Holder where these are:
    - matters with respect to which any provision of the Complaints Regulations has effect;
    - anything which is done under or for the purposes of any such provision; and
    - any obligations to act or refrain from acting that have arisen under the Complaints Regulations, but have not yet been complied with or have been contravened.
  - b) To provide the Director General and every member of the IOPC's staff with assistance as reasonably required for the purposes of, or in connection with, the carrying out of any investigation by the Director General under Regulation 20 of the Complaints Regulations (Investigations by the IOPC itself).
  - c) To ensure that a person appointed under Regulation 19 of the Complaints Regulations (Investigations managed by the IOPC) to conduct an investigation under the management of the Director General is given all such assistance and co-operation in the carrying out of that investigation as that person may reasonably require.
- 2.4 Subject to the provisions of paragraph 5.10 and 5.11 below (complaints referred to the Monitoring Officer), for complaints not being dealt with by the IOPC, the GMPFCP can determine these through informal resolution in accordance with the arrangements set out in this procedure.
- 2.5 The Complaints Regulations and the Police and Crime Panels (Application of Local Authority Enactments) Regulations 2012 enable some responsibilities in relation to the handling of complaints against the GMM and GMDMP&C to be delegated to a Chief Officer of a local authority in the police area. The GMPFCP has delegated the functions set out in Parts 2 and 5 of the Complaints Regulations to the GM Lead Chief Executive for Police and Crime. The GMPFCP has also delegated certain functions set out in Part 4 of the Complaints Regulations to the GM Lead Chief Executive.
- 2.6 The GM Lead Chief Executive is the main point of contact for complaints made under the Complaints Regulations and is responsible for recording formal decisions. (For the purposes of this procedure, reference to a "Recorded Complaint" means a Complaint that the GMPFCP is obliged under the Complaints Regulations to record by entry into the Recorded Complaints and Conduct Matters Register).
- 2.7 The GMPFCP will retain the responsibility for the overall effectiveness of this procedure and will monitor its implementation on a regular basis.



### 3. Scope of the Procedure

- 3.1 This procedure deals with complaints about the conduct of the Greater Manchester Mayor (“GMM”) or Greater Manchester Deputy Mayor for Policing and Crime “GMDMP&C”.
- 3.2 The procedure does not cover:
- Complaints about operational policing matters or the conduct of individual police personnel, which are dealt with by the Chief Constable.
  - Complaints about policing policy matters or complaints relating to the conduct of the Chief Constable, which are dealt with by the GMM.
  - Serious Complaints and Conduct Matters. Where a formal complaint has been received or the circumstances suggest potential criminal conduct of the GMM or GMDMP&C the matter will be referred to the Independent Office for Police Conduct (IOPC) for determination.

### 4. Making a complaint under this procedure

- 4.1 Complaints may be made in writing or by completing the complaint form attached at appendix 3 and returning to the GM Lead Chief Executive for the GMPFCP:

By post: The GM Lead Chief Executive for GMPFCP,  
c/o

Jeanette Staley  
Head of Community Safety  
Place Directorate  
Salford City Council  
Civic Centre Complex,  
The Annex Building,  
Chorley Road  
Swinton,  
M27 5AW

By e-mail: [jeanette.staley@salford.gov.uk](mailto:jeanette.staley@salford.gov.uk)

- 4.2 Complaints about the conduct of the GMM or GMDMP&C may also be submitted to the following people or organisations who will pass the complaint on to the GM Lead Chief Executive within 3 working days to deal with in accordance with the complaints procedure:
- The GMPFCP
  - The GMM or GMDMP&C
  - The Chief Constable of the GMP
  - The IOPC

## 5. Initial Assessment on receipt of a complaint

- 5.1 The GM Lead Chief Executive has been delegated responsibility by the GMPFCP for the discharge of its statutory functions under Part 2 of the Complaints Regulations. This includes the initial assessment as to whether or not a matter constitutes a complaint which is to be dealt with under the Complaints Regulations.
- 5.2 On receipt of a complaint about the GMM or GMDMP&C the GM Lead Chief Executive will acknowledge its receipt and record the complaint.
- 5.3 Correspondence with a complainant is usually via email, however, formal letters will be sent as an email attachment with a printed copy also sent by post on request.
- 5.4 The Complaints Regulations require the GM Lead Chief Executive to maintain a Recorded Complaints and Conduct Matters Register (“the Register”) – see section 6. Certain complaints are exempt from the requirement to be entered into the Register; however the GM Lead Chief Executive will keep an informal record of all complaints received.
- 5.5 The GM Lead Chief Executive will then establish whether the complaint concerns the conduct of the GMM or the GMDMP&C.
- 5.6 If the complaint does not relate to the conduct of the GMM or GMDMP&C it will be referred to the appropriate body as referred to in section 3.2 and the file will be closed.
- 5.7 Where the complaint does relate to the conduct of the GMM or GMDMP&C the complaint will be formally recorded in the Register (unless one of the exemptions apply) and the GM Lead Chief Executive will assess whether the complaint is a ‘Serious Complaint’ or ‘Conduct Matter’.
- 5.8 A ‘Serious Complaint’ is a complaint which *constitutes* or *appears to constitute* or *involve* the commission of a criminal offence. Serious Complaints are dealt with by the IOPC to whom the GM Lead Chief Executive will refer the complaint. The GM Lead Chief Executive will inform the parties of the decision and close the file.
- 5.9 A ‘Conduct Matter’ only requires there to be an *indication* that the GMM or GMDMP&C *may* have committed a criminal offence. Conduct Matters can arise without a formal complaint having been made. The Chief Lead Officer must refer conduct matters to the IOPC. Following referral of a conduct matter to the IOPC for investigation, the GM Lead Chief Executive will inform the parties of the decision and close the file.

- 5.10 If a complaint is neither 'Serious' nor a 'Conduct Matter' and concerns the conduct of the Mayor or the Deputy Mayor for Policing and Crime, who is a member of the Greater Manchester Combined Authority at the time when the complaint is recorded, the GMPFCP shall pass the complaint to the Monitoring Officer appointed by the Greater Manchester Combined Authority under section 5(1) (a) of the Local Government and Housing Act 1989 ('the Monitoring Officer') who must deal with the complaint in accordance with paragraph 5.11 of this procedure.
- 5.11 On receiving a complaint in accordance with paragraph 5.10 of this procedure, the Monitoring Officer shall deal with it in accordance with the Greater Manchester Combined Authority's Code of Conduct adopted under section 27(2) of the Localism Act 2011. The Monitoring Officer shall as soon as practicable inform the GMPFCP of the outcome of the complaint.
- 5.12 Complaints which are neither 'Serious' nor a 'Conduct Matter' and concern the Deputy Mayor for Policing and Crime who is not a member of the Greater Manchester Combined Authority at the time when the complaint is recorded will be dealt with under the following procedure.
- 5.13 The delegation to the GM Lead Chief Executive also includes the discharge of the GMPFCP's duties under Regulation 8 of the Complaints Regulations in relation to the preservation of evidence which are set out in detail at section 12.

## **6. Taking no action on a Recorded Complaint**

- 6.1 If a Recorded Complaint is not one that must be referred to the IOPC, and meets the criteria below, the GM Lead Chief Executive may handle the complaint in whatever manner he/she thinks fit.
- 6.2 The types of Recorded Complaint that may be dealt with in this way are:
- (a) Where the complaint is concerned entirely with the conduct of a relevant office holder in relation to a person who was working in his capacity as a member of staff deployed by the Greater Manchester Combined Authority wholly or partly in relation to the Mayor's Police and Crime Commissioner or fire functions at the time when the conduct is supposed to have taken place;
  - (b) Where more than twelve months have elapsed since the incident or the latest incident and no good reason for the delay has been shown or injustice would be likely to be caused by the delay;
  - (c) The matter has already been the subject of a Complaint;

- (d) Where the complaint discloses neither the name and address of the complainant nor that of any other interested person and it is not reasonably practicable to ascertain such a name or address;
- (e) The Complaint is vexatious, habitual, oppressive or otherwise an abuse of the procedures; *(see Appendix 2 for the procedure in handling vexatious, habitual complaints)*.
- (f) The complaint is repetitious. A repetitious complaint is one which is substantially the same as a previous complaint, it concerns substantially the same conduct as a previous conduct matter, it contains no fresh allegations which significantly affect the account of the conduct complained of, no fresh evidence (being evidence which was not reasonably available at the time the previous complaint was made is tendered in support of it) and, in respect of the previous complaint or conduct matter, a determination or withdrawal of complaint has been made).

6.3 The GM Lead Chief Executive must notify the complainant that she/he has decided to handle the Recorded Complaint by taking no further action.

## **7. Complaints resolution**

### **7.1 Stage one**

- The GM Lead Chief Executive will acknowledge the complaint and provide the complainant with information about the next steps to be taken.
- The complainant may be asked to provide further information or detail if required in order for the GM Lead Chief Executive to properly consider the complaint under the Complaint Regulations.
- A copy of the complaint will be provided to the GMDMP&C unless the GM Lead Chief Executive is of the opinion that to do so might prejudice any criminal investigation or pending proceedings, or would otherwise be contrary to the public interest.
- The GM Lead Chief Executive will invite written comments from the complainant and GMDMP&C as soon as practicable. Any comments received will be considered by the GM Lead Chief Executive.
- If the complaint can be resolved at this stage on the available information, the Lead Chief Officer will conduct an informal

resolution. The decision will be communicated to all parties and the complaint record will be updated and the file closed.

- If it is not possible to resolve the complaint at this stage the Lead Chief Officer will refer the complaint to a Sub-Committee of the GMPFCP who shall arrange for informal resolution of the complaint in accordance with the arrangements below.

## 7.2 Informal Resolution Sub-Committee

- An Informal Resolution of Complaints Sub-Committee of the GMPFCP, consisting of 3 Members of the GMPFCP, including where possible the Chair or Vice Chair of the GMPFCP, and one of the Independent Members of the GMPFCP will be appointed by the GM Lead Chief Executive, to consider the complaint and secure the informal resolution.
- The appointment of the Resolution Sub-Committee will take place after the GM Lead Chief Executive has consulted the Chair of the GMPFCP, who may request that the matter be referred to the full GMPFCP.
- The informal resolution will not include a formal investigation of the complaint but documents in relation to the complaint and meetings with the person complained against may be requested.
- In attempting to secure informal resolution of the complaint, the Resolution Sub-Committee will consider whether any further information, clarification or explanation is required and will provide an opportunity for both the complainant and the person complained against to comment on the complaint as soon as is practicable.
- Where the person complained against chooses not to comment on the complaint when invited to do so by the Resolution Sub-Committee, the Resolution Sub-Committee will record this fact in writing.
- Where it appears to the Resolution Sub-Committee that a Recorded Complaint against the GMDMP&C had in fact already been satisfactorily dealt with at the time it was brought to their notice, the Resolution Sub-Committee may, subject to any further representations, treat it as having been resolved. The Resolution Sub-Committee shall, prior to making a final decision that a complaint has already been resolved, give the complainant and the person complained against an opportunity to comment on the proposed decision.
- The Sub-Committee will consider both written and oral evidence and make an informal resolution. The decision of the Sub-

Committee will be communicated to all parties, the complaint record updated and the file closed.

- The GM Lead Chief Executive or Sub-Committee of the PFCP may seek informally to resolve a complaint by securing an apology from the GMDMP&C to the complainant, either directly or indirectly. The Resolution Sub-Committee will not, however, tender on behalf of the person complained against an apology for his / her conduct unless the person complained against has agreed to issue the apology.
- In exceptional circumstances a complaint may be referred to the PFCP as a whole if the GM Lead Chief Executive is of the opinion that this will lead to a more satisfactory resolution of the complaint.

## **8. Complaint Outcomes**

8.1 There are a number of possible outcomes following a complaint investigation:

- Complaint not upheld

No further action to be taken.

- Complaint upheld / partially upheld

## **9. Recording of a Resolution**

9.1 The GM Lead Chief Executive will make a record of the outcome of the complaints procedure as soon as practicable and send a copy of the record to the complainant and the person complained about.

9.2 In accordance with the Complaints Regulations, the GM Lead Chief Executive will not publish any part of any record unless it has:

- Given the complainant and the person complained about the opportunity to make representations in relation to the proposed publication; and
- Considered any such representation and is of the opinion that publication is in the public interest.

9.3 In cases where a complaint has been upheld by either the GM Lead Chief Executive or Sub-Committee of a PFCP, there are no legal powers to apply formal sanctions other than to provide an opinion on the conduct of the office-holder concerned. This shall be provided within ten working days of the resolution of the Chief Executive or Sub-Committee as appropriate.

## **10. Timescales**

- 10.1 Complaints dealt with in accordance with this procedure are subject to the following timescales:
- Acknowledgement of complaint and notification to the GMDMP&C - within 5 working days of receipt.
  - Consideration of complaint by GM Lead Chief Executive (Stage One) – 15 working days.
- 10.2 Following consideration of the complaint by the GM Lead Chief Executive , either:
- The GM Lead Chief Executive determines the complaint is not upheld or conducts informal resolution and informs all parties – 10 working days, or
  - A Sub-Committee of the PFCP is convened to conduct an informal resolution and inform all parties – 20 working days.
- 10.3 The aim is to deal with all complaints within the timescales above; however, there is an element of flexibility depending on the circumstances of each individual complaint. The complainant will be advised of any anticipated extensions to the specified timescales.

## **11. Recorded Complaints and Conduct Matter Database**

- 11.1 The GM Lead Chief Executive is required by the Complaints Regulations to establish and maintain a 'Recorded Complaints and Conduct Matters Register' ("the Register"). The register is in the form of an electronic database in which all key details of a complaint are recorded.
- 11.2 The GM Lead Chief Executive will record a complaint in the Register unless any of the following exceptions apply, in which case it is not necessary to record the complaint (in whole or part):
- (a) if it has been or is currently being dealt with by criminal proceedings (this will normally be the case where the Police have formally charged the person complained about or information alleging an offence has been laid before a magistrates court); or
  - (b) the complaint has been withdrawn.
- 11.3 If the GM Lead Chief Executive does not record a complaint in the Register, the complainant will be notified and provided with the reasons for the decision not to record the complaint and therefore

take no action upon it (including whether this relates to the whole or part of the complaint).

## **12. The GMPFCP's duties to obtain and preserve evidence**

- 12.1 The GM Lead Chief Executive has been delegated the discharge of the GMPFCP's statutory duties under Regulation 8 of the Complaints Regulations in relation to the preservation of evidence. This means that when a complaint comes to the attention of the GM Lead Chief Executive, she/he is under a duty to secure that all steps as appropriate are taken for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that. It is not the GM Lead Chief Executive's role to investigate matters and it is likely that before taking steps to obtain or preserve evidence the GM Lead Chief Executive will normally consult the IOPC. The IOPC may also give the GM Lead Chief Executive, the GMPFCP and relevant Office Holders directions for obtaining and preserving evidence.
- 12.2 Accordingly, the GM Lead Chief Executive may make formal requests of any of the following persons to take such steps as the GM Lead Chief Executive considers are expedient or necessary for obtaining and preserving evidence in relation to the conduct in question, both initially and from time to time after that, including requests that steps are taken concerning the disposition of the property and resources of the GMM's office (such as its buildings, assets, equipment, supplies, accounts, records, information, electronic data etc. in their widest sense and wherever located) or other persons:
- The GMM and GMDMP&C;
  - Any employees of the GMM's office;
  - Any member or employee of a functional body; and
  - Any person or organisation having a current or past contractual relationship with the GMM office or its predecessors or in receipt of a grant from such bodies.
- 12.3 A person given a direction by the GM Lead Chief Executive under this Procedure shall comply with it in full and shall generally cooperate with the GM Lead Chief Executive and his or her authorised officers in the discharge of their statutory duties under the Complaints Regulations.
- 12.4 Such persons shall also permit access and render possession of any such evidence in relation to the conduct complained about to the GM Lead Chief Executive as is in their possession, custody or control in accordance with the GM Lead Chief Executive's instructions.
- 12.5 The GM Lead Chief Executive shall inform the GMPFCP of any instances where there has been a complete or partial failure by any



person or organisation to comply with any request regarding evidence.

- 12.6 As set out at paragraph 2.3 above, the GMPFCP has a non-delegable duty under the Complaints Regulations to ensure that it is kept informed of matters relating to the conduct of the relevant Office Holders. The GM Lead Chief Executive will therefore submit a report to the GMPFCP at its Annual Meeting in June of each year setting out information in relation to the number and nature of complaints made against the GMM and GMDMP&C during the previous financial year.

### **13. Withdrawal of a complaint**

- 13.1 If the GM Lead Chief Executive receives a notification that the complainant wishes to withdraw their complaint, signed either by the complainant, their solicitor or another person acting on the complainant's behalf, the Complaints Regulations will cease to apply to the complaint, subject to the following provisions:
- (a) If the Recorded Complaint is with the IOPC, the GM Lead Chief Executive must notify the IOPC that she/he has recorded the withdrawal of the complaint.
  - (b) In the case where the IOPC has referred the Recorded Complaint to GM Lead Chief Executive, she/he must consider whether it is in the public interest for the complaint to be treated as a Conduct Matter (notwithstanding the complaint's withdrawal) and shall notify the IOPC accordingly.
- 13.2 In respect of a Recorded Complaint which has not been notified to the IOPC, the GM Lead Chief Executive must determine whether it is in the public interest for the complaint to be treated as a Conduct Matter despite the complainant's withdrawal of it. The GM Lead Chief Executive shall notify the GMM or GMDMP&C complained about of the recording of a withdrawal of the Recorded Complaint and whether she/he has decided to treat it as a Recorded Conduct Matter notwithstanding, and shall amend the Register accordingly.
- 13.3 The IOPC, on receiving notification of withdrawal from the GM Lead Chief Executive of a Recorded Complaint referred to it, shall determine whether it is in the public interest for the complaint to be treated as a Recorded Conduct Matter and notify the GM Lead Chief Executive, who shall notify the complainant and amend the Register accordingly.
- 13.4 The Complaints Regulations also contain provisions for contacting the complainant if they indicate they wish to withdraw their Recorded Complaint, but have not signed the withdrawal request.

- 13.5 If the IOPC refers a matter back to the GM Lead Chief Executive, it shall be dealt with in accordance with the guidance on Resolution of Complaints.

#### **14. Local Government and Social Care Ombudsman**

- 14.1 Where all other procedures have been exhausted and the complainant is still not happy about the way their complaint has been handled, they can refer the matter to the Local Government and Social Care Ombudsman, who can carry out an investigation on their behalf.