

# Cheshire Police and Crime Panel

## Agenda

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**Date:** Friday 3rd February 2023

**Time:** 10.00 am

**Venue:** The Council Chamber, Wyvern House, The Drumber,  
Winsford, CW7 1AH

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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. 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.

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

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](mailto: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.

4. **Minutes of Previous Meeting** (Pages 5 - 6)

To approve the minutes of the meeting held on 22 December 2022.

5. **Chair's Announcements**

6. **Review of Complaints** (Pages 7 - 8)

To consider the update on complaints against the Commissioner that were received by the Panel during 2022.

7. **Panel's Work Programme**

To receive a verbal update on the work programme.

8. **Questions Submitted in Advance to the Police and Crime Commissioner**  
(Pages 9 - 10)

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

9. **Welcome to the Police and Crime Commissioner/Introduction by the Commissioner**

10. **Police and Crime Commissioner's Proposed Precept for 2023/24**  
(Pages 11 - 18)

To review the Police and Crime Commissioner's proposed Precept for 2023/24.

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

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Minutes of a meeting of the **Cheshire Police and Crime Panel**  
held on Thursday, 22nd December, 2022 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

## **PRESENT**

Councillors:

Cheshire East: Councillors J Paul Findlow, Laura Jeda and  
Mick Warren

Cheshire West & Chester: Councillors Rob Bissett and Keith Millar.

Halton Councillors Martha Lloyd Jones and Peter  
Lloyd Jones

Warrington: Councillors Wendy Maisel OBE and Jane  
Whalen

Independent Co-poets: Mr Evan Morris MBE, Mrs Gemma Shepherd -  
Ethels and Miss Yasmin Sorani

Officers: Mr Martin Smith, Cheshire East Council

## **38 APOLOGIES**

Apologies were received from Cllr Norman Plumpton Walsh (Halton) who  
was represented by Cllr Peter Lloyd Jones.

## **39 CODE OF CONDUCT - DECLARATION OF INTERESTS. RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012**

No declarations of interest were made.

## **40 PUBLIC PARTICIPATION**

No members of the public wished to speak at the meeting.

## **41 MINUTES OF PREVIOUS MEETING**

### **RESOLVED:**

That the Minutes of the meeting held on 23<sup>rd</sup> September 2022 be  
approved.

## **42 CHAIR'S ANNOUNCEMENTS**

The Chair welcomed Mrs Gemma Shepherd – Etchells to her first meeting of the Panel. He also noted that he had been reappointed to the position of Vice Chair of the Association of Police, Fire and Crime Panels.

**43 PANEL'S WORK PROGRAMME**

The work programme for the remainder of 2022/23 was reviewed by the Panel.

**44 QUESTIONS SUBMITTED IN ADVANCE TO THE COMMISSIONER**

The Chair explained that a range of questions had been formally submitted to the Commissioner in advance of the meeting and that these questions had been included in the published papers.

**45 INTRODUCTION BY THE COMMISSIONER**

The Chair welcomed the Commissioner to the meeting.

The Commissioner thanked Panel members for their comments on his draft Police and Crime Plan. He also made reference to a number of issues, including the current establishment of Police Officers in Cheshire, the introduction of average speed cameras and the investment into local communities across the County of funds generated by the Proceeds of Crime Act.

**46 CONSIDERATION OF DRAFT POLICE AND CRIME PLAN**

The Panel discussed the draft of the refreshed Police and Crime Plan. The Chair thanked the Commissioner for the opportunities that the Panel had been afforded to comment on earlier versions of the Plan.

**RESOLVED:**

That no formal recommendations be made in relation to the revised Police and Crime Plan, which was supported unanimously.

**47 OVERVIEW AND SCRUTINY OF THE POLICE AND CRIME COMMISSIONER**

Panel members asked the Commissioner a range of 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.



# Cheshire Police and Crime Panel

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**Date of meeting: 3 February 2023**

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

**Subject: Review of Complaints**

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## **1. Report Summary**

- 1.1 This report provides the Panel with a brief update on complaints against the Commissioner that were received by the Panel during 2022.

## **2. Recommendations**

- 2.1 The Panel is recommended to:

(i) Note the summary of complaints provided in this report.

## **3. Review of complaints**

- 3.1 A revised procedure for the management of complaints against the Police and Crime Commissioner was introduced in November 2020. A Complaints Management Sub Committee was established, with the revised procedure giving Panel members an enhanced role in the overall management of complaints. The Sub Committee is currently chaired by Miss Yasmin Somani, with Cllr Keith Millar serving as Deputy Chair. Mrs Sally Hardwick, a former independent co-opted member of the Panel (until September 2022) was the previous chair of the Sub Committee, with Cllr Martyn Delany (who left the Panel in June 2022) being Vice Chair.
- 3.2 During 2022 two complaints were received. In line with the Panel's procedure the Chair and Deputy Chair of the Complaints Management Sub Committee reviewed each complaint, taking advice as appropriate. In each case they determined that there was no legitimate complaint against the Commissioner.
- 3.3 The time scales set by the revised complaints procedure were met in relation to each complaint.

## **4. Equality Implications**

- 4.1 There are no equality implications.

**5. Financial Considerations**

- 5.1 There are no financial implications to report to the Panel in considering this matter.

**6. Contact Information**

Contact details for this report are as follows:-

<b>Name:</b>	Brian Reed
<b>Designation:</b>	Head of Democratic Service and Governance
<b>Local Authority:</b>	Cheshire East Council
<b>Tel. No.:</b>	01270 686670
<b>Email:</b>	<a href="mailto:brian.reed@cheshireeast.gov.uk">brian.reed@cheshireeast.gov.uk</a>





### **Cheshire Police and Crime Panel**

#### **Questions / lines of enquiry to be taken up with the Commissioner at the meeting of the Panel on 3<sup>rd</sup> February 2023**

1. Post the killing of Sarah Everard by serving Metropolitan Police Officer Wayne Couzens and Operation Hotton by the IOPC into rape threats and racism. It would appear that elements within the Police have a systemic and institutional culture in relation to bigotry, racism and misogyny.

The terms of reference of Baroness Casey's Review which is due to be published in early February 2023 will make recommendations to the Metropolitan Police. Given that it would be naive to think that only the Metropolitan Police have this ingrained culture, can the Commission re-assure the Police and Crime Panel that he will ensure Cheshire Constabulary action all of these recommendations?

2. The media have widely reported that nationally a significant proportion of the newly recruited additional Police Officers have resigned within months if not weeks of starting their employment. Could the Commissioner tell the Panel what is the position of Cheshire Police is in this respect?
3. Could the Commissioner clarify the position over whether Police Community Support Officers are able to issue fines for parking offences.

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# Cheshire Police and Crime Panel

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**Date of meeting: 3 February 2023**

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

**Subject: Police and Crime Commissioner's proposed Precept for 2023/24**

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## **1. Report Summary**

- 1.1 This report outlines the process that the Panel must follow for reviewing the Police and Crime Commissioner's proposed Precept for 2023/24.

## **2. Recommendation**

- 2.1 That the Panel reviews the Police and Crime Commissioner's proposed Precept for 2023/24 in accordance with the Police and Crime Panels (Precept and Chief Constable Appointment) Regulations 2012, and reports on its decision to the Commissioner.

## **3. Precept 2023/24**

- 3.1 The arrangements for determining the Police Precept are set out in Section 26 and Schedule 5 of the Police Reform and Social Responsibility Act 2011 and Part 2 of the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012.

- 3.2 Having considered the Precept, the Panel must either:

- Support the Precept without qualification or comment;
- Support the Precept and make recommendations to the Police and Crime Commissioner; or
- Veto the proposed Precept (by the required majority of at least two thirds of the persons who are members of the Panel at the time the decision is made).

- 3.3 If the Panel vetoes the proposed Precept, the report that is made to the Commissioner must include a clear statement that the Panel has vetoed the proposed Precept, with the Panel's reasons. In such circumstances the Regulations require that the Panel will receive a response from the Commissioner. If a veto is applied a further meeting of the Panel would be required; a reserve date has been set for 17<sup>th</sup> February, should such a meeting be required.
- 3.4 A Police Precept is issued annually by the Commissioner under Section 40 of the Local Government Finance Act 1992. The Precept forms part of the Council Tax bills issued by the four constituent authorities within the Police Force area. The Commissioner may not issue a Precept for a financial year until the end of the scrutiny process by the Police and Crime Panel is reached.
- 3.5 The Commissioner and Deputy Commissioner met informally with the Panel's Chair and Deputy Chair on 12<sup>th</sup> January to explain the consultation exercise that was being conducted in reaction to Precept and related Police budget and to outline the likely financial scenario facing the Constabulary in 2023/24.
- 3.6 The Commissioner is due to consider a report on the 2023/24 Revenue Budget and Council Tax Precept at his Management Board meeting scheduled for 25<sup>th</sup> January 2023. Following that meeting it is envisaged that the Commissioner will notify the Panel formally of this proposed Precept. In previous years this information has always been provided very promptly.
- 3.7 A representative of the Commissioner's Office plans to make a presentation on budgetary issues to Panel members at an informal meeting of the Panel on 27<sup>th</sup> January.
- 3.8 A copy of a Home Office guidance note is attached as Appendix I. This comprehensively outlines the process for a Police and Crime Panel's scrutiny of their Commissioner's proposed precept. The guidance note clearly outlines the timescales related to the process and the various deadlines that must be met.

#### **4. Summary and conclusion**

- 4.1 The Panel must review and make a report and or recommendations in connection to the Commissioners proposed Precept. Should a veto be applied a further meeting of the Panel would need to be convened.

#### **5. Equality Implications**

- 5.1 There are no specific equality implications related to this report.

#### **6. Financial Considerations**

- 6.1 There are no financial implications for the Panel in considering these matters, except insofar as an additional meeting would need to be arranged if the Precept is vetoed. The cost implications of any such arrangement could be contained within the Panel's existing budget.

**7. Contact Information**

Contact details for this report are as follows: -

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## Police and Crime Panels – Scrutiny of Precepts

This guidance note explains the process for the police and crime panel's (PCP) scrutiny of the police and crime commissioner's (PCC) proposed precept and should be read alongside:

- Schedule 5 of the [Police Reform and Social Responsibility Act 2011](#) ("the Act")
- Part 2 of the [Police and Crime Panels \(Precepts and Chief Constable Appointments\) Regulations 2012](#) ("the Regulations")

A separate [guidance note setting out the scrutiny of chief constable appointments](#) has been published alongside this guidance note.

### **Background**

Schedule 5 of the Act sets out the process for issuing a precept, including the panel's role in reviewing the proposed precept, their power to veto the precept and the steps to be taken if they do veto the proposed precept.

The Regulations provide greater detail to the Act, including time limits applicable to the stages of the process and the process for reviewing and issuing a revised precept.

**Schedule 5** requires:

- the PCC to notify the panel of his/her proposed precept;
- the panel to review the proposed precept;
- the panel to make a report to the PCC on the proposed precept (this may include recommendations);
- the panel's report (if they veto the proposed precept) to include a statement that they have vetoed it;
- a decision of veto to be agreed by two-thirds of the panel members;
- the PCC to have regard to the report made by the panel (including any recommendations in the report);
- the PCC to give the panel a response to their report (and any such recommendations);
- the PCC to publish the response.

It is for the panel to determine how a response to a report or recommendations is to be published.

If there is no veto and the PCC has published his/her response to the panel's report, the PCC may then issue the proposed precept - or a different precept (but only if in accordance with a recommendation in the panel's report to do so).

**The Regulations** require:

- the PCC to notify the panel of his/her proposed precept **by 1 February**;
- the panel to review and make a report to the PCC on the proposed precept (whether it vetoes the precept or not) **by 8 February**;
- where the panel vetoes the precept, the PCC to have regard to and respond to the Panel's report, and publish his/her response, including the revised precept, **by 15 February**;

- the panel, on receipt of a response from the PCC notifying them of his/her revised precept, to review the revised precept and make a second report to the PCC **by 22 February**;
- the PCC to have regard to and respond to the Panel's second report and publish his/her response, **by 1 March**.

#### **Panel's report on the proposed precept**

If the panel fails to report to the PCC by 8 February the scrutiny process comes to an end, even if the panel have voted to veto the proposed precept, and the PCC may issue the proposed precept.

#### **PCC's response to a veto**

Where the panel vetoes the proposed precept, the PCC must have regard to the report made by the panel, give the panel a response to the report and publish the response, by 15 February. In his/her response, the PCC must notify the panel of the revised precept that he intends to issue.

Where the panel's report indicates that they vetoed the precept because it was:

- too **high**, the revised precept must be lower than the previously proposed precept.
- too **low**, the revised precept must be higher than the previously proposed precept.

The PCP may only veto the first proposed precept. Such a veto must be agreed by two-thirds of PCP members (the full membership rather than those present at a meeting). Where a veto occurs, the report to the PCC must include a statement to that effect.

#### **Panel's review of the revised precept**

On receipt of a response from the PCC notifying them of the revised precept proposal, the panel must review the revised precept proposal and make a second report to the PCC on the revised precept by 22 February. This report may:

- indicate whether the panel accepts or rejects the revised precept (although rejection does not prevent the PCC from issuing the revised precept); and
- make recommendations, including recommendations on the precept that should be issued.

If the panel fails to make a second report to the PCC by 22 February, the PCC may issue the revised precept.

#### **Issuing the precept**

Excluding where the panel fails to report on the proposed precept by 8 February or make a second report on the revised precept by 22 February, the scrutiny process ends when the PCC gives the panel his/her response to their second report.

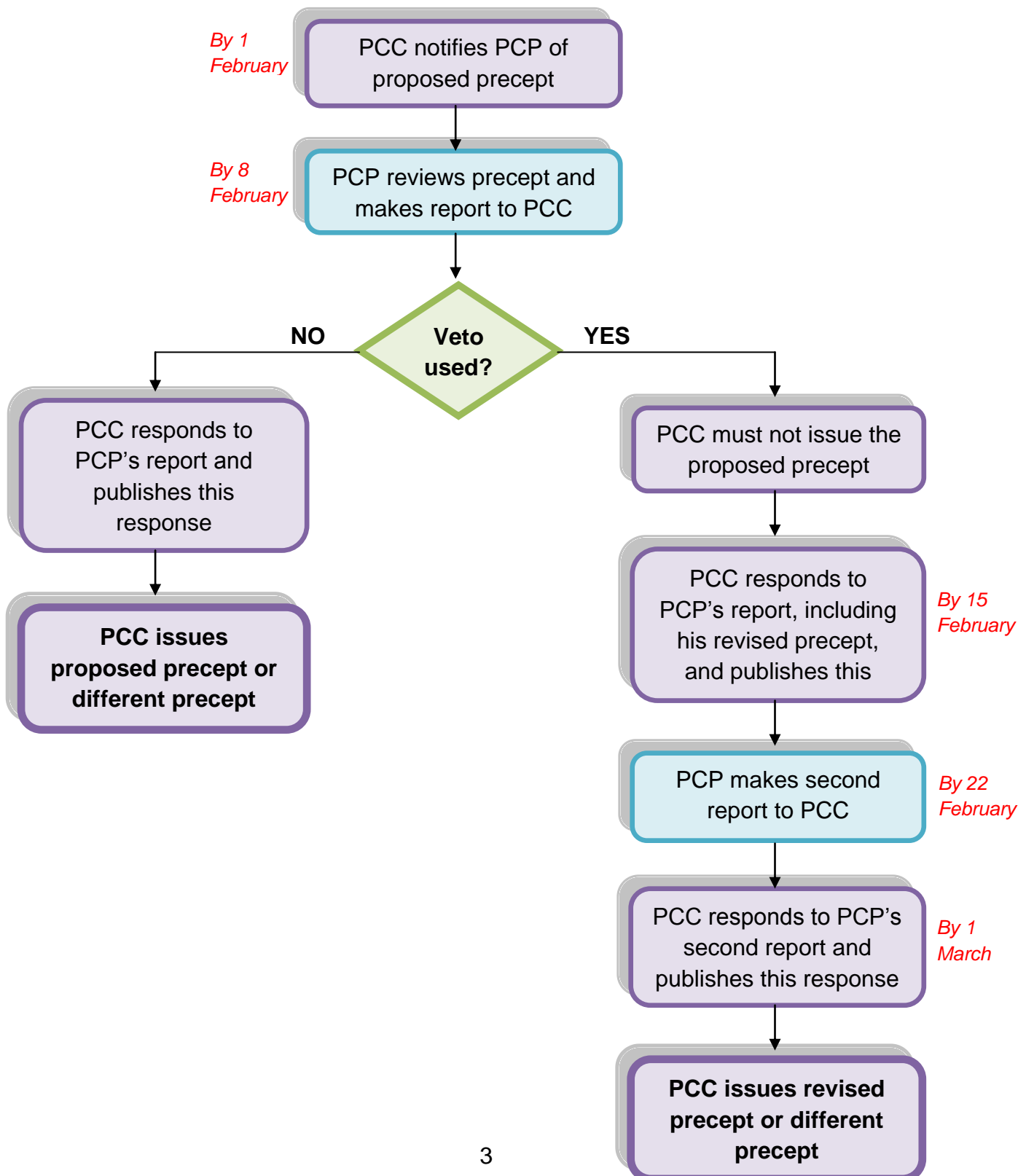
The PCC may then:

- issue the revised precept; or
- issue a different precept, although:



- they must not issue a precept that is higher than the revised precept if the revised precept was lowered following the panel's initial report on the first proposed precept indicating it was vetoed because it was too high;
- they must not issue a precept which is lower than the revised precept if the revised precept was raised following the panel's initial report on the first proposed precept indicating it was vetoed because it was too low.

### Process for PCP scrutiny of PCC's proposed precept



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