

## CHESHIRE EAST COUNCIL

### Minutes of a meeting of the Cheshire Police and Crime Panel held on Friday 8 February 2019 at Wyvern House, Winsford

#### PRESENT

Councillors:

Cheshire East	Councillors J Paul Findlow, Mick Warren and Steve Edgar
Cheshire West & Chester	Councillors Martyn Delaney, Andrew Dawson and Robert Bissett
Halton	Councillors Dave Thompson and Norman Plumpton Walsh
Warrington	Councillors Jan Davidson and Brian Maher
Independent Co-optees	Mr Bob Fousert, Mr Evan Morris and Mrs Sally Hardwick
Officers:	Mr Daniel Dickinson and Mr Martin Smith (Secretariat, Cheshire East Council)

#### 1. APOLOGIES

No apologies were received.

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

There were no declarations of interest.

#### 3. PUBLIC PARTICIPATION

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

#### 4. MINUTES OF PREVIOUS MEETING

The minutes of the previous meeting were reviewed.

## **RESOLVED**

That the minutes of the meeting held on 14<sup>th</sup> December 2018 be approved as a correct record.

### **5. LOCATION, DATE AND TIMINGS OF PANEL MEETING**

The Panel discussed the programme and timings of meetings for the coming year, taking the view that Panel meetings should continue to be held across Cheshire, with the February meeting, where the Police and Crime Commissioner's Precept was discussed, being held at Wyvern House where live webcasting was available. Times of meetings should be varied, so as to make attendance easier for Panel members who worked.

## **RESOLVED**

The Secretariat was asked to circulate a draft programme of meeting locations and times, with some meetings being held at times other than 10.00am on a Friday.

### **6. POLICE AND CRIME COMMISSIONER'S PROPOSED PRECEPT FOR 2019/20**

The Chairman welcomed the Commissioner to the meeting.

The Commissioner outlined the background to the setting of his proposed precept, noting that in his view a decade of national austerity had had a profound impact on public services, including policing. He wished to put on record his gratitude to all Police Officers and civilian staff members at Cheshire Constabulary for the work that they undertook.

The Commissioner outlined that the recent announcement by Government on Police funding had been predicated on Commissioners across the country increasing precepts by the maximum amount possible. He was of the view that the true effect of the announcement was a decrease in funding available to the Police nationally.

Starting in January 2019 the Commissioner had undertaken a public consultation exercise. Responses had been positive, with two thirds of those responding supporting the proposed increase in the precept. However, the Commissioner recognised that many people would have difficulties in affording higher levels of Council Tax.

Mrs Sally Hardwick asked the Commissioner for clarification over whether the cost of the former Chief Constable's disciplinary hearing was being recovered in the proposed budget for 2019/20. The Commissioner responded, saying that the costs of the disciplinary process had been published and that savings he had delivered in his office costs had more than covered the costs of the

disciplinary process. He indicated that disciplinary processes were common to all Police areas and the costs were met from Police budgets.

Mr Bob Fousert asked the Commissioner how he would maximise income from proceeds of crime legislation. The Commissioner indicated that it was important that money was recovered from criminals, sending a clear message that crime did not pay. He had sought, on a number of occasions, the assurance from the Acting Chief Constable that in all relevant cases recovery of money was considered. He noted that his draft budget included stable funding for the Constabulary's Economic Crime Unit.

Councillor Andrew Dawson sought clarification over the overall budget available to the Police, noting that income came from a number of sources. He indicated that in the period 2016 – 2020 the Police budget would have increased by over 11 percent, inflation over the same period would have been 8 percent. The Commissioner challenged these figures, noting that when the increased pension liability was included, Police inflation was greater than 8 percent.

Councillor Dawson welcomed the proposed increase in Police Officers and Police Community Support Officers (PCSO); but noted that these increases simply restored cuts imposed by the Commissioner in earlier years. The Commissioner noted that the staffing levels under his proposed precept would be the highest since 2011.

Councillor Dawson sought clarification over capital receipts and the disposal of redundant property assets. The Commissioner clarified that capital receipts were normally reinvested and noted that he was overseeing an ongoing estates review, which in a number of cases was seeing accommodation being shared with the Fire and Rescue Service.

Mr Evan Morris questioned the consultation process that had been undertaken with the public over the proposed budget. The Commissioner outlined the process that had been followed, but recognised that overall responses levels had been relatively low. He asked Panel members for any advice they may have on the process which could be applied in future years. He noted that one option was to hold a referendum on a proposed increase in the precept, but was concerned that in Cheshire this would cost in excess of £1m.

Mr Morris informed the Panel that the Fire and Rescue Service were only proposing a precept increase of approximately 3 percent; significantly lower than that being proposed by the Commissioner. The Commissioner noted that the Government had set a 3 percent cap on the increase in Fire and Rescue Services precepts.

Clarification was sought by the Chairman, Mr Robert Fousert over opportunities for income generation. The Commissioner indicated that the Police Service only had limited powers to generate income and that a recent national court ruling relating to charging third parties for policing outdoor events had reduced opportunities for income generation.

Councillor Robert Bisset indicated his support for the proposed precept, highlighting the level of cuts imposed on the Police Service over recent years

by national Government. Councillor Dave Thompson noted the frustrations of both the previous and current Commissioner with national Government over Police funding. By way of example he highlighted the impact that the closure of courts on Police workload and productivity.

Councillor Norman Plumpton Walsh highlighted the pressure put on the Police by the need to respond to those suffering from mental illness. Councillor Jan Davison noted the impact of homelessness on the work of the Police service in Cheshire.

The Chairman thanked Clare Hodgson, the Commissioner's Chief Finance Officer for producing a well written and accessible budget report.

## **RESOLVED**

That the Panel support the precept without qualification or comment.

## **7. OVERVIEW AND SCRUTINY OF THE POLICE AND CRIME COMMISSIONER - QUESTIONS TO THE POLICE AND CRIME**

Mrs Sally Hardwick challenged the Commissioner over the way in which data on Police complaints and satisfaction were managed. She recognised that the system was being reviewed and asked for clarification over the timetable for this. The Commissioner responded by indicating that changes nationally had been delayed due to a shortage of Parliamentary time. Mrs Hardwick thanked the Commissioner for the support that his Office was providing to her over this issue. The Commissioner welcomed her input in what he saw as an important area of activity .

Councillor Andrew Dawson referred to increases in published crime statistics in relation to public order and criminal damage / arson. He asked the Commissioner if he had raised these increases with the Police and if he had, what was being done about it. The Commissioner indicated that he was aware of the increases and had raised this, both formally at Scrutiny meetings and at his regular meetings with the Acting Chief Constable. An element of the increase was due to changes in recording procedures required by Her Majesties Inspectorate of Constabulary. Warm weather and outdoor sporting events, such as the World Cup in the summer of 2018 were also likely to have contributed. Councillor Dawson specifically referred to a range of statistics relating to antisocial behaviour. The Commissioner responded by saying that he did not recognise the specific figures quoted by Councillor Dawson, but would be happy to look into the issue further if Councillor Dawson could give him more information.

Mr Evan Morris asked for the Commissioner's views on the "tri service" officer approach that had been adopted by Devon and Cornwall Police. The concept had originated some years ago in Cheshire. The Commissioner indicated that he was following this work very closely and it was possible that elements of it could be successful in Cheshire. He invited Mr Morris to attend a meeting with the Fire and Rescue Service, Mr Morris suggested that a meeting with Devon

and Cornwall would be a useful way of taking things further; this approach was welcomed by the Commissioner.

Councillor Mick Warren asked for the Commissioner's views on the policy of single crewing, where Police Officers operated on their own. The Commissioner indicated that he had spoken to the both the previous and current Acting Chief Constables about this issue. He had requested that a review be undertaken, the outcome of which was awaited.

The Chairman, Mr Robert Fousert, questioned the Commissioner over the amount of detail contained in the diary section of his website. The Commissioner noted that all public events were included in his published diary, but agreed to review the amount of information that was published. The Chairman also asked if the way in which links on the Commissioner's website were highlighted could be reviewed. The Commissioner indicated that the website had recently been reviewed; but that the Chairman's comments would be considered next time the layout of the website was revised.

## **8. WORK PROGRAMME**

A revised work programme would be circulated with the draft programme of future Panel meetings. The Panel indicated that it wished to continue the current pattern of informal meetings with the Commissioner.

## **9. REVIEW AND SCRUTINY OF THE POLICE AND CRIME COMMISSIONER'S DECISIONS AND ACTIONS IN REACTION TO THE DISCIPLINARY ACTION TAKEN AGAINST THE FORMER CHIEF CONSTABLE SIMON BYRNE**

The Chairman read statement outlining how this important issue would be taken forward. A copy of the statement is attached to these minutes.

## **10. DATE OF NEXT MEETING**

The date of the next meeting was confirmed as being on 15<sup>th</sup> March 2019.

## **Statement made by the Chairman of the Cheshire Police and Crime Panel**

**Friday 8<sup>th</sup> February 2018**

Ladies and gentlemen, at the last Cheshire Police and Crime Panel meeting held on 14<sup>th</sup> December 2018 the Panel advised the Commissioner that as only three days had passed since his release of the findings of the Hearing into the allegations of Gross Misconduct against the former Chief Constable, Mr Simon Byrne, the Panel would need time to fully consider this report and its implications. As a result, it was decided to scrutinise this matter at its next meeting to be held on the 8<sup>th</sup> February 2019.

This was also confirmed in writing to the Commissioner on 20<sup>th</sup> December 2018, together with a request for details in relation to:

- Legal advice received,
- HR advice received,
- Detailed breakdown of all costs in relation to this matter including but not limited to:
  - Costs of the investigation
  - Cost of advise to yourself
  - Cost of the disciplinary process/hearings
  - Employment related costs during the period the Chief Constable was suspended.
- A written chronology of this matter from receipt of complaint, including dates of advice taken, investigation details, disciplinary hearing and decisions made by the Commissioner.

To date the Panel have received information regarding the costs involved and the chronology of events, but has yet to be notified of information regarding HR advice, nor any Legal advice received, which it has been advised, will only be provided subject to Panel members signing a confidentiality agreement.

As the Agenda for today's meeting is very full with consideration having been given to the Police Precept for 2019/20 and the legal requirement to hold a Confirmation hearing into the appointment of a new Chief Constable (required by statute to be carried out within three weeks of the appointment being announced) the Panel advised the Commissioner that the scrutiny of his handling of the gross misconduct proceedings would require a further meeting and that this should take place on 15<sup>th</sup> February 2019. The Panel has since been advised that the Commissioner is unable to attend a meeting on that date, because he has a full diary.

As two months have already passed since the disclosure of the Hearing's final report on 11<sup>th</sup> December 2018, the Panel is of the opinion that it is not in the public interest for this matter to continue to drag on. The Panel is also of the opinion that it would not serve the scrutiny process well, to undertake the process

in a piece meal fashion. Therefore, the Panel is requesting that the Commissioner sets aside a whole day on Friday 15 March 2019 in order that the scrutiny process can be carried out and, hopefully, completed. This will also allow time for the Commissioner, if he so wishes, to prepare a statement in relation to questions that have been submitted by the Panel.

As such it is proposed to adjourn this item on today's agenda until Friday 15<sup>th</sup> March 2019.