

# Cheshire Police and Crime Panel

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**Date of Meeting: 15 March 2019**

**Report of: Daniel Dickinson on behalf of the Chair of the Panel**

**Subject: : Review and scrutiny of the Police and Crime Commissioner's decisions and actions in relation to the disciplinary action taken against the former Chief Constable Simon Byrne**

## **1. Report Summary**

- 1.1 This report sets out an overview of the facts relating to the actions and decisions taken by the Police and Crime Commissioner in relation to the disciplinary action taken against the former Chief Constable Simon Byrne (referred to as Mr Byrne from this point). That action concluded with the report of the Disciplinary Panel dated 8th November 2018 to the Commissioner (as the Appropriate Authority).
- 1.2 The Cheshire Police and Crime Panel has chosen to review and scrutinise the Commissioner's actions and decisions in that process pursuant to Section 28 of the Police Reform and Social Responsibility Act 2011 (PRSRA). Section 28(6) of PRSRA places the general duty on a PCP to scrutinise the PCC's exercise of his functions in respect of matters not specifically covered in other parts of that section of the Act.

## **2. Recommendation**

- 2.1 To review and scrutinise the decision and actions of the Police and Crime Commissioner in relation to his decisions and actions regarding the disciplinary action.
- 2.2. If considered appropriate by the Panel to make a report or recommendation to the Police and Crime Commissioner

## **3. Background information**

- 3.1 In October 2016 the Commissioner received complaints via Cheshire Police Federation and an IPCC (now IOPC) Intelligence Report in relation to the Conduct of Mr Byrne. As a result of these complaints, the Commissioner appointed the Chief Constable from North Yorkshire Police Constabulary as Investigator to undertake an investigation in relation to the complaints.
- 3.2 In March 2017 a Regulation 16 Police (Complaints and Misconduct) Regulation 2012 notice of allegations was served on Mr Byrne setting out allegations of misconduct. Mr Byrne responded to the same, denying the allegations.

- 3.3 In June 2017 the Commissioner received the report from the Investigator. In August 2017 the Commissioner decided that Mr Byrne had a case to answer of gross misconduct. Mr Byrne was suspended in August 2017 pending the conclusion of a disciplinary hearing. In September 2017, a Regulation 21 Notice was served on Mr Byrne setting out the allegations of gross misconduct which Mr Byrne responded to, denying the same, in November 2017.
- 3.4 The misconduct panel was convened in line with the Police (Conduct) Regulations 2012. This was made up of Rachel Crasnow QC as Chair, Her Majesty's Inspector of Constabulary Mr Matt Parr OB and Sir Professor Robert Boyd. Mr Mansoor Shah replaced Professor Boyd following the April hearing due to personal circumstances. The public hearing was held over a number of dates between April and September 2018. The various dates and matters considered are particularised in the chronology attached (Appendix 1).
- 3.5 On the 8<sup>th</sup> November 2018 the Panel issued its report to Mr Byrne and the Commissioner. A copy of which is attached (Appendix 2).
- 3.6 The Commissioner has provided details of the costs which are included below. In addition, following correspondence between the panel and the Commissioner regarding the legal advice the Commissioner received in respect of the disciplinary process, and after agreeing adequate measures to safeguard legal professional privilege and other information contained in that advice, the Commissioner has provided the panel with a copy of advice requested. The Commissioner has agreed to take questions from the Panel which might otherwise compromise privilege and/or other confidential information in a private session of the panel meeting.
- 3.7 The Panel submitted a range of questions to the Commissioner in advance of this meeting; the questions and the Commissioner's answers are attached (Appendix 3). At the meeting further questions may be asked by Panel members of the Commissioner.

#### **4. Financial Implications**

- 4.1 In line with the Police & Crime Commissioner's indication that he would publish costs in relation to the gross misconduct proceedings regarding former Chief Constable Simon Byrne the Commissioner provided the following breakdown of the costs.
- 4.2 The Commissioner has confirmed that the figures below represent the position as of 10<sup>th</sup> January 2019 and that it is not expected that there will be any substantive or significant additions.

<b>Category</b>	<b>Costs (£)</b>
North Yorkshire Police Investigation	Nil
Appropriate Authority Legal Representation	274,749
Independent Panel Costs including travel & expenses	21,614

Public Hearing Premises Hire Related Costs	15,001
Hotel Accommodation (Independent Panel members and counsel)	6,059
Professional Fees (Audit)	2,950
Courier Service	265
<b>Sub Total</b>	<b>320,638</b>
Command Team additional salary costs during period of Mr Byrne's suspension	100,836
<b><u>Total</u></b>	<b><u>421,474</u></b>

## 5. Equality implications

5.1 No equality implications at this time.

## 6. Contact information

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