

Ms Sheila Oliver

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Date: 9<sup>th</sup> January 2014

RE: COMPLAINT ABOUT CHIEF EXECUTIVE

Dear Ms Oliver

I refer to your emails sent to the Office of the Police and Crime Commissioner on the 22 December advising that you wish to make an official complaint about the Chief Executive, Russell Bernstein, concerning his refusal to look into the case of the late Mr Michael Parnell and by not acting impartially by failing to declare that he is an acquaintance of former Councillor Goddard of Stockport Council whom he was supposed to be investigating.

On reviewing the file of papers, I note that on 20 April 2011 you sent an email to Paul Murphy, the former Chairman of the Police Authority, expressing astonishment that former Councillor Goddard was a member of the Police Authority. Your complaint appeared to be concerned with the fact that the police had been called many times to Stockport Council meetings at which former Councillor Goddard was presiding as Leader to try to have Mr Parnell arrested for such "offences" as trying to leave the meeting before the end and trying to put a public question.

Your complaint was not about the conduct of former Councillor Goddard in his role as a member of the Police Authority and, as such, Mr Bernstein, as Monitoring Officer for the Police Authority, was never asked to formally carry out an investigation into his conduct and in any event would have had no legal standing to do so in relation to his Stockport Council business.

Indeed, on 11 May 2011 you were informed by letter that it was not the remit of Greater Manchester Police Authority to investigate any complaints that you may have about Members and Officers of Stockport MBC. Further on 16 May 2011 in answer to a Freedom of Information request that you had made on 14 May as to how to go about progressing a complaint to the next stage, you were informed that if your complaint related to Members and Officers of Stockport MBC, you would need to address your complaint to the Monitoring Officer of that Council at Stockport Town Hall.

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As far as Mr Bernstein's failure to carry out an investigation into the case of the late Mr Parnell is concerned, again this was never requested and even had this request being made, there is a very strong argument that you did not have the necessary legal standing to make a formal complaint on Mr Parnell's behalf as you did not bring yourself within the categories of complainant set out in section 12 of the Police Reform Act 2002 and did not furnish Mr Parnell's written authority to act on his behalf. In fact, the late Mr Parnell himself, never directly made a complaint to the Police Authority about the conduct of Greater Manchester Police in response to calls made by Stockport Council.

However notwithstanding the above, in order to respond to various requests for information concerning the costs of policing Mr Parnell, information was sought from an Inspector on the Stockport Division who advised that Mr Parnell's original complaint was not centred at the police and that officers had exercised restraint when grey legal areas surrounded the circumstances of reports to the police and that he would encourage all officers to continue to apply fairness and common sense.

On this basis there appeared to be nothing that required any further investigation by Mr Bernstein on behalf of the Police Authority.

In so far as the oversight authority of the Office of the Police and Crime Commissioner is concerned, this is governed by the Policing Protocol Order 2011. The Police and Crime Commissioner has a statutory duty and an electoral mandate to hold the Chief Constable to account for the operational delivery of policing and the performance of the Force's officers and staff. However the Police and Crime Commissioner is unable to fetter the operational independence of the police force and the Chief Constable who leads it and is unable to interfere where operational policing decisions are concerned and does not possess any investigatory powers.

In conclusion, your complaint about the Chief Executive would appear to totally without foundation and it is not the intention of the Office of the Police and Crime Commissioner to investigate the case of the late Mr Parnell any further.

Yours sincerely



Nigel J Battersby  
Solicitor