

## Cheshire Police and Crime Panel Agenda

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<b>Date:</b>	<b>Friday 8th February 2019</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Wyvern House, The Drummer, Winsford CW7 1AH</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 at the foot of each 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 2.7, 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 in accordance with governance procedure rule 14. 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.

Members of the public may speak on any matter relating to the work of the Panel. During public speaking time, members of the public may ask questions of the Panel and the Chairman, in responding to the question, may answer the question, may decline to do so, may agree to reply at a later date or may refer the question to an appropriate person or body.

Questions will be asked and answered without discussion. In order for officers to undertake any background research, members of the public who wish to ask a question at a Panel meeting should submit the question at least a day before the meeting.

Members of the public are able to put questions direct to Cheshire's Police and Crime Panel via social media platform Twitter.

The Cheshire Police and Crime Panels' Twitter account @CheshirePCP

### 4. **Minutes of Previous Meeting** (Pages 3 - 8)

To approve the minutes of the meeting held on 14 December 2018.

### 5. **Location, Date and Timings of Panel Meetings** (Pages 9 - 12)

To consider a report on the location, date and timing of Panel meetings for the 2019/20 civic year.

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

### 6. **Police and Crime Commissioner's Proposed Precept for 2019/20** (Pages 13 - 18)

To review the Police and Crime Commissioner's proposed precept for 2019/20.

### 7. **Overview and Scrutiny of the Police and Crime Commissioner - Questions for the Police and Crime Commissioner.**

### 8. **Work Programme** (Pages 19 - 20)

To consider the Work Programme.

**The meeting will adjourn for lunch at approximately 12.30 pm**

9. **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**

To review and scrutiny the Police and Crime Commissioner's decisions and actions in relation to the disciplinary action taken against the former Chief Constable. *Report to follow*

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Minutes of a meeting of the **Cheshire Police and Crime Panel**  
held on Friday, 14th December, 2018 at Council Chamber, Runcorn Town  
Hall, Heath Road, Runcorn WA7 5TG

## **PRESENT**

### **Councillors:**

Cheshire East Council	Councillors JP Findlow, M Warren and J Weatherill
Cheshire West and Chester	Councillors M Delaney, L Riley and D Armstrong
Halton	Councillor D Thompson
Warrington	Councillors J Davidson and B Maher
Independent Co-optees	Mr B Fousert (Chairman) and Mrs S Hardwick

### **Officers in attendance:**

Mr B Reed and Mr M Smith, Secretariat, Cheshire East Council

## **35 APOLOGIES**

Apologies were received from Councillors A Dawson, N Plumpton-Walsh, S Edgar and Mr E Morris MBE.

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

There were no declarations of interest.

## **37 PUBLIC PARTICIPATION**

No members of the public who wished to speak were in attendance.

## **38 MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 15<sup>th</sup> November 2018 were approved as a correct record.

**39 VISIT TO CHESHIRE CONSTABULARY'S OCCUPATION HEALTH UNIT**

Mrs Sally Hardwick and Mr Bob Fousert briefed the Panel on their recent visit to the Constabulary's Occupational Health Unit. They indicated that they had been impressed with the work that the Unit undertook, but recognised that there was a challenge in reducing levels of sickness, and that the Unit was working under difficult circumstances. Councillor Riley noted that there was an opportunity to better understand the factors that led to sickness and absence, enabling the Constabulary to use this information to change organisational culture.

Councillor Warren noted that as the retirement age for Police Officers had been raised it was likely that sickness levels would increase. Both Mrs Hardwick and Councillor Davidson noted that mental health issues now impacted one in four of the adult population and that this increasing trend was likely to be reflected in Police Officer and civilian staff sickness levels.

**40 OUTCOME OF FORMER CHIEF CONSTABLE'S GROSS MISCONDUCT HEARING**

The Chairman welcomed the Commissioner to the meeting. He indicated that once the Commissioner had made a statement about the outcome of the former Chief Constable's Gross Misconduct Hearing, the Panel would not ask questions on the issue. The meeting on 8<sup>th</sup> February would be extended to review this issue in detail.

The Commissioner indicated that he would have been prepared to discuss the issue in detail at the meeting. He stressed that at all times he had been open and transparent and wished to assist the Panel with its work.

**41 OVERVIEW AND SCRUTINY OF THE POLICE AND CRIME COMMISSIONER - QUESTIONS TO THE POLICE AND CRIME COMMISSIONER**

Mr Bob Fousert requested that the Commissioner provide more up to date information on scrutiny, noting that the latest papers on his website were some four months old. The Commissioner indicated that the Minutes of the November Scrutiny meeting would not be approved until the next meeting, but that he welcomed a discussion on whether Minutes could be released in draft form. Councillor Findlow indicated that in his view there was nothing to prevent Minutes being released in draft before that were formally approved.

Councillor Mick Warren asked the Commissioner for clarification over what records existed for speed enforcement activity, noting that in response to a Freedom of Information request he had been informed by the Constabulary that information on activity in Macclesfield was not recorded. The Commissioner indicated that he would hold the Constabulary to

account for the answer that they had provided to Councillor Warren, but noted that published data indicated that in a six-month period, 256 "TrueCam" sessions had been undertaken in the Macclesfield area.

Mr Bob Fousert noted that at the last Scrutiny meeting information had been provided on the outcome of a short-term project relating the safety of commercial vehicles, where 7 out of 53 vehicles stopped had either not been roadworthy or were being driven by a driver who was over their permitted hours. If these figures were extrapolated nationally it could indicate that almost 60,000 vehicles a day were being driven whilst un-roadworthy or by drivers who had exceeded their hours. He asked the Commissioner what he would do to address this issue. The Commissioner indicated that work was ongoing, but was limited by the resources available.

Mrs Sally Hardwick asked for further information on the Mini Policing scheme that had featured on the Commissioner's 2018 Christmas card. The Commissioner indicated that there were currently no plans to extend the scheme. In Runcorn the initiative had been developed by a very proactive and hard working PCSO. It was one of a number of schemes to help children and young people engage in a proactive way with the Constabulary. Costs for the scheme had been minimal. The Commissioner committed to working with the Acting Chief Constable on a range of initiatives that would engage with children and young people.

Councillor Lynn Riley noted the success of the Junior Safety Programme in Cheshire West and Chester, asking how this could fit in with the Mini Policing scheme. She paid tribute to the PCSO who operated within her Ward (Frodsham) who played a key role in a number of community initiatives. She asked for the Commissioner's support for the introduction of CCTV in Frodsham.

The Commissioner commented that the Mini Policing scheme could complement the Junior Safety Programme, but repeated that there were currently no plans to expand it. He noted that CCTV had a role to play, but was by no means a universal solution. Where appropriate, relevant and supported by other agencies, such as Town Councils, he was happy to consider contributing through the Community Safety Fund to the installation of new CCTV systems.

Councillor Paul Findlow asked the Commissioner for his observations on the announcement made the previous day in relation to increased Police funding. He particularly asked for clarification on the funding available to recruit and retain Detectives.

The Commissioner indicated that the headline figure quoted by Ministers was greatly exaggerated, with some of the "new" money quoted relating to the ability for local precepts to be increased; this would be subject to consultation that had not yet commenced. The Commissioner stressed that in his view Cheshire required a properly funded public sector. He

indicated that there was a national shortage of detectives, especially in specialist areas, but that he was working with senior managers within the Constabulary to address the problem. One potential solution was to recruit more civilian investigators.

Mr Bob Fousert noted that at a national level a number of senior Police Officers, including the Commissioner of the Metropolitan Police, had indicated the Police were becoming a depository for all of society's ills. The Commissioner welcomed initiatives made by particular local authorities, such as Cheshire East's mental health initiative, but thought that they would only have a limited impact. He praised the work of the Cheshire Criminal Justice Board, but indicated that there was no substitute for a well resourced Police service.

Mr Bob Fousert stated that he was of the view that those suffering with mental health problems, who had not committed an offence, should not be held in custody. The Commissioner agreed, noting that excellent progress had been made and suggesting that this was perhaps an issue that the Panel could return to. Councillor Jan Davidson, speaking as a mental health practitioner, noted that lack of resources was a very significant issue.

Councillor Dave Thompson asked what steps the Commissioner was taking to hold the Acting Chief Constable to account following the recent imprisonment of a serving Cheshire Police Officer for very serious sexual offences. The Commissioner informed the Panel that he had asked the Acting Chief Constable to provide a comprehensive briefing on this issue.

Councillor Dave Thompson asked the Commissioner if he would be asking the Home Office to contribute to the cost of the recent disciplinary case into the Chief Constable. The Commissioner indicated that it was necessary to have a robust process to look into complaints. Whilst he would welcome external funding from the Home Office he thought that is was unlikely to be offered.

Councillor Mick Warren asked for the Commissioner's views on parking on pavements, and what steps, if any, PCSOs could take. The Commissioner noted that it should be possible for people with double buggies and wheel chairs to use pavements freely and safely. He commented that, in three of the four Cheshire local authority areas, parking enforcement had been decriminalised, and was now a civil issue. The Police only had responsibility for cases of obstruction. He felt that across Cheshire, PCSOs took a proportionate response to this issue, but could not address all cases.

Mr Bob Fousert asked the Commissioner for his observations on the increase in the number of Hunt-related incidents in Cheshire. The Commissioner told the Panel that he had commissioned an independent review on this issue. In the New Year he would be holding a public meeting, where those who had undertaken the review would present their



findings. Panel members would be invited. He would also be holding a meeting where he would scrutinise the Constabulary on this issue. Mr Fousert asked for clarity over the status of the Cheshire Rural and Wildlife Crime Strategy and its relationship with the recent work on Hunt related crime. The Commissioner indicated that the Strategy could be amended following ongoing work on this issue.

Councillor Paul Findlow sought clarification over the timetable for the appointment of a new Chief Constable and whether there would be an adequate field of candidates. The Commissioner noted that he had engaged the services of the independent College of Policing to administer the process and provide advice to him. The closing date had passed and shortlisting would take place shortly. He outlined the process that would be followed. The Chair of the Panel had been invited to act as an observer.

### **42 WORK PROGRAMME**

The Panel's work programme was reviewed. The informal meeting with the Commissioner in January would discuss DBS Clearance and the process of Police Recruitment.

### **43 DATE OF NEXT MEETING**

The date of the next meeting was confirmed as being on 8<sup>th</sup> February 2019.

The meeting commenced at 10.00 am and concluded at 11.45 am

Mr B Fousert (Chairman)

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# Cheshire Police and Crime Panel

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**Date of Meeting: 08 February 2019**

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

**Subject: Location, date and timing of Panel Meetings**

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## **1. Report Summary**

- 1.1 This report requests that the Panel consider the dates, location and timings of future meetings.

## **2. Recommendation**

- 2.1 The Panel is recommended to:

- (i) Consider a programme of meetings for the civic year 2019/20.
- (ii) Consider the most appropriate locations for meetings.
- (iii) Consider the time of day when meetings are held.

## **3. Programme and timing of Meetings**

- 3.1 Since its creation the Panel has followed a consistent pattern of regular, programmed meetings, with additional meetings being added to the diary when necessary. Following the practice of recent years of Panel meetings being held on a Friday, a day when the four Cheshire Councils have few public meeting, a suggested programme of meetings for the forthcoming civic year is:

- Friday 14<sup>th</sup> June 2019 (Annual Meeting)
- Friday 20<sup>th</sup> September 2019
- Friday 22<sup>nd</sup> November 2019
- Friday 7<sup>th</sup> February 2020
- Friday 10<sup>th</sup> April 2020

- 3.2 A meeting on Friday 7<sup>th</sup> February 2020 fits in with the statutory timetable for the consideration of the Police precept.

#### **4. Location of meetings**

- 4.1 For the last two years Panel meetings have been held on rotation at venues across all four Cheshire local Council areas. Prior to this change all meetings were held at Wyvern House, Winsford. The intention in moving meetings around Cheshire was to encourage members of the public to attend and to demonstrate that the Panel serves all of the county. Public attendance at meetings over the last two years has been no higher than it was when all meetings were held in Winsford.
- 4.2 Live video webcasting is only available when the Panel meets at Wyvern House, Winsford. Meetings held in other locations are recorded and the webcast published as soon as is practical after the meeting. There have been two occasions in the last two years when video webcasting was not possible, on these occasions audio recordings were made, but such recordings lack the functionality of a video webcast.
- 4.3 The Panel are asked to consider returning to the practice of holding all meetings at Wyvern House, where they can be live webcast. In this way, panel proceedings will be made accessible to the greatest number of citizens and to those who have accessibility needs.

#### **5. Timing of meetings**

- 5.1 Panel meetings have traditionally commenced at 10.00am, running to approximately 12.30pm. A number of Panel Members, especially those who are in employment, have indicated that it is difficult for them to attend meetings held during the day, especially if they are held in the morning. The Panel are asked to consider what would be the most convenient starting time for meetings. For example, the Panel may wish to consider commencing meetings later in the day, which would possibly make attendance easier for those in employment. One option would be for some or all meetings to commence at 2.30pm and for them to run to approximately 5.00pm.
- 5.2 A further option would be for some (or all) meetings to be held in the evening. However, it is suggested that if that option were supported it is likely that the Panel would wish to move away from meeting on a Friday. Finding a suitable evening for meetings may prove problematic, as three out of the four Cheshire local authorities hold some, or all of their meetings in the evening.

#### **6. Summary and conclusion**

- 6.1 The Panel needs to agree the date, location and timing of future programme meetings. Once a decision in principle has been made the Secretariat will finalise details and inform Panel members of the programme of meetings for 2019/20; this will then be publicised on the Panel's page on the Cheshire East Council website.

**7. Equality Implications**

- 7.1 Live webcasting of meetings does help facilitate participation from those who are, for whatever reason, unable to attend a meeting.

**8. Financial Considerations**

- 8.1 The overall cost of supporting a programme of meetings which rotates around Cheshire is slightly more expensive than if they were all held at Wyvern House; this is due to room hire costs and the additional costs of webcasting.

**9. Contact Information**

Contact details for this report are as follows:-

**Name:** Martin Smith

**Designation:** Registration and Civic Services Manager

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# Cheshire Police and Crime Panel

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**Date of Meeting: 08 February 2019**

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

**Subject: Police and Crime Commissioner's proposed Precept for 2019/20**

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## **1. Report Summary**

- 1.1 This report outlines the process for reviewing the Police and Crime Commissioner's proposed Precept for 2019/20.

## **2. Recommendation**

- 2.1 That Panel to review the Police and Crime Commissioner's proposed Precept for 2019/20.

## **3. Precept 2019/20**

- 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, a report must be made to the Commissioner which must include a clear statement that the Panel has vetoed the proposed Precept, with the Panel's reasons. The Regulations require that the Panel will receive a response from the Commissioner to the report and associated recommendations.

- 3.4 A Police Precept is issued annually by the Commissioner under Section 40 of the Local Government Finance Act 1992. The process and timescales are detailed in the Police and Crime Panels (Precepts and Chief Constable Appointments) Regulations 2012. The Precept forms part of the Council Tax bills issued by the 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. This is when:
- In a case where no veto is imposed, when the Police and Crime Commissioner gives the Police and Crime Panel a response to the Panel's report;
  - In a case where a veto has been imposed, when the end of the veto process is reached;
  - In any case when the Panel neither reviews the proposed Precept nor make a report by 8<sup>th</sup> February; and
  - In a case when a veto has been imposed but the Panel has failed to review and make a second report on the revised Precept by 22<sup>nd</sup> February.
- 3.5 The Police and Crime Commissioner must notify the relevant Police and Crime Panel of the Precept which the Commissioner is proposing to issue for the following financial year by 1<sup>st</sup> March.
- 3.6 A representative of the Commissioner's Office made a presentation on budgetary issues to Panel members at an informal meeting of the Panel on 16<sup>th</sup> January. The information presented at that meeting set out the context within which the Precept is to be set.
- 3.7 The Commissioner is due to consider a report on the 2019/20 Revenue Budget and Council Tax Precept at his Management Board meeting scheduled for 31<sup>st</sup> January 2018. Following that meeting it is envisaged that the Commissioner will notify the Panel formally of this proposed Precept (please see paragraph 3.19 below).
- 3.8 Following receipt of the formal notice from the Commissioner, the Police and Crime Panel must review the proposed Precept and make a report to the Commissioner on the proposed precept by 8<sup>th</sup> February. The report may include recommendations, including recommendations as to the Precept that should be issued for the financial year.
- 3.9 The Police and Crime Panel may, having reviewed the proposed Precept, veto the Precept. If the Panel vetoes the proposed Precept, the report made to the Commissioner must include a statement that the Panel has vetoed it, and why.
- 3.10 If the Police and Crime Panel does not veto the proposed Precept, the Police and Crime Commissioner must:



- Have regard to the report made by the Panel, including any recommendations in the report;
- Give the Panel a response to the report (and any recommendations) and
- Publish the response.

3.11 The Police and Crime Commissioner may:

- Issue the proposed Precept for the financial year; or
- Issue a different Precept, but only if it would be in accordance with a recommendation made in the report.

3.12 If the Police and Crime Panel vetoes the proposed Precept the Commissioner must not issue the proposed Precept for the financial year, The Commissioner must by 15<sup>th</sup> February:

- Have regard to the report which must be made by the Panel (including any recommendations);
- Give the Panel a response to the report (and any recommendations) which includes notification of the precept that he now proposes to issue; and
- Publish the response.

3.13 Where the Panel's report indicates that the Panel vetoes the proposed Precept because it is, in its view, too high, the revised Precept proposed shall be lower than the original proposed Precept. Where the Panel's report indicates that the Panel vetoes the proposed Precept because it is too low, the revised Precept proposed shall be higher than the original proposed precept.

3.14 Members of the Panel are requested to note that the use of the veto procedure will necessitate a further meeting and that this would need to be arranged at short notice, and in any event must be held no later than 20<sup>th</sup> February 2019. Regulations state that on receiving a response containing notification of a revised precept the Panel shall by 22<sup>nd</sup> February:

- Review the revised precept, and
- Make a report to the Police and Crime Commissioner on the revised Precept, known as "the second report".

3.15 The second report may:

- Indicate whether the Panel accepts or rejects the revised Precept (but rejection does not prevent the Commissioner from issuing the revised Precept as the Precept for the financial year), and

- Make recommendations, including recommendations as to the Precept that should be issued for the financial year.

3.16 On receiving the Panel's second report the Commissioner shall by 1<sup>st</sup> March of the relevant financial year:

- Have regard to the second report, including any recommendations in the report;
- Give the Panel a response to the second report (and any such recommendations) and;
- Publish the response.

3.17 The Commissioner may then:

- Issue the revised Precept as the Precept for the Financial year;
- Issue a different precept as the Precept for, but this shall not be higher than the revised Precept if the veto was imposed on the grounds of the Precept being too high and should be lower than the revised Precept if the veto was imposed on the grounds of the precept being too low, unless it would be in accordance with the recommendations made by the Panel in the second report

3.18 An extract from the relevant Home Office guidance document is attached as Appendix I

3.19 At the time of writing details of the Commissioner's proposed Precept were not available, once they are available they will be immediately forwarded to Panel Members. In addition they will also be posted on the Police and Crime Panel section of the Cheshire East Council website.

3.20 In considering its decision the Panel may wish to have regard to the priorities included within the Police and Crime Plan and the information provided on the proposed Budget. The Panel is reminded that its statutory duty relates to scrutiny of the Precept alone, not the detail of the revenue budget.

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

4.1 The Panel must review and make a report and or recommendations in connection with the Commissioners proposed Precept.

#### **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. Any such arrangements could be contained within the Panel's existing budget.

## **7. Contact Information**

Contact details for this report are as follows:-

**Name:** Martin Smith

**Designation:** Registration and Civic Services Manager

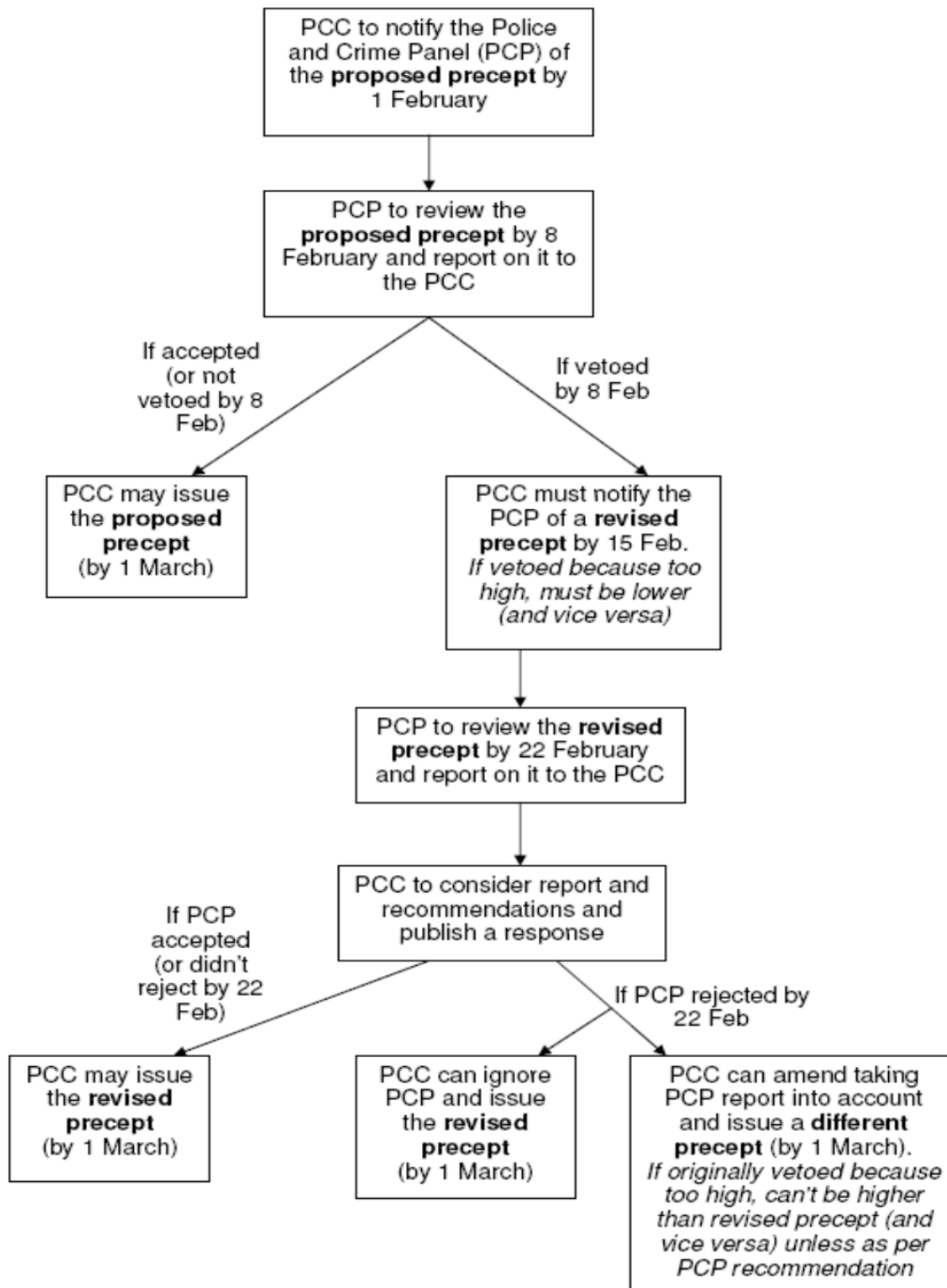
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## **Appendix I**

PCC PRECEPT APPROVAL (Final Regulations)



## Cheshire Police and Crime Panel – Work Programme



<b>6 March 2019</b>	<b>Informal Meeting with the Police and Crime Commissioner</b>  <i>Topic TBC</i>
<b>15 March 2019</b>	<b>Formal Meeting of the Police and Crime Panel</b> <ul style="list-style-type: none"> <li>○ <i>Questions for the Police and Crime Commissioner;</i></li> <li>○ <i>Scrutiny Items – Management and Scrutiny Board notes;</i></li> <li>○ <i>Work Programme</i></li> </ul>

Programme of future meetings to be approved.

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