

Cheshire Police and Crime Panel

Date of Meeting: 20th September 2019

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

**Subject: Powers of the Panel in relation to the suspension / removal of the
Chief Constable**

1. Report Summary

- 1.1 This report has been written in response to request from Panel members for clarification in relation to their roles and responsibilities in relation to the suspension / removal of the Chief Constable.

2. Recommendations

- 2.1 That the report is noted.

3. Background information

- 3.1 At the meeting on 15th June 2019 a number of Panel members sought clarification over the powers that the Panel have in relation to the suspension and removal from office of a Chief Constable by the Police and Crime Commissioner. The Secretariat was asked to clarify the position.
- 3.2 The Panel's Procedure Rules (paragraphs 12.10.1 to 12.10.10) outline the legal position in relation to the suspension and removal of a Chief Constable. This section of the Procedure Rules is based on the detail of the relevant legislation; namely the Police Reform and Social Responsibility Act 2011.
- 3.3 In summary the Panel have no direct powers in relation to the suspension of a Chief Constable, but the legislation does ensure that the Panel will receive notification if the Police and Crime Commissioner suspend the Chief Constable. The Commissioner must also notify the Panel, in writing, of any proposal to call upon the Chief Constable to retire or resign. The Commissioner must also provide the Panel with the reasons given to the Chief Constable, together with any representations received from the Chief Constable.
- 3.4 If after considering representations from the Chief Constable the Commissioner is still proposing to call upon him/her to resign, the Panel must be notified and within six weeks the Panel must make a recommendation, in writing to the Commissioner, as to whether they should

continue to call for the retirement or resignation. Before making any recommendation the Panel may consult the Chief Inspector of Constabulary and must hold a scrutiny meeting, this would be held in private and would provide the opportunity for both the Commissioner and Chief Constable to make representations.

- 3.5 The Commissioner may not call upon the Chief Constable to retire or resign until the end of the scrutiny process. The Commissioner may accept or reject the Panel's recommendations.

4. Financial Implications

- 4.1 There are no financial implications.

5. Equality implications

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

6. Contact information

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