

WEST MERCIA POLICE AND CRIME PANEL 6 FEBRUARY 2018

SCRUTINY OF THE SALE OF REGISTRATION PLATE AB1

Recommendation

1. **It is recommended that the West Mercia Police and Crime Panel (PCP) scrutinises the Police and Crime Commissioner's (PCC's) actions in selling the rights to registration plate AB1 and having done so, decides whether it wishes to make a report to the PCC on the matter.**

Background

2. This report sets out the background to this item and the Panel's role in relation to it.
3. Last year the PCC decided to market the registration rights to number plate AB1, which had first been issued in approximately 1903 and was subsequently used on the car of the Chief Constable of Worcestershire County Police for various spells until 2011. There is a market for such number plates, and values can be significant.
4. A decision notice on the PCC's website dated 8 August 2017 gives details of the sale of the registration mark.
5. The main dates in the sale process as set out in the PCC's report attached at Appendix 2 are given as:

15 June 2017 – Brightwells instructed to market the registration mark

15 June - 17 July – registration mark marketed

17 July – offer of £160k made direct to the PCC

18 July – registration withdrawn from sale with Brightwells

8 August – contracts signed and sale completed.

The Panel's Role in Relation to Complaints

6. From late July onwards the Head of Legal and Democratic Services, as Monitoring Officer to the Panel, received a number of written complaints about the PCC's decision to sell AB1. These largely fell under two themes:
 - (a) That the PCC had no right to sell the registration rights to AB1, and/or
 - (b) That the procedure followed by the PCC for the sale was not transparent and led to a perception of undervalue being achieved with a consequent loss to the public purse.

A total of 8 complaints were received (1 has now been withdrawn) and these are summarised at Appendix 1.

7. The Police and Social Responsibility Act 2011 and the Elected Local Policing Bodies (Complaints and Misconduct) Regulations 2012 set out the Police and Crime Panel's role and responsibilities for dealing with complaints about the PCC.
8. In essence, the Panel deals with complaints about the *conduct* of the PCC short of criminality. However, complaints which allege that a potential criminal offence has been committed by the PCC are referred to the national Independent Police Complaints Commission (IPCC) (now the Independent Office for Police Conduct (IOPC)) for consideration. The IOPC considers whether to instigate a criminal investigation in relation to the complaints referred to it. If the IOPC decides not to pursue such a complaint referred to it, then the complaint is referred back to the PCP to consider.
9. In terms of the complaints received, 4 were referred to the IPCC for consideration as they alleged the commission of criminal offences in the sale of AB1. The remaining 4 complaints relating to that sale were held in abeyance until the outcome of the IOPC's deliberations were concluded.
10. The IOPC has determined that, on the information available, there is not sufficient substance to the allegations that the PCC has committed a criminal offence for the IOPC to determine that an investigation is necessary. It has referred the 4 complaints concerning alleged criminal conduct back to the Police and Crime Panel. At this stage one of the complainants withdrew their complaint, so it has not been included in the summary of the issues raised at Appendix 1.
11. When considering complaints about conduct, the Panel cannot as a matter of law formally investigate those complaints or impose any sanctions on the PCC – it is responsible for seeking *informal resolution* of them. The Chairman of the Panel has been delegated authority to deal with complaints in accordance with the complaints procedure previously adopted by the Panel.

The Panel's Role in Relation to Scrutiny

12. However, the Panel is also legally responsible for scrutinising decisions made or other action taken by the PCC in connection with the discharge of his functions, and making any appropriate reports or recommendations to the PCC. The Panel has a general responsibility to exercise all of its functions with a view to supporting the effective exercise of the PCC's functions.
13. It should be noted that none of the complaints relates to the PCC's personal conduct towards the complainants, but all relate to his official decision taken in relation to AB1. The Panel can also formally scrutinise decisions taken by the PCC (e.g. to sell AB1). The decision has been the subject of public concern and reported in local and national media. The Chairman of the Panel has carefully considered the best way forward and has decided that the matter of AB1 be referred to the full Panel for scrutiny, and it may be that the best approach to resolving the complaints (as far as they can be) is for the Panel to scrutinise the AB1 sale to find out 'who did what, when and why'. The Panel starts from no presumption of any wrongdoing by the PCC but that the level of public concern justifies the Panel scrutinising the sale of AB1 in the public interest. This scrutiny will increase the transparency of the circumstances surrounding the sale, which

as a by-product may by itself resolve as far as practicable some or all of the complaints which have been made. (It is possible that some further process will be needed to attempt informal resolution of any unresolved complaints.)

14. The focus of the Panel at its meeting will be to scrutinise the AB1 decision rather than attempt to resolve the complaints - although the complaints may of course raise issues which the Panel wish to pursue as part of their scrutiny. The PCC will have full opportunity to set out his position and respond to or address any matters of public concern as part of the scrutiny process.
15. The PCC has therefore been requested to supply information to the Panel to consider in scrutinising the PCC's actions and the documents provided are attached at Appendix 2 to this report. (One further relatively short document included in the information has been provided by the PCC on the basis of commercial confidentiality in containing exempt information relating to the business or financial affairs of any particular person, and has not been published in the public part of the agenda, being issued to Panel members only.)

Supporting Information

Appendix 1 – Summary of Complaints Received Relating to the Sale of AB1

Appendix 2 – Report of the PCC relating to the sale of AB1

Appendix 3 – Exempt appendix to the report of the PCC, circulated to Panel members only

Contact Points for the Report

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Background Papers

In the opinion of the proper officer (in this case the Head of Legal & Democratic Services) the following are background papers relating to the subject matter of this report:

Complaints Handling Process agreed by the West Mercia Police and Crime Panel agreed 10 December 2013.

West Mercia Police and Crime Panel – 6 February 2018

Summary of Complaints Received Relating to the Sale of AB1 (none investigated or substantiated)

Log number	Details of complaint
04/2017	Registration number AB 1 was gifted to the Chief Constable of Worcester Police in perpetuity and the sale of this piece of policing history should be prevented. The PCC has repeatedly claimed that it is his right to sell to protect his community but the sum that may be raised would only be like a sticking plaster over a major wound. Refusing to answer questions asked (by his community) as to his legal title to AB1 is only giving more weight to the fact that he has misappropriated that title.
05/2017	The main area of complaint is in respect to the way in which the PCC conducted the sale of the registration number AB1 whether that amounted to misconduct in public office.
06/2017	Complainant concerned about misconduct in public office through the PCC knowingly selling off a police force asset at undervalue to a 'friend'
[07/2017	Complaint withdrawn.]
08/2017	Complaint that the PCC has abused his authority in selling the cherished registration AB1 in the first place and having done so agreed to a sale far, far below the figure the plates should have realised had the matter been competently handled. There so far appears to be no avenue of accountability to which the PCC is held responsible.
09/2017	<p>Complaint that:</p> <ol style="list-style-type: none"> 1. AB1 was sold at massive discount to market value/ guide price 2. Sales process was terminated within 2 days without good reason, ensuring that competing bids were not considered 3. Sale was made to a connected party and therefore a higher standard of due diligence was required in the sales process 4. The conclusion of the sales process was neither open nor transparent 5. The sale was effected outside of the established sales process within only 2 days of that process being commenced, giving insufficient time for a proper process to be determined 6. The Record of Decision-making is inaccurate, untrue and misleading <p>The sale was not actually concluded until 11 August by which time the selling party was fully aware through the communication by Brightwells on 19 July, of my offer, through my e-mail to the Commissioner of 7 August confirming my interest and by the substantial press coverage indicating that the market value was substantially in excess of the</p>

Log number	Details of complaint
	price he was willing to accept from a connected party.
10/2017	<p>As a local tax payer I am disgusted that registration AB1 was sold through a private sale to an ex colleague. There is no guarantee other than something that was just said verbally that it will not be sold on at a later date.</p> <p>If it had been sold through an international online auction it would have fetched much more and would have benefited the local force and the local tax payer.</p>
11/2017	The way in which the sale of AB1 was handled has resulted in loss to the public purse – best value has not been obtained. Integrity of the office has been brought into disrepute through the actions of the PCC.