

# Cheshire Police and Crime Panel

## Agenda

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<b>Date:</b>	<b>Friday 2nd February 2024</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>1st Floor Committee Room, Ellesmere Port Library, Civic Way, Ellesmere Port, CH65 0BG</b>

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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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<b>Contact:</b>	Martin Smith, Registration and Civic Services Manager
<b>Tel:</b>	01270 686012
<b>E-Mail:</b>	<a href="mailto:martin.r.smith@cheshireeast.gov.uk">martin.r.smith@cheshireeast.gov.uk</a>

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 - 8)

To approve the minutes of the meeting held on 24 November 2023.

5. **Membership of the Panel**

To receive a verbal update.

6. **Chair's Announcements**

7. **Panel's Work Programme** (Pages 9 - 10)

To consider the programme of meetings and work programme.

8. **Questions submitted in advance to the Police and Crime Commissioner**  
(Pages 11 - 12)

**10.15 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 and Introduction by the  
Police and Crime Commissioner**

10. **Police and Crime Commissioner's Proposed Precept for 2024/25**  
(Pages 13 - 20)

To review the Police and Crime Commissioner's proposed Precept for 2024/25.

*2024/25 Budget and Council Tax Precept document to follow*

11. **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 on Friday 24<sup>th</sup> November 2023 in the 1<sup>st</sup> Floor Committee Room, Ellesmere Port Library, Civic Way, Ellesmere Port

**PRESENT**

Councillors:

Cheshire East: Councillors Steve Edgar and Mick Warren

Cheshire West & Chester: Councillors Phil Marshall, Keith Millar and Sam Naylor

Halton Councillors Martha Lloyd Jones and Norman Plumpton Walsh

Warrington: Councillor Jane Whalen

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

Officers: Mr Brian Reed and Mr Martin Smith, Cheshire East Council (Secretariat)

Councillors Judy Snowball (Cheshire East) and Wendy Maisey OBE (Warrington) joined the meeting, in a none voting capacity, via Microsoft Teams.

**1. APOLOGIES**

No apologies were received.

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

Councillor Keith Millar (Cheshire West and Chester), recognising that the meeting would discuss the Constabulary's "Right Care, Right Person" policy, declared a non-pecuniary interest as a member of the West Cheshire Mental Health Partnership Board.

**3. PUBLIC PARTICIPATION**

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

**4. MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the Minutes of the meeting held on 15<sup>th</sup> September 2023 be approved.

**5. CHAIR'S ANNOUNCEMENTS**

The Chair noted that he had been re-elected as Vice - Chair of the National Association of Police, Fire and Crime Panels. He also noted the ongoing work being undertaken with the Police College Library and contacts he had made with the Department of Criminology at the University of Chester.

**6. CHAIR'S MID-YEAR REVIEW**

The Chair introduced his first mid-year review, noting that in future it was his intention to provide an update to the Panel twice a year. A copy of the report can be found on the Panel's page of the Cheshire East Council website.

**7. PANEL'S WORK PROGRAMME 2023/24**

The work programme was noted.

Now that the detailed timetable for the 2024 Police and Crime Commissioner Elections was known, the Panel agreed an additional meeting at 10.00am on Friday 15<sup>th</sup> March 2024. The pre-election period, in advance of the May 2024 election would commence the following Monday.

**8. COMMISSIONER'S SCRUTINY BOARD – 25<sup>th</sup> OCTOBER 2023**

The papers for the Commissioner's Scrutiny Board were noted.

**9. QUESTIONS SUBMITTED IN ADVANCE OF THE MEETING TO THE POLICE AND CRIME COMMISSIONER**

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

## **10. WELCOME TO THE POLICE AND CRIME COMMISSIONER**

The Chair welcomed the Commissioner to the meeting.

## **11. INTRODUCTION BY THE POLICE AND CRIME COMMISSIONER**

The Commissioner provided the Panel with a detailed update on a wide range of issues. He noted that his Deputy Commissioner, Mr David McNeillage would be standing down at the end of December; due to the proximity of the Police and Crime Commissioner elections, he was not planning to replace him. He assured the Panel that the work that was currently done by Mr McNeillage would be adequately covered by others in his Office.

## **12. 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.

At the conclusion of the meeting, Councillor Jane Whalen (Warrington Council) announced that to avoid any conflict of interest, she would be standing down from the Panel at the end of December. From the New Year she would be acting as campaign manager for the Labour Party candidate in the May 2024 Police and Crime Commissioner elections. The Panel thanked her for the work that she had undertaken as a Panel member.

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**Cheshire Police and Crime Panel**  
**Programme of Meetings / Work Programme 2023/24**

- Friday 16<sup>th</sup> February 2024  
Reserve date, should Panel need a second meeting to approve the Commissioner's Precept
  
- Friday 15<sup>th</sup> March 2024  
10.00am, Ellesmere Port, Library

A draft programme of meetings for the 2024/25 civic year will be brought to the March meeting of the Panel.

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**CHESHIRE POLICE AND CRIME PANEL****QUESTIONS TO THE POLICE AND CRIME COMMISSIONER – FEBRUARY 2024**

- (1) The Government has announced plans to amend current legislation to make it clear that spiking is illegal, as at present there is not currently a specific offence of spiking. However, this is no good in isolation and there must be support from the Police in investigating these offences. What does Cheshire Police do to firstly try and prevent, and then when needed to, to investigate such offences?
- (2) Commissioner, as you know the Panel share your concern regarding the proliferation of e-scooters across Cheshire. At the last meeting you outlined some of the work that was being undertaken by the Constabulary in advance of Christmas to deter people buying e-scooters as presents. Could you provide the Panel with an update on the ongoing initiative to combat the proliferation of e-scooters. Is there anything that Panel members can do to support this work?

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# Cheshire Police and Crime Panel

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**Date of Meeting: 02 February 2024**

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

**Subject: Police and Crime Commissioner's proposed Precept for 2024/25**

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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 2024/25.

## **2. Recommendation**

- 2.1 That the Panel reviews the Police and Crime Commissioner's proposed Precept for 2024/25 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 2024/25**

- 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 16<sup>th</sup> February 2024, 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 is due to consider a report on the 2024/25 Revenue Budget and Council Tax Precept at his Management Board meeting scheduled for 24<sup>th</sup> January 2024. 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.
- 3.6 The Commissioner will meet informally with the Panel on 26<sup>th</sup> January to explain the consultation exercise that has been undertaken over recent weeks in relation to the precept, his proposed precept and other issues related to the Police budget. At that meeting the Commissioner and his finance team will outline the likely financial scenario facing the Constabulary in 2024/25.
- 3.7 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:-

**Name: Brian Reed**

**Designation: Head of Democratic Services and Governance**

**Local Authority: Cheshire East Council**

**Tel. No: 01270 686670**

**Email: [brian.reed@cheshireeast.gov.uk](mailto:brian.reed@cheshireeast.gov.uk)**

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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**

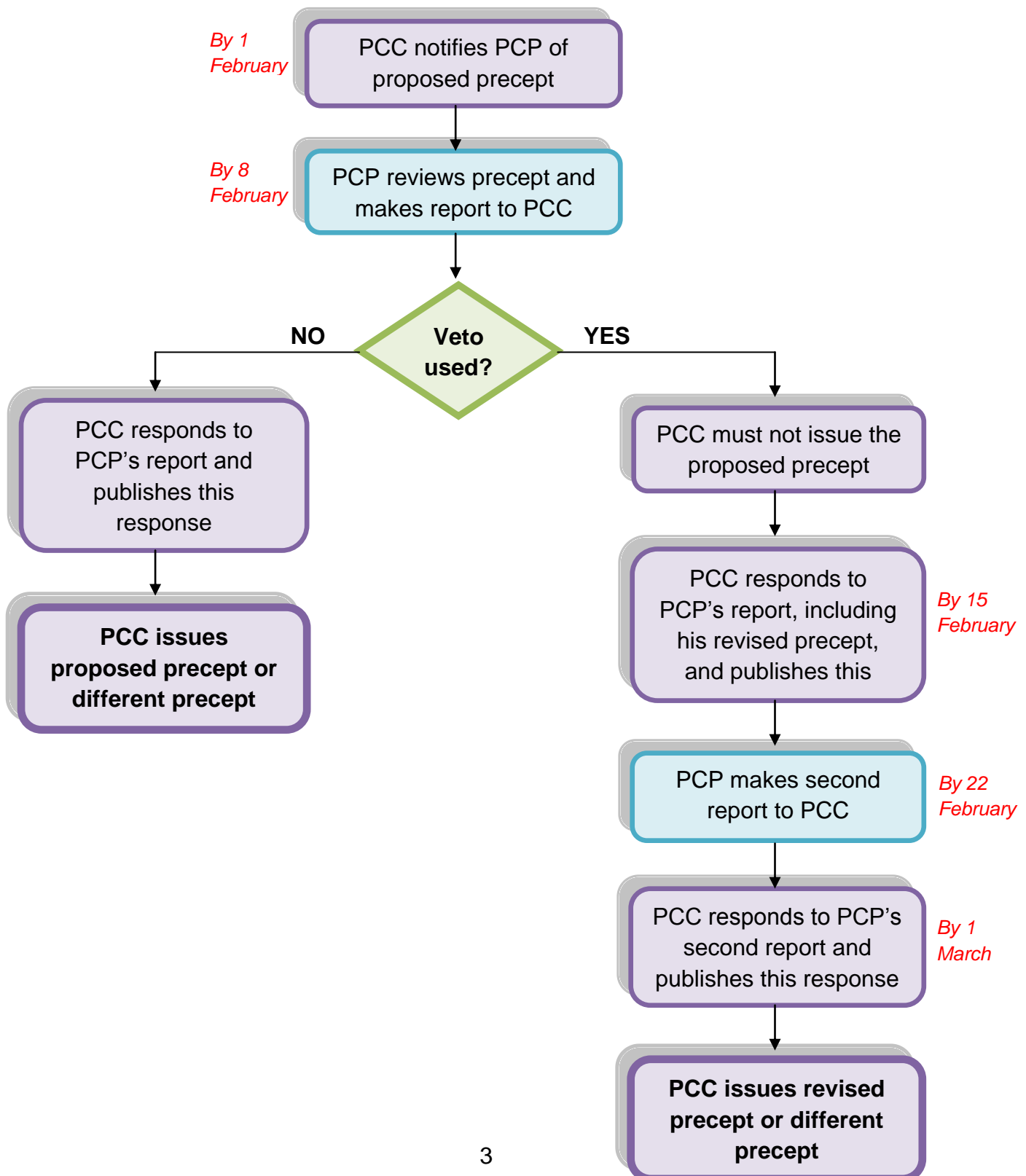
Excluding where the panel fails to report on the proposed precept by 8 February or make a second report on the revised precept by 22 February, the scrutiny process ends when the PCC gives the panel his/her response to their second report.

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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