

KENT AND MEDWAY POLICE AND CRIME PANEL

MINUTES of a meeting of the Kent and Medway Police and Crime Panel held in the Council Chamber, Sessions House, County Hall, Maidstone on Monday, 26 October 2015.

PRESENT: Mr P M Hill, OBE (Chairman), Mr Gurvinder Sandher (Vice-Chairman), Mr A H T Bowles, Cllr P Clokie, Cllr J Cubitt, Cllr M Dearden, Cllr M Franklin, Cllr B Luker, Cllr K Morris, Cllr L Weatherly (Substitute for Cllr Sloan), Cllr P Todd, Cllr F Wilson, Mr L Burgess (Substitute for Mr R A Latchford, OBE) and Cllr H Tejan

IN ATTENDANCE: Mr M Campbell (Policy Officer) and Mr J Cook (Scrutiny Research Officer)

145. SUMMARY OF EXEMPT ITEM (Where Access to Minutes Remains Restricted) *(Item 4)*

The Committee resolved that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1 & 3 of part 1 of Schedule 12A of the Act.

146. IPCC Investigation of the Kent Police and Crime Commissioner *(Item 5)*

1. The Chairman thanked Members for attending the additional meeting at short notice and stated that he hoped there would be a consensus on how the Panel should respond to the Independent Police Complaints Commission report.
2. Mr Campbell (Policy Officer) provided the Panel with an explanation of the process for dealing with a conduct matter of this type. A conduct matter in relation to a Police and Crime Commissioner is defined in the Police Reform and Social Responsibility Act 2011 as a matter where a criminal offence may have been committed. The Panel has a duty, under the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2011, to refer any conduct matter to the Independent Police Complaints Commission (IPCC). Mr Campbell reminded the Panel that the Crown Prosecution Service decision not to charge the Commissioner and the IPCC's report were not subject to review and that it was not the role of the Panel to re-investigate the matter
3. The Chairman advised the Panel that he had been made aware of the conduct matter by Kent Police after initial enquiries. The Chairman instructed the Commissioner's Monitoring Officer (the PCC's Chief of Staff, who holds delegated

authority for initial complaint handling), to refer the matter to the IPCC on behalf of the Panel. This took place on 26 September 2014.

4. The Panel discussed the IPCC report.
5. RESOLVED that the Panel agreed the following conclusions on the report:
 - i. The Panel notes that, having considered the evidence in the IPCC investigation, the CPS decided not to prosecute Mrs Barnes.
 - ii. The Panel is very distressed that the report has taken so long to complete. In the Panel's view 13 months is an inordinate length of time to take on what ought to have been a simple matter.
 - iii. The Panel is particularly disappointed that the IPCC did not interview Mrs Barnes until almost 5 months after the Panel referral.
 - iv. The Panel is very concerned that the objective of open and transparent justice may have been defeated by:
 - (a) the lengthy time taken to investigate, which meant that the CPS had to take a decision on prosecution without further investigation; and
 - (b) the decision, without any explanation in the report, that a prosecution would not be in the public interest.
 - v. The Panel considers that the whole process has caused damage to the Police and Crime Commissioner herself, to her Office and to the administration of justice.
 - vi. The Panel requests an assurance from the Commissioner that she has established a system in her Office to ensure that she, and her staff, are all required regularly to produce evidence that they are fully insured when driving on business, such that a repeat of this regrettable incident cannot occur in future.