

Cheshire Police and Crime Panel

Agenda

Date: Friday 4th October 2024
Time: 10.00 am
Venue: Council Chamber - Town Hall, Macclesfield, SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and in the report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies**

Members are reminded that, in accordance with governance procedure rule at Part 3 paragraph 2.6, Panel Members, or their constituent authority, may nominate substitute members of the Panel in the event that the appointed representative(s) is/are unable to attend the meeting. Advance notice of substitution should be given to the host authority wherever possible. Members are encouraged wherever possible to secure the attendance of a substitute if they are unable to be present.

2. **Code of Conduct - Declaration of Interests. Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012**

Members are reminded of their responsibility to declare any disclosable pecuniary or non-pecuniary interest which they have in any item of business on the agenda no later than when the item is reached.

3. **Election of Chair**

Contact: Martin Smith, Registration and Civic Services Manager
Tel: 01270 686012
E-Mail: martin.r.smith@cheshireeast.gov.uk

4. **Public Participation**

To receive questions from members of the public. A total period of 15 minutes will be allocated for members of the public to speak at Panel meetings. Each member of the public shall be limited to a period of up to 5 minutes speaking. At the Chair's discretion the period made available for questions and statements may be extended.

In order that an appropriate answer to the questions can be given, the deadline for indicating a wish to speak or for submission of questions is 3 clear working days before a meeting of the Panel. The Chair has the discretion to waive the 3-day rule for issues deemed to be urgent.

In response to questions or statements the Panel may choose to agree to either provide an agreed verbal response, that will be minuted or to provide a written reply to a questioners chosen address.

Those wishing to ask a question or make a statement should register by email to: martin.r.smith@cheshireeast.gov.uk or send the question or statement by post to:

Cheshire Police and Crime Panel
Democratic Services and Governance
c/o Municipal Buildings
Earle Street
Crewe
CW1 2BJ

A list of those speaking or asking questions at a meeting of the Panel will be drawn up by the Panel's Secretariat in order of receipt. Copies of questions and statements will be circulated to all Panel members in advance of the meeting and will be made available to the public attending the meeting. Copies will also be available on the Police and Crime Panel's page of the Cheshire East Council website.

Nobody may submit more than one question or make more than one statement at the same meeting, but a supplementary question, related to the subject raised in the question /statement, will be permitted for clarification at the discretion of the Chair.

Those speaking or asking questions will not be permitted to address any issue that is the subject of a current or proposed complaint by them against the Police and Crime Commissioner. They are also advised that reference to an issue that could become the subject of a future complaint by them could prejudice the Panel's consideration of that complaint.

The Panel will not accept a question or statement if:

There is insufficient detail to enable a proper response to be provided.

It is not about a matter for which the Police and Crime Panel has responsibility.

It is potentially defamatory, frivolous or offensive against named individuals.

It is substantially the same question which has been put at a meeting of the Police and Crime Panel in the last six months.

It requires the disclosure of confidential or exempt information.

5. **Minutes of Previous Meetings (Pages 5 - 16)**

To approve the minutes of the meetings held on Friday 19 July 2024.

6. **Appointment to Vacant Position of Independent Co-opted Member of the Panel (Pages 17 - 18)**

To appoint a Recruitment Panel to take forward the recruitment process for the Independent Co-opted Member.

7. **Panel's Work Programme (Pages 19 - 20)**

To consider the programme of meetings and work programme.

8. **Questions Submitted in Advance to the Commissioner (Pages 21 - 22)**

10.15am THE POLICE AND CRIME COMMISSIONER WILL BE IN ATTENDANCE FOR THE FOLLOWING PART OF THE MEETING

9. **Welcome to the Commissioner/Commissioner's Introductory Comments**

10. **Overview and Scrutiny of the Police and Crime Commissioner**

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the Cheshire Police and Crime Panel
held at 10.00am on Friday 19th July 2024 in the Council Chamber, Municipal
Buildings, Crewe

PRESENT

Councillors:

Cheshire East: Councillors Steve Edgar and Judy Snowball

Cheshire West & Chester: Councillors Mike Jones and Keith Millar

Halton Councillors Martha Lloyd Jones and Norman Plumpton
Walsh

Warrington: Councillors Kuldeep Dhillon and Bob Hignett

Independent Co-optees: Mr Evan Morris MBE, Mrs Gemma Shepherd – Etchells
and Miss Yasmin Somani

Officers: Mr Martin Smith, (Secretariat), Ms Jennie Summers (Legal
Services) and Ms Francis Handley (Democratic Services
and Governance)

1. APOLOGIES

Apologies were received from Cllr Sam Naylor (Cheshire West and Chester) and
Cllr Rob Moreton (Cheshire East).

2. APPOINTMENT OF CHAIR FOR THE 2024/25 MUNICIPAL YEAR

Mr Evan Morris MBE was elected as Chair of the Panel for the 2024/25 Municipal
Year.

3. APPOINTMENT OF DEPUTY CHAIR FOR THE 2024/25 MUNICIPAL YEAR

Miss Yasmin Somani was elected as Deputy Chair for the 2024/25 Municipal
Year

4. CODE OF CONDUCT - DECLARATION OF INTERESTS. RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

No issues were raised.

5. PUBLIC PARTICIPATION

There were no members of the public wishing to speak or ask questions.

6. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 15th March 2024 be approved.

7. PANEL MEMBERSHIP

It was noted that Warrington Council had notified the Panel's Secretariat that Cllr Bob Hignett had replaced Cllr Mark Browne as one of their nominated Panel members for the 2024/25 Municipal Year.

The Panel discussed the membership of the Complaints Management Sub Committee for the 2024/25 Municipal Year.

RESOLVED

That Mrs Gemma Shepherd Etchells and Cllr Keith Millar be appointed respectively as Chair and Deputy Chair of the Panel's Complaints Management Sub Committee, with the Panel's Secretariat instructed to liaise with Panel members following the meeting to allocate the remaining five places on the Sub Committee.

8. PANEL ARRANGEMENTS – PROCEDURE RULES

The Panel's Procedure Rules were noted and adopted for the Municipal year.

9. APPOINTMENT OF INDEPENDENT CO-OPTED MEMBER

The Panel noted that Miss Yasmin Somani's three year term of office would come to an end on 30th September 2024.

RESOLVED

That as Miss Somani had been re-elected as the Panel's Deputy Chair, her term of Office as an independent co-opted member of the Panel will be extended for a further three years, until 30th September 2027, in line with the provisions of the Panel's Procedure Rules (Part 2, Section b).

10. POLICE AND CRIME PANEL BUDGET FOR 2024/25

The Panel's budget for 2024/25 was noted and approved.

11. PANEL'S WORK PROGRAMME

The programme of meetings for the coming municipal year was noted. Panel members were asked to let the Secretariat know of any issues that they would wish to discuss at either formal meetings of the Panel or at informal meetings held with the Commissioner.

12. WELCOME TO THE POLICE AND CRIME COMMISSIONER

The Chair welcomed the Commissioner to the meeting and congratulated him on his election.

13. INTRODUCTORY COMMENTS BY THE POLICE AND CRIME COMMISSIONER

The Commissioner made a presentation to the Panel, covering issues ranging from the development of his Police and Crime Plan, the appointment of a Deputy Commissioner on a job share basis, his proposed use of citizen assemblies and how during his time in office he would champion the interest of victims.

14. OVERVIEW AND SCRUTINY OF THE POLICE AND CRIME COMMISSIONER

As was customary, the Panel had submitted a number of questions in writing to the Commissioner in advance of the meeting. The Commissioner informed the Panel that he had determined that the questions related to operational policing issues and had sought a written response from the Constabulary on each question. The responses that the Commissioner had received were circulated to the Panel and to members of the press and public in attendance and are attached to these minutes.

The Chair expressed his dissatisfaction with this approach to answering questions raised by Panel members. There was agreement that in advance of the next meeting of the Panel, a meeting would be held between the Commissioner and the Chair and Deputy Chair of the Panel, along with relevant

officers, where the issue of questions to the Commissioner and their responses would be discussed.

The pre-submitted questions and the written response provided by the Commissioner are attached to these minutes.

Councillor Judy Snowball brought to the attention of the Commissioner a Resolution¹ that had been made by the Panel at its last meeting, this related to the recommendations of the Angolini Review, which had been established to uncover the circumstances and failures that led to the abduction, rape and murder of Sarah Everard by a police officer in 2021. The Commissioner indicated that he would be very carefully considering including the recommendations in his Police and Crime Plan, but at the current time could give no assurances over what would be included.

Panel members asked the Commissioner a range of further questions. Details of questions and the Commissioner's responses can be found on the Police and Crime Panel page of the Cheshire East Council website.

¹ That the incoming Police and Crime Commissioner be encouraged to include the 16 recommendations from the Angiolini Review in their new (2024 – 2028) Police and Crime Plan and that progress should be monitored through the Commissioner's Scrutiny meetings with the Chief Constable, with reports back to the Police and Crime Panel as appropriate.

QUESTIONS SUBMITTED IN ADVANCE TO THE POLICE AND CRIME COMMISSIONER

1) Commissioner, according to the Department of Environment, Food and Rural Affairs who hold the live data, Burton Wood, Widnes and Runcorn have 512 registered XL bully dogs. This is one of the highest densities in the UK. Can the Commissioner inform me of how many attacks have been reported in Cheshire in the last twelve months?

Given the question relates to operational policing, I have sought a response from Cheshire Constabulary that is as follows:

There have been zero XL Bully Attacks during the period mentioned within Cheshire.

The Constabulary has a robust operational plan regarding XL Bullies, Operation Fibred.

To date, the Constabulary has seized 75 XL Bullies and finalised 22 prosecution cases within the Courts, with a further 14 cases being progressed to court.

A total of 27 XL Bullies have been euthanised.

2) The Cheshire Police and Crime Panel extend their congratulations to The Duke and Dutchess of Westminster on their recent marriage and wish them every happiness in the future. The Panel would like to know the full cost to the Cheshire Constabulary of policing the event which was also supported by police officers from neighbouring forces in the lead up and on the day.

Given the continued very challenging fiscal situation faced by Cheshire Constabulary, the Panel would also like to know if the Grosvenor family were approached and asked to make a contribution to the cost in order to reduce the burden to the Cheshire community?

As the question relates to a specific policing operation, I have sought a response from Cheshire Constabulary that is as follows:

The full cost to the Constabulary is not yet known. Planning the event took over nine months and part of that planning was a robust financial plan to ensure all expenditure has been captured. The Constabulary is currently waiting for the final payroll runs to take place so it can accurately assess the financial impact.

There has been no formal approach to the Duke of Westminster regarding contributions made, following legal advice concerning NPCC Guidance for Special Policing Services (SPS). The central principle is that the police cannot charge for services which fall within their ordinary public duty (i.e. those services the police are duty bound to provide).

The policing response was to protect the public in a crowded space, that was Chester City Centre, and to complete our obligations with regards to protected persons (i.e. HRH The Prince of Wales) and those who were believed to be attending in the initial phase of the planning process (i.e HRH The King, HRH The Queen and HRH The Princess of Wales).

3) In relation to the recent wedding of the Duke and Duchess of Westminster, the Panel note that Just Stop Oil" effected a very serious 'Breach of the Peace, which took place in Chester. Can the Commissioner tell the Panel if an investigation has been undertaken into this lapse in security which led to the offence where protesters managed to expel two fire extinguishers in St Werburgh Street, filled with an unknown orange powder into the atmosphere, whilst the Duke and Duchess and Prince William were exiting the Cathedral.

Has there been an acceptance that this situation was an unacceptable security lapse which could have resulted in a much worse and more dangerous outcome for the Police Officers who bravely responded to the incident, the wedding guests and to the wider public who were in the vicinity? Further what action has been taken against the perpetrators? Was the substance that was expelled sampled for potential contamination due to the introduction a toxic or biological substances?

As the question relates to a specific policing operation, I have sought a response from Cheshire Constabulary that is as follows:

The Constabulary had a comprehensive and externally scrutinised policing plan in place. The plan was centred around ensuring public safety, the safety of those attending the wedding as formal guests and the safety of deployed Police Officers and Staff. Part of the plan included the use of Chemical, Biological, Radiological and Nuclear (CBRN) specialists, who were quickly (within 2 minutes) able to identify the substance as non-toxic.

As with all events of this nature, there is always the possibility of a large-scale public event being seen as a platform for various emotive campaigns and there is a fine balance within policing to allow protest activity to take place. It should be noted the individuals (ladies in their senior years), involved in this activity were in the general crowd of thousands, present on the streets of Chester, so how this could possibly be described as a security lapse is beyond me.

I can confirm that no members of the wedding party, public or police were injured or suffered any after effects. The public were extremely supportive of the event, as well as the policing style and tone throughout. Following the use of one adapted fire extinguisher, two people were immediately arrested at the scene and are currently under investigation for public order offences.

As is normal post operational practice, a full operational debrief was conducted and any identified learning shared within the Constabulary's internal Organisational Learning Board.

4) The Commissioner may be aware of the dismissal of the Chief Constable of Northamptonshire, Nick Adderley on the grounds that he falsely claimed military service, and had since 2009 worn on his Police uniform medals that he was not entitled to wear. The media has also brought to light that Mr Adderley is under investigation for his time in Staffordshire Constabulary, where it is alleged, he was involved in fraud in relation to vehicle maintenance. It has also been reported that he served in Cheshire Constabulary, working his way through the ranks to serve as a senior officer. Given recent events and the investigation ongoing in Staffordshire, can the Commissioner reassure the Panel that the Chief Constable is looking to see if there could have been any similar acts committed by Mr Adderley, when he applied to work in Cheshire, or whilst he served as a senior Police Officer in the county.

As the Panel will be aware, the Police & Crime Commissioner for Cheshire was not the Appropriate Authority for this matter. As such, I have sought a response from Cheshire Constabulary that is as follows:

The Force has supported the Independent Office for Police Conduct (IOPC) during its investigation and provided a range of material relating to Mr Adderley's application to, and time with, Cheshire Constabulary. There are currently no further matters or allegations being considered by the Force in relation this.

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CHESHIRE EAST COUNCIL

Minutes of a Confirmation Hearing held by the Cheshire Police and Crime Panel on Friday 19th July 2024 in the Council Chamber, Buildings, Crewe

PRESENT

Councillors:

Cheshire East: Councillors Steve Edgar and Judy Snowball

Cheshire West & Chester: Councillors Mike Jones and Keith Millar

Halton Councillors Martha Lloyd Jones and Norman Plumpton Walsh

Warrington: Councillors Kuldeep Dhillon and Bob Hignett

Independent Co-optees: Mr Evan Morris MBE, Mrs Gemma Shepherd – Etchells and Miss Yasmin Somani

Officers: Mr Martin Smith, (Secretariat), Ms Jennie Summers (Legal Services) and Ms Francis Handley (Democratic Services and Governance)

1. APOLOGIES

Apologies were received from Cllr Sam Naylor (Cheshire West and Chester) and Cllr Rob Moreton (Cheshire East).

2. CODE OF CONDUCT - DECLARATION OF INTERESTS. RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012

No issues were raised.

3. CONFIRMATION HEARING FOR THE APPOINTMENT OF DEPUTY COMMISSIONER

The Panel held a confirmation hearing for the appointment of a Deputy Police and Crime Commissioner on a job share basis, questioning Gemma Southern and Jane Whalen on a wide range of issues relevant to the role.

4. EXCLUSION OF PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the meeting during consideration of the outcome of the Confirmation Hearing, pursuant to Section 100(A)4 of the Local Government Act 1972 as amended on the grounds that it involved the likely discussion of exempt information as defined in Paragraphs 1 and 2 of Part 1 of the Schedule 12A of the Local Government Act 1972 and the public interest would not be served in the discussions being held in public.

The Panel reviewed the Confirmation Hearing and the answers provided by Gemma Southern and Jane Whalen to their questions.

5. APPOINTMENT OF DEPUTY COMMISSIONER

RESOLVED

That it was the Panel's unanimous opinion that Gemma Southern and Jane Whalen should be recommended for appointment.

The letter sent to the Police and Crime Commissioner by the Chair of the Panel confirming the decision to recommend appointment is appended to these minutes as a matter of record.



Mr Dan Price
Police and Crime
Commissioner for Cheshire

By email

Date: 22nd July 2024

Cheshire Police and Crime Panel
c/o Cheshire East Council
Westfields
Middlewich Road
Sandbach
Cheshire
CW11 1HZ

evan.morris@cheshirepoliceandcrimepanel.org.uk

Dear Commissioner,

PROPOSED APPOINTMENTS OF DEPUTY POLICE AND CRIME COMMISSIONERS

I am writing following the Cheshire Police and Crime Panel's Confirmation Hearing held in the Municipal Buildings, Crewe on Friday 19th July 2024.

As I indicated at the conclusion of the Hearing, the Panel unanimously supported the appointment, on a job share basis, of Gemma Southern and Jane Whalen as Deputy Police and Crime Commissioners for Cheshire. The Panel would make a number of observations / recommendations, these are made in the spirit of wishing to see Gemma and Jane succeed in their new roles:

- The Panel, which as you will be aware is comprised of representatives of all four Cheshire local authorities, along with three independent co-opted members, observed that both Gemma and Jane had close links with Warrington, as indeed you do yourself. The Panel hope that in their roles as Deputy Police and Crime Commissioners, Gemma and Jane will clearly demonstrate, from the outset, that they serve all communities across Cheshire equally, recognising that the county, with a population of over a million people, is large and diverse.
- Linked into the above point, the Panel hope that as part of their induction to their new roles, Gemma and Jane will spend time getting to know those parts of Cheshire that they are not currently familiar with. Panel members would be happy to help facilitate this.
- The Panel would recommend that a comprehensive induction and training programme is developed for both Gemma and Jane. Panel members see it as vital that this cover both the complex issues of policing, both nationally and in the context of Cheshire, but also the workings of the wider criminal justice

system, which I am sure you would recognise currently faces many challenges.

The Panel look forward to working with both Gemma and Jane over the coming years and wish them well for the future.

Yours sincerely,

Evan Morris

**Evan Morris MBE
Chair, Cheshire Police and Crime Panel**

Cheshire Police and Crime Panel

Date of Meeting: 04 October 2024

**Report of: Brian Reed, Head of Democratic Services and Governance,
Cheshire East Council**

**Subject: Appointment to vacant position of independent Co-opted Member of
the Panel**

1.1 Report Summary

1.1 This report updates the Panel on the appointment of an independent Co-opted Member to replace Mr Evan Morris MBE who resigned from the Panel with effect from 14 August 2024.

2. Recommendations

2.1 That in accordance with the Panel's Procedure Rules, and to be consistent with the approach adopted on the last occasion an independent Co-opted Panel member resigned during their term of office, a Recruitment Panel is appointed to take forward the recruitment process.

3. Background information

3.1 The Police and Crime Panel has three independent co-opted members. Mr Evan Morris MBE, one of the three co-opted members, resigned from his position with effect from 14 August 2024.

3.2 The last time a co-opted Panel member resigned during their term of office was in 2017, on that occasion the Panel set up a small Recruitment Panel which oversaw a recruitment process, this included the drafting of an advert asking for expressions of interest in the vacancy, the shortlisting of applications and interviewing those shortlisted. The process concluded with the Recruitment Panel making a recommendation to the Panel as to who should be appointed.

3.3 The overall process outlined above is entirely consistent with that adopted when a vacancy arises at the end of a Panel member's term of office, and a decision has been taken by the Panel that a full recruitment process should take place.

4. Financial Implications

- 4.1 The only financial implication is that a newly appointed Panel member will receive an allowance, the cost of this can be met from the Panel's budget.

5. Equality implications

- 5.1 There are no specific equality issues related.

6. Contact information

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Designation: Registration and Civic Services Manager
Local Authority: Cheshire East Council
Telephone: 07596 064905
Email: martin.r.smith@cheshireeast.gov.uk

Cheshire Police and Crime Panel**Work Programme 2024/25****Formal meetings of the Panel:**

- Friday 22nd November 2024 10.00am
- Friday 7th February 2025 10.00am
- Friday 21st February 2025 10.00am (reserve date, should the Panel need a second meeting to consider the Commissioner's precept).
- Friday 11th April 2025 10.00am

A programme of informal meetings with the Commissioner is in the process of being developed and will be reported to Panel members in due course.

Issues raised by Panel members for consideration at future meetings:

- Update on "Right Care, Right Person"
- Operation of Police Custody suites

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Cheshire Police and Crime Panel**Questions to the Commissioner – October 2024**

1. The PCC for each area is to be claims authority for riot compensation claims in relation to the recent unrest we have seen. How have you been supporting individuals in making such claims?
2. As we saw in our last meeting with the comments provided by the Cheshire Constabulary in a response to a question to yourself, referring to “ladies in their senior years” (which could be seen to be ageist in itself) in a general crowd with the comments "how this could possibly be described as a security lapse is beyond me" is concerning. Also, in the context of other comments made by your counterpart, the PCC in Hampshire, how are you ensuring comments made by your Office and Cheshire Police, and particularly the language used in these, are appropriate?
3. The number of people who lost their lives in road traffic collisions in Cheshire rose from 20 in 2022 to 26 in 2023. Some of these may have been preventable **with safer driving, such as not using a mobile phone whilst driving. The data also shows that those who use mobile phones whilst driving are four times more** likely to be involved in a collision.

Some areas are using AI technology to detect if drivers are breaking the law by doing such things as using mobile phones whilst driving from footage captured of vehicles. Would you support the use of AI technology like this in Cheshire Constabulary or do you see any issues with the use of AI for Cheshire Police?

4. In the out of court disposal (OOCD) scrutiny panel reports for Q1 and Q2 of 2023/24 two of the same recommendations emerged at both meetings:
 - (i) Better consideration of the severity of the offence -ensuring aggravating factors are considered when deciding whether cases are suitable for the application of an OOCD.
 - (ii) Greater utilisation of restorative justice -better understanding and awareness of the options available to officers through restorative services

(this last point was also a recommendation in Q3 of 22/23)

How are you ensuring that these recommendations are taken forward and lessons learnt from the OOCD scrutiny panel, when the same issue seem to be emerging?

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