

DATE: Tuesday 13 January 2009
TIME: 9.30am
**VENUE: Conference Room, Police Authority Offices,
Constabulary Headquarters, Winsford**

Part 1 – Matters to be considered in the presence of the press and public

Page

1. MINUTES

To confirm the Minutes of the meeting held on 16 December 2008

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2. URGENT BUSINESS

To consider any matters that the Chairman considers are urgent

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3. EXCLUSION OF THE PRESS AND PUBLIC

It is RECOMMENDED: That under Section 100(A)(4) of the Local Government Act 1972, as applied to the Police Act 1996, and as amended, the press and public be excluded from the meeting for the item of business listed below on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act in the paragraph indicated:-

| <i>Item</i> | <i>Paragraph</i> |
|-------------------|---|
| Police Misconduct | (1) Information relating to an individual |

Part 2 – Matter to be considered in the absence of the press and public

4. POLICE MISCONDUCT

To consider the attached report by the Chief Executive

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CHESHIRE POLICE AUTHORITY

MINUTES OF THE MEETING HELD ON TUESDAY 16 DECEMBER 2008 IN CONSTABULARY HEADQUARTERS, WINSFORD

Present:

| | |
|------------------------------|-------------|
| P Nurse, Chairman | J P Findlow |
| M Ollerenshaw, Vice-Chairman | R Hodson |
| D Bateman | E Lam |
| A Bradley | R McNeil |
| D Cargill | B Maher |
| M Chapman | C Oliver |
| G Cousins | S Proctor |
| M Darby | T Savage |
| A Doran | |

Police Authority Officers:

M Sellwood, Chief Executive
L Lunn, Treasurer
M Eaton, Member Services Manager

Constabulary Officers:

D Whatton, Chief Constable
G Gerrard, Deputy Chief Constable
D Baines, Assistant Chief Constable
G Shewan, Assistant Chief Constable
B Simmons, Assistant Chief Officer
K Watkins, Director of Performance
Development

Also in attendance: A Arnold, J Ebo, B Silvester and A Walmsley (shadow Members)

68. MINUTES

RESOLVED:

That the Minutes of the meeting held on 23 September 2008 be confirmed as a correct record.

69. AUTHORITY MEMBERSHIP

The Chief Executive reported on the appointment of local authority members to the Authority by the Joint Committee on 26 November 2008.

RESOLVED:

That the appointment of A Arnold, D Bateman, D Cargill, J Ebo, J P Findlow, B Maher, C Oliver, B Silvester and A Walmsley as Members of the Police Authority with effect from 1 April 2009, be noted.

70. MINUTES OF COMMITTEES AND PANELS AND A SUMMARY FROM THE 'HAVE YOUR SAY' MEETINGS

RESOLVED: That

- (1) the Minutes of the following meetings be received:-

Remuneration Committee – 23 September 2008

Selection Committee – 30 September and 22 & 23 October 2008

Standards Committee – 28 October, 18 November and 8 December 2008

Engagement Committee – 24 November 2008

Staff Committee – 25 November 2008

Audit Committee – 9 December 2008

Performance Panel – 21 October 2008

- (2) the Minutes of the Finance Panel on 4 November and 2 December 2008 be received, and the recommendations from the minutes listed below, be adopted:-

- Minute 28, Budget 2008/09: Starred Items
- Minute 31, Proposed Purchase of Risley Police Station
- Minute 33, Revenue Expenditure: Mid Year Review 2008/09
- Minute 34, Mid-Year Review of Capital Expenditure and Financing 2008/09
- Minute 37, Revenue Support Grant

- (3) the Minutes of the Service Improvement Panel on 18 November 2008, be received, and the recommendations from the minute listed below, be adopted:-

- Minute 43, Sexual Assault Referral Centre Project: Update

- (4) the summary of issues raised at the last cycle of 'Have Your Say' meetings be noted.

71. CHIEF CONSTABLE'S REPORT

The Deputy Chief Constable presented the quarterly report which showed a reduction in the total number of recorded crimes, with decreases across all the main crime areas except acquisitive crime where there was no change, for the period September to November 2008. The report outlined the work and operations undertaken within the Areas; call management performance and quality of service; operational activity in roads policing and crime; force developments in relation to CCTV mapping and Quest; Restorative Justice; and staff achievements.

The Deputy Chief Constable also reported on the impact on the Force of the investigation into the fatal M6 road traffic collision; a number of successful operations which resulted in the seizure of over £16m worth of drugs and a significant quantity of firearms; the significant reduction in anti-social behaviour incidents in Halton on Mischief night as a result of Operation Pistachio; and the improved performance in call handling.

Members welcomed the reduction in crime and in particular the achievements made in call management. A number of issues were raised which included comparisons with other forces in relation to detections; whether Operation Pistachio proved cost effective; the retention levels for call management staff; the roll-out of restorative justice training to officers; the level of road traffic collisions; and the recent presentations by the Force Major Investigation Team. The Chief Constable responded to the issues raised.

RESOLVED:

That the report be noted.

72. POLICING GREEN PAPER: GOVERNMENT RESPONSE

The Chief Executive presented a report on the Government's response to the Policing Green Paper "From the Neighbourhood to the National: Policing our communities together" and the Association of Police Authorities' draft position document.

The key findings from a public survey about directly elected members to police authorities, commissioned by Cheshire, Lancashire and Greater Manchester police authorities were also considered, which revealed that 60% of the 1350 respondents did not support the introduction of directly elected members.

The Chairman referred to the detailed discussions at the Discussion Day on 11 August and at the Authority on 23 September 2008 (Minute 55), when the Authority's response to the Green Paper formulated. That response, which opposed the introduction of directly elected members and the extension of powers to PCSOs, remained valid in the light of the Government's response. It was noted, however, that the vast majority of the Home Secretary's proposals were welcomed and supported by the Authority.

Members discussed the APA draft position document to the Government's response and the agreed Authority position.

RESOLVED: That

- (1) the report be noted;
- (2) the key findings from the survey about directly elected members, be noted; and
- (3) the Association of Police Authorities' draft position document, be supported.

73. PROPOSED SCRUTINY ACTIVITY IN 2009

The Chief Executive presented a report on possible areas of scrutiny work during the first half of 2009, which had been proposed following discussion with Members and an assessment of areas of risk.

RESOLVED: That

- (1) the Authority's contribution to partnership working building on the review being undertaken by Internal Audit and certain aspects of the Policing Pledge be the areas for scrutiny in the first 6 months of 2009; and
- (2) the following Members be appointed to the scrutiny groups:-
 - Partnership working – D Cargill, M Chapman, A Doran and R McNeil
 - Policing Pledge - R Hodson, E Lam, P Nurse and T Savage

74. FREEDOM OF INFORMATION ACT: REVISED PUBLICATION SCHEME

The Chief Executive submitted a revised publication scheme as required under the Freedom of Information Act, which was based on a model approved by the Information Commissioner's Office. Members discussed the approach to disclosing information and the need to reflect the full extent of statutory partnership working.

RESOLVED:

That the revised Freedom of Information Publication Scheme, to be effective from 1 January 2009, be adopted.

75. STANDARDS COMMITTEE: MEMBERSHIP

The Chief Executive reported on the membership of the Standards Committee following the recent selection process for independent members.

RESOLVED:

That the following membership of the Standards Committee, be noted:-

| <i>Authority Members</i> | <i>Independent Members</i> |
|--------------------------|---|
| David Cargill | Helen Waller (<i>appointed until 15 July 2013</i>) |
| Emily Lam | Darren Willetts (<i>appointed until 15 July 2013</i>) |
| Brian Maher | John Wilding (<i>term of office expires 15 July 2009</i>) |
| Terry Savage | Harry Mawdsley (<i>appointed from 16 July 2009 -15 July 2013</i>) |

76. MEMBERS' ACTIVITY

The Chief Executive submitted a report which contained Members reports following their attendance at recent meetings, which included the North West Regional Meeting of Chairmen, Chief Constables and Chief Executives and a Collaboration meeting with North Wales Police and Police Authority; and national conferences.

RESOLVED:

That the report be noted.

77. CHAIRMAN'S APPROVALS

The Chief Executive reported that in accordance with the urgency procedures under Standing Order No.11, the Chairman had been consulted and approved - (1) the submission of a response to the Home Office in relation to implementing a police officer pay review body; (2) the acceptance of a tender other than the lowest, for the procurement of a single sign-on software product; (3) the extension of the current consultancy contract with Abeam for the Transforming Business Services programme until 31 December 2008; and (4) the submission of a response to the Secretary of State confirming that the Authority does not challenge the maximum proposed budget of £172,898,000 for 2009//10.

RESOLVED:

That the action taken by the Chairman, be noted.

78. URGENT BUSINESS

In accordance with Standing Order 5.3, the Chairman was of the opinion that the Procurement of a replacement aircraft – Review of business case, be considered as matter of urgent business in part 2 of the meeting, as it was necessary for the Authority to consider the matter before the Home Office determined grant allocations for the procurement of aircraft by the year end.

79. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972, as applied by the Police Act 1996, and as amended, the press and public be excluded from the meeting for the items of business listed below on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act in the paragraphs indicated:-

| <i>Item</i> | <i>Paragraph</i> | |
|--|------------------|--|
| Chief Constable's Report | (7) | Information relating to the prevention, investigation or prosecution of crime. |
| Transforming Business Services | (1 & 4) | Information relating to individuals and labour relations |
| Urgent Business: Procurement of a replacement aircraft – Review of Business Case | (6) | Information relating to the proposed actions by the Authority. |

PART 2 – MATTERS CONSIDERED IN THE ABSENCE OF THE PRESS AND PUBLIC

80. CHIEF CONSTABLE'S REPORT

The Chief Constable submitted a report on the referral to the Independent Police Complaints Commission (IPCC) of an investigation of a fatal road traffic collision following police contact. The report outlined the incident and the IPCC's conclusion that there was no concerns about the actions of the police officers which would require the IPCC to conduct a full investigation.

RESOLVED:

That the report be noted.

81. TRANSFORMING BUSINESS SERVICES PROGRAMME: UPDATE

The Assistant Chief Officer presented a report on the findings from the Transforming business services (Tbs) blueprint exercise; the expenditure to date; and sought approval to move to the business process re-design stage, the outcome of which would define the degree of change required and provide detailed costs, timescales and implications for the Authority.

The Authority considered the report in detail and discussed the governance of the programme; employee issues and the level of cultural change; the phasing of the programme and the ambitious payback period. The proposals to recruit an interim manager were supported. The Chairman of Staff Committee referred to the concerns expressed by Unison at a meeting with the Authority on 16 December 2008 and stressed the need for regular, clear and accurate information to be communicated to staff.

In supporting the proposals, Members emphasised the critical need for the programme to fully deliver the business benefits and efficiencies proposed within the timescales agreed.

RESOLVED: That

- (1) the output from the initial phase of the Tbs Programme, be noted;
- (2) the move into Tranche 1 of Phase 2, the implementation phase of the programme, be approved;
- (3) after taking account of carry forward of £114,000, additional revenue provision, as set out in Table 3 of Appendix 1 of the Chief Constable's report, be included in the 2009/10 draft budget and equivalent expenditure be committed; and
- (4) provision be made for capital expenditure in the 2009-11 capital programmes as set out in Table 4 of Appendix 1 of the Chief Constable's report.

82. URGENT BUSINESS: PROCUREMENT OF REPLACEMENT AIRCRAFT -
REVIEW OF BUSINESS CASE

The Chief Constable presented a report on a review of the business case for the procurement of a replacement aircraft. The report detailed the background; the current options; the legal position; and the financial implications for the Authority in the current economic climate.

The Chief Constable advised that the business case still provided the optimum operational benefits to the Constabulary, however, it was necessary to respond to the current Government funding proposals; the changing financial environment; and the potential implementation of the findings of the national strategic review of air support. Options were being developed to address the contractual commitments and ensure an appropriate level of air support for Cheshire. Authority to take urgent action was sought as the Home Office would need to determine the current grant allocations for procurement of aircraft before the end of the year.

Members discussed the development of the options with the Chief Constable and supported work to evidence the operational benefits of a joint air support unit.

RESOLVED: That

- (1) the report be noted;
- (2) based on the review of the business case and the revised financial scenario, the Chief Constable pursue the opportunity to withdraw from the framework agreement to procure a helicopter;
- (3) the Chief Constable develop the alternative air support proposal and submit a report to the Authority on 24 February 2009, for consideration; and
- (4) the Chief Executive be authorised to settle the withdrawal from the framework agreement if necessary, in consultation with the Chairman.

Duration of meeting: The meeting commenced at 9.30am and finished at 1.05pm.

POLICE MISCONDUCT

The Appendix to this report is not for publication as it contains information relating to individual. The author of this report considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PURPOSE OF THE REPORT

- 1 To report on allegations against senior officers.
- 2 The attached Appendices outline the background to the allegations, and the findings of preliminary enquiries.

RECOMMENDED:

That the recommendations contained in Appendix 1 to this report, be considered and determined.

MARK SELLWOOD
CHIEF EXECUTIVE