

SOUTH YORKSHIRE POLICE AND CRIME PANEL – REPORT TO MEMBERS

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| 1. | Meeting: | South Yorkshire Police and Crime Panel |
| 2. | Date: | 13 th March 2013 |
| 3. | Title: | Complaint |
| 4. | Organisation: | Monitoring Officer, RMBC – Host Authority |

5. Summary

The attached complaint is the first to be received by the Panel and is to be considered in accordance with the Panel's Complaints Procedure.

6. Recommendations

That the Panel:

- Considers the informal resolution of the complaint.

7. Proposals and details

The Panel will recall undertaking a preliminary consideration of this complaint at the previous meeting, held on 28th January 2013. The Panel deferred the matter, pending further clarification as to whether the meeting should be held in public or private.

It is considered that this, and future complaints, should be dealt with in the public part of the meeting wherever appropriate.

The Panel has, at appendix A:-

- letter from Mr King dated 4th December 2012
- attachment to that letter
- letter from Mr King dated 21st January 2013

The Police and Crime Commissioner was invited to comment upon the complaint in accordance with the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012, but declined to do so.

Mr King alleges that the Commissioner has, in urging the public to support Sarah Champion in a parliamentary by-election, breached the requirements of the declaration of office made by the Commissioner upon election.

The declaration of office referred to by Mr King is not accurate and the correct declaration, which the Commissioner will have made is, in accordance with the Police and Crime Commissioner Elections (Declaration of Acceptance of Office) Order 2012:-

“ Declaration of Acceptance of Office

I [*Full Name*] of [*Place*] do hereby declare that I accept the office of Police and Crime Commissioner for [*Police Area*]

In making this declaration, I solemnly and sincerely promise that during my term of office:

I will serve all the people of [*Police Area*] in the office of Police and Crime Commissioner.

I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime, and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public.

I will not interfere with the operational independence of police officers.”

In accordance with the procedure that the Panel has adopted, it may be determined that certain complaints shall not proceed. It is not considered that this complaint falls into any of those categories. Accordingly the Panel should consider what steps to take by way of informal resolution of the complaint, in accordance with Paragraph 28 of the Complaints Procedure which provides: -

“If a complaint is not referred to the IPCC or rejected it must be dealt with by informal resolution. This is a way of dealing with a complaint by solving, explaining, clearing up or settling the matter directly with the complainant, without an investigation or formal proceedings. It is a flexible process that may be adapted to the needs of the complainant and the individual complaint”.

In determining the informal resolution the Panel may wish to consider:-

1. Whether the declaration of office imposes a duty of impartiality upon the Commissioner.
2. If so, has the Commissioner acted in breach of that duty.
3. What would be the appropriate action to take to informally resolve the complaint.

8. Finance

There are no immediate financial implications of this report.

9. Risks and Uncertainties

The Panel will wish to demonstrate that it handles all complaints fairly and appropriately.

10. Background Papers and Consultation

None

Contact :Jacqueline Collins,
Monitoring Officer
Legal and Democratic Services
Rotherham Metropolitan Borough Council
jacqueline.collins@rotherham.gov.uk Tel: 55768

Appendix A

The members of the SY Police Panel C/O Ms E Redfern
Interim Chief executive.
The Police and Crime Panel
Regent St, Barnsley. South Yorkshire,

R King
423 Blackstock Road
Sheffield S14 1LA
04-12-12

Dear Members Subject: PCC Conduct Complaint

I am writing to you as extremely concerned elector & resident of South Yorkshire, about, the newly appointed South Yorkshire PCC, I was reluctantly forced to react to a questionable election procedure, but I have initially kept a keen eye on these matters from the onset, as such, my keen interest in the costs, activities and behaviours of those involved. Particularly who have sought election, and the process to elect the Police and Crime Commissioner for South Yorkshire.

It is my understanding that those who have been elected to this privileged very and highly-paid position have to make the following declaration of impartiality; (below).

"Full Name of Place do solemnly and sincerely promise that I will serve all the people of **Police Force Area** in the office of police and crime commissioner without fear or favour.

I will act with integrity and diligence in my role and, to the best of my ability, will execute the duties of my office to ensure that the police are able to cut crime and protect the public.

I will give a voice to the public, especially victims of crime and work with other services to ensure the safety of the community and effective criminal justice.

I will take all steps within my power to ensure transparency of my decisions, so that I may be properly held to account by the public. I will not seek to influence or prevent any lawful and reasonable investigation or arrest, nor encourage any police action save that which is lawful and justified within the bounds of this office. (Source home office website)

This pledge is in order that they may discharge their important duties free from influence, be it political or otherwise, it is surely a vitally important requirement of the office holder. It is of course regrettable that no independent candidate could stand as no one with the disposable income came forward.

However, I am confused by events since the PCC appointment; I would very much value your opinion on the attached letter which has appeared in the local newspaper, Rotherham Advertiser, on the 21st.

It appears to me that its from the newly-elected PCC SY, Shaun Wright, Labour candidate, in which he states: "I was out and about in Rotherham last week with Sarah Champion. She's done a fantastic job running Bluebell Wood Children's Hospice and I hope as many people as possible give her, their support in the by-election".

Surely this statement provides an account that is a political act of endorsement for a Labour political candidate and as such, I am of the opinion; that this constitutes an endorsement, as SY PCC, such endorsement of a political candidate it is not something that he should be indulging in, particularly as he publically signs his letter thus: "Shaun Wright, South Yorkshire Police & Crime Commissioner".

Any advice, views or opinions on this matter that you are able to share with me will be very gratefully received and shared among the many other active and empowered neighbourhood watch members of my acquaintance; who are appalled at recent events in office. Should you feel further actions of removal from office are appropriate for the apparent serious failure to comply with the required impartiality then I would recognise your rights therein.

Yours faithfully

LETTER: A message from new Police and Crime Commissioner

Published date: 21 November 2012 | Published by: Shaun Wright



<http://www.rotherhamadvertiser.co.uk/news/93064/letter-a-message-from-new-police-and-crime-commissioner.aspx>

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LAST week I was elected as the first Police and Crime Commissioner for South Yorkshire.

As someone who has lived in Rotherham for many years, I would like to thank people here in this town who gave me their support.

I have met many hundreds of them during my campaign and they raised many issues including protecting our children, reducing anti-social behaviour, dealing with drug-related crime and restoring the public's faith in our police force.

I will be a police and crime commissioner for the whole community whether you voted for me or not.

Many residents in Rotherham will have the chance to vote again next week because of the by-election to choose their next MP.

I was out and about in Rotherham last week with Sarah Champion. She's done a fantastic job running Bluebell Wood Children's Hospice and I hope as many people as possible give her their support in the by-election.

Shaun Wright, South Yorkshire Police & Crime Commissioner

<http://www.rotherhamadvertiser.co.uk/news/93064/letter-a-message-from-new-police-and-crime-commissioner.aspx>

2012.11.21 - wright - letter advertiser.docx

Mr King
king.king.robert0@gmail.com

21/1/13

Police and Crime Panel
Rotherham Borough Council
FAO Ms Jacqueline Collins, Director of Legal and Democratic Services,
Riverside House, Main Street Rotherham, S60 1AE
By Email
jacqueline.collins@rotherham.gov.uk

Subject: complaint against Mr S Wright;

Dear Ms Collins & Members'

Further to your letter of the 17th of January 2013 where I have been asked to outline my concerns and comments for your attention:

My comments for the police and crime panel are contained in my original complaint to your office, but I hope my points herein will assist members in their considerations.

My concerns are over the lack of **impartiality** required in law and the implications of the oath taken by Mr Wright.
(Emphasis added)

As the Police & Crime Commissioner took an oath of impartiality and although there is no direct allegation of unlawful conduct, the fact that he remains a serving councillor, taking the party political whip is the action and behaviour's inconsistent with the spirit of the expectation of the public and the oath taken I fear.

Is it the Commissioner's duty and position to secure the trust and confidence of all sections of the community?

How can this be, when he remains a practicing member of a political organisation,(the Labour party)?

As a councillor he is both a servant and a politician but he is subjected willingly to influence by the acceptance of party whip

There is a clear conflict of interest in the opinions expressed by others to me.

The public's trust and opinion, in regard to, honesty and integrity are the key questions for these considerations' I suggest therefore.

It is for these reasons, I suggest that, both the scrutiny panel and the public office should surly be completely free of political influence.

Such a publicly accountable individual, can surly only fulfil the office therefore, when subjectively standing above any criticism or reproach without such persuasive influences.

Again, it is for reasons of "trust and confidence" may I refer you to the Government's position expressed on the home office website. In the wording of the "Oath of impartiality"

As my vote has been directly undermined, by the concern over such a lack of impartiality, the process is in need of your attention accordingly.

As it is relevant, I enclose my correspondence with the Party leader in Rotherham MBC below:

Thank you for your email below. I will answer your points in the order in which they were raised:

1. Is Mr Shaun Wright currently a serving councillor as of today 12/12/12?

As of today, (16/01/2013) Cllr S Wright is a serving a Borough Councillor.

2. Does Mr Wright retain the Labour Whip of the majority "Labour" group?

"The question of whether Members are subject to a party whip, is a matter for each individual councillor and each party group. However, I understand that Cllr Wright remains a member of the "Labour Group" on the Council."

"Councillor Roger Stone OBE"

3. Also in what capacity, if he remains on any committees within the Rotherham council, or under the democratic control?

Cllr Wright is not a Cabinet Member nor is he a Chair or Vice Chair of any committee.

4. Is he receiving any reimbursements from Rotherham in this regard?

Cllr Wright receives a basic allowance of £12,130 p.a. but does not receive any additional special responsibility allowances.

I trust this answers your questions.

"Councillor Roger Stone OBE"

As a voter I must ask you the Police and Crime board, to investigate the actions of the PCC Mr S wright.

Accordingly I urge you to do all within your power to restore public trust and confidence in the position in line with the requirements and make our commissioner truly independent in office.

Thank you

Yours faithfully

Robert King