

Minutes of an extraordinary meeting of the
Cheshire Police and Crime Panel
held on Friday, 5th July, 2019 at Council Chamber, Wyvern House,
The Drummer, Winsford CW7 1AH

PRESENT

Councillors:

Cheshire East	Councillors A Critchley, JP Findlow and D Murphy
Cheshire West and Chester	Councillors R Bisset, A Dawson and M Delaney
Halton	Councillors N Plumpton Walsh and D Thompson
Warrington	Councillors J Davidson and B Maher
Officers	Mr D Dickinson and Mr M Smith (Secretariat, Cheshire East Council)

16 APOLOGIES

Apologies were received from Councillor Mick Warren, who was represented by Councillor Denis Murphy.

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

There were no declarations of interest.

18 PUBLIC PARTICIPATION

There were no members of the public present who wished to speak.

19 STATEMENT BY THE CHAIRMAN FOLLOWING QUESTIONS RAISED ABOUT SENIOR POLICE OFFICER IMPARTIALITY AT THE MEETING OF THE POLICE AND CRIME PANEL HELD ON 15TH JUNE 2019

The Chairman made a detailed statement to the Panel, a copy of which is attached to these minutes.

Councillor Dave Thompson expressed sadness that the extraordinary meeting of the Panel had been necessary; but raised concerns that the Chairman had, when asking a question about the wearing of rainbow

lanyards, attacked a senior Police Officer. He also indicated that he took exception to the Chairman's use of the word "homosexual" in his response to an open letter from the Police and Crime Commissioner, seeing the word as implying derogatory connotations. As a consequence he wished the Chairman to stand down, but remain as a member of the Panel. He hoped that at some time in the future Mr Fousert could again become Chairman of the Panel.

Councillor Andrew Dawson, noted that he had not been able to attend the meeting on 15th June, but had subsequently watched the webcast of the meeting and also listened to an interview given by the Chairman to the BBC immediately following the meeting. He expressed the view that all Panel members should receive equality and diversity training. He referenced the Code of Conduct that the Police were required to observe, noting that there had possibly been a legitimate question for the Chairman to ask the Police and Crime Commissioner. He expressed concern that at the meeting on 15th June the Commissioner has failed to provide leadership, suggesting that he could, had he so wished sought clarification on the Chairman's line of questioning. Councillor Martyn Delaney expressed concern that Councillor Dawson was being critical of the Police and Crime Commissioner who was not present.

Councillor Norman Plumpton Walsh noted that the wearing of a lanyard was a minor, inconsequential issue when compared to the real everyday challenges faced by Cheshire Police Officers.

Mrs Sally Hardwick expressed concern that some elements of the media and public had politicised the issue. She also said that in her view the Chairman had not broken the Panel's Procedure Rules and under the Human Rights Act had the freedom to express his views and opinions.

Councillor Dave Thompson moved a motion that the Panel members had no confidence in the Chairman and in accordance with the Panel's Rules of Procedure should be removed from office. The motion was seconded by Councillor Jan Davidson. At this point the Chairmanship of the meeting was taken over by the Deputy Chair, Mr Evan Morris.

Councillor Paul Findlow expressed concern that the Panel was ceasing to operate in an apolitical way; noting that the Chairman had simply asked a question after reading an article in Policing Insight.

Mr Fousert expressed concern that the move to have him removed from the position of Chairman had been led by Labour Councillors and was therefore politically motivated. Councillor Anthony Critchley refuted this allegation, saying that his actions had been motivated by a genuine concern at the question asked by Mr Fousert at the meeting on 15th June.

Councillor Rob Bisset noted that he had not been able to attend the meeting on 15 June, but that he was strongly of the view that wearing a rainbow lanyard was not a political act. He was concerned that the

Chairman had indicated that he thought that the motion of no confidence against him was politically motivated.

RESOLVED:

By seven votes to five, with one abstention, that the Panel had no confidence in the Chairman, meaning that the Chairman was removed from office.

Councillor Andrew Dawson moved a motion that all members of the Panel, together with the Secretariat (should they wish) and the Police and Crime Commissioner (should he wish) should receive equalities and diversity training.

There was discussion as to what would be the most appropriate form for training to take; with the view of the Panel being that it would be appropriate for training to be specifically designed to reflect the work of the Panel and its relationship with the Constabulary.

RESOLVED:

That all Panel members receive equalities and diversity training to which the Secretariat and Commissioner should be invited. All Panel members voted in favour of the motion.

Councillor Norman Plumpton Walsh proposed that Mr Evan Morris should be appointed as Chairman on the Panel. This was seconded by Councillor Rob Bissett.

RESOLVED

That Mr Evan Morris be appointed as Chair for the remainder of the Municipal year.

Councillor Jan Davidson proposed that Councillor Dave Thompson be appointed as Deputy Chairman, this was seconded by Councillor Norman Plumpton Walsh.

Councillor Paul Findlow proposed that Councillor Andrew Dawson be appointed as Deputy Chairman, this was seconded by Mrs Sally Hardwick.

The nominations were put to the vote.

RESOLVED:

That Councillor Dave Thompson be appointed as Deputy Chair for the remainder of the Municipal year.

The meeting commenced at 10.00 am and concluded at 11.20 am

Mr E Morris (Chairman)

Statement by Mr Bob Fousert to the Police & Crime Panel 5th July 2019

I called for this meeting to resolve this issue at the earliest opportunity. To do so I believe is in the best interest of the Panel and the Community.

Before asking for comments from the members I wish to make the following statement and that it be treated as a document of record.

Just prior to the meeting of 14th June I was asked to stand once again as your Chairman. I understood that it was felt by the members that, given the Labour majority and the fact that Cheshire has a Labour PCC, the Panel should be seen to be balanced. At the time I was pleased to hear Cllr Critchley state that he voted in favour of me as he had been told that as Chairman I was fair in my dealings. Members will perhaps forgive me if I say I was, therefore, surprised and just a little suspicious that this one incident has resulted in some Labour members calling for my resignation.

Inevitably some commentators are seeing this attack on what I and many others see as legitimate questioning, as an act of blatant political opportunism. With many believing that it is designed to deflect attention away from the Panel's recent critical report on the PCC's decision making, and specifically the costly and discredited disciplinary proceedings against the former Chief Constable.

As you are aware it is our responsibility to scrutinise and hold to account the PCC, and by logical extension how he holds the Constabulary to account. As such I believe strongly that, given our responsibility on behalf of the people of Cheshire for carrying out this remit, we must never shirk from asking what may be perceived as difficult questions. To avoid asking such questions is, in my opinion, a dereliction of our duty.

As I have previously stated in my open letter in response to that posted by the PCC, and a point I also made clear at the meeting, my question regarding the LGBT Ally lanyard worn by the Deputy CC was on the back of, and directly linked to, an earlier Agenda item. This item related to the Constabulary being the first in the country to have recently been found guilty of discrimination in its recruitment process.

An employment tribunal ordered the Constabulary to pay compensation to an applicant because it chose to recruit a less qualified candidate from a BME background. In other words, impartiality was put aside in order to favour one section of society over another.

You will recall, and it is a matter of record, that I also made reference to, and quoted from, Police Regulations 2003. I did so in order to make members aware of the requirement placed upon all police officers, irrespective of rank, to be impartial. Whether Panel members think such

regulations are outdated is not the point – they exist and in my opinion they exist for very good reasons.

Also in setting the context for my question I referred to an article that had appeared in a recent edition of 'Policing Insight' – Pride before Impartiality - Quote "Police Regulations stipulates that an officer "shall at all times abstain from any activity which is likely to interfere with the impartial discharge of his duties." The article also added: "The Regulations are there to protect the police from such questions {Impartiality}."

As I made clear at our last meeting, and I have repeatedly stated throughout this discussion, the issue I was raising was that of 'police impartiality'. And specifically, whether or not the wearing of such a lanyard was appropriate. My question was not, and never was intended to be, an attack on the LGBT community. Those who say otherwise are misrepresenting the facts and my intention.

I also wish to make it crystal clear that at no time did I, as is alluded to in the PCC's open letter, seek to have disciplinary action taken against the Deputy CC. Such a claim is, to say the least, disingenuous.

Members will also be aware of the Equality Act 2010. This covers a whole raft of issues not just LGBT, i.e disability, gender pay gap, age, sex or discrimination on faith grounds and as such there is a requirement for the public sector "to consider all individuals when carrying out their day to day work".

Having spoken to several Cheshire police officers I am advised that the only adornment to their uniform that they are allowed to wear is LGBT related.

This raises the question: why can officers not wear the logos or badges of other organisations?

How are these decisions arrived at?

Why not the NSPCC (Cheshire has a significant CSE and CSA problem)? Why not Mencap (the arrest and custody of people with mental health issues is a big concern)? What about Age Concern/UK (we have a growing elderly population who are vulnerable to exploitation and an easy target for criminals)? Should we ignore Women's Aid (Cheshire has a domestic abuse problem and the Constabulary's record on solving rape cases appears to be sinking without trace)? Let us not forget Shelter (the homeless on the streets is an ever increasing problem). There are also many disability action groups worthy of mention praise and recognition. I could go on as there are so many other causes that can and should be supported. Do not many of these fall under the 'protected characteristics' banner?

However, regardless of the merits of any cause or case I would still, in each and every case, question and challenge the appropriateness and the impartiality of police officers being allowed to, or required to, wear items in support of such organisations.

This view on the need for the police in uniform to be seen as impartial is not a unique or uncommon one. You will have seen that it has been supported by many who have responded to the open letters that have appeared in the media. The following comments illustrate this point:

“Their uniform should be enough to make anyone walk down a street comfortably and with confidence.”

“The only pride that police officers should be promoting is the pride they get from wearing the uniform, and for carrying out their role to serve the public to the best of their ability.”

“The police uniform should not be used to reveal any sympathy or allegiances to any social groups, in fact, the practice of police officers wearing insignia [or] lanyards should be banned as soon as possible.”

Surely, as Panel members we are also there to represent their views as well.

To my mind the whole issue can be summed up in the old mantra of ‘policing without fear or favour’. An old concept, maybe, but one many believe is even more relevant today!

It is an unfortunate, even sad, fact of public life today that when someone makes an observation or comment with regards to LGBT issues they are often treated like heretics, to be vilified, pilloried and castigated. Fortunately there are still plenty of fair minded people out there. Some of them have said to me that they think that those attacking me are being hypocritical; they pontificate about diversity, inclusiveness and tolerance and then when it suits their aims they are totally intolerant in trying to limit the diversity and inclusiveness of any debate, opinion or even challenge. Is it disrespectful to disagree?

It must appear puzzling to many Cheshire residents that those now demanding my resignation have failed in the past to call for the PCC’s resignation when, on at least three occasions, he is regarded widely as having brought the office of PCC into disrepute, followed by calls from the public for him to resign. Why then when there was clear evidence of the PCC’s nepotism, cronyism and costly misjudgements (£0.5m to date), were they silent?

At the risk of being repetitious, given the circumstances, this attack on me is being seen as politically motivated and fuelled by a hypocritical and synthetic angst.

As a consequence, if I am to be removed because of this single issue, then surely the effect will be to severely erode the Panel's credibility, independence, and its ability to hold the PCC to account.

Also, I would suggest that at a stroke it also destroys the reputation of the Panel – a hard won reputation – for impartiality, regardless of who the PCC is.

Let me finish by saying, once again, this was meant to be a straight forward question regarding police impartiality. The context was the recent public criticism of Cheshire Constabulary's biased recruitment process. And, the article in Policing Insight that was sharing concerns about the same issue. It was not an attack on the LGBT community, nor individual police officers.

It is regrettable that a simple question has been grossly misrepresented by others, causing upset and offence.

For my part I will continue to offer my service as your chairman and to act – as I believe I have always done – in an impartial and even handed manner, free from any political motivation or interference.

I seek only the truth and the best interests of the residents of Cheshire.