



John Dwyer

Police & Crime
Commissioner
for Cheshire

Mr Evan Morris
Chair, Police and Crime Panel for Cheshire
c/o Cheshire East Council
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John Dwyer
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Date: Monday 27 June 2022

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PCC/20220627

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Dear Mr Morris,

I am writing further to the Police & Crime Panel meeting on Friday 24 June 2022. Firstly, may I offer my congratulations on your reappointment as Chair of the Police & Crime Panel.

Unfortunately, I write in relation to some of the comments made by Panel members during the Panel meeting, as well as your contact via social media (Twitter) on Friday afternoon (14:33) in which you stated:

[@CheshirePCC](#) did not attend our scrutiny session today as he was unfortunately unwell. No show either by his deputy to fulfil the Office of the Police and Crime Commissioners statutory responsibility to be effectively scrutinised in delivering the Cheshire Police and Crime Plan

I understand that neither you, nor your Deputy Chair, were in attendance at the Panel meeting on Friday. I do, however, offer you my best wishes for a full and prompt recovery. I thought it would be appropriate to respond to you via letter, as opposed to social media. In the interests of transparency and accountability, I intend to publish this response accordingly.

As you will no doubt be aware, I was unable to attend the Panel meeting in person on Friday following a positive test for COVID-19 on Wednesday 22 June 2022. As such, I continue to self isolate and work from home as per current guidance. This was communicated to the Panel by my office, via the Panel Secretariat, on Wednesday morning (22 June 2022). In addition, I wish to highlight that I requested to attend the Panel meeting remotely. I understand, however, that my office was subsequently made aware on Thursday morning (23 June 2022) that this would not be possible as the venue preferred by the Panel to host its formal meetings does not have the necessary technology available to facilitate such a request. Ironically, it should be noted that during the Panel meeting on Friday, a number of Panel members requested that I ensure there is the ability for Panel members to attend our future informal meetings remotely. I will, of course, ensure my office facilitates such a request wherever possible.

I understand that my office was again contacted via the Panel Secretariat on Thursday afternoon (less than 24 hours prior to the Panel meeting) to enquire whether my Deputy could attend in my absence. My office correctly advised that this would not be possible due to my Deputy having a pre-existing commitment. Nevertheless, it would appear that a number of Panel members offered comment at the Panel meeting, suggesting my Deputy should have been in attendance and there has been no engagement with the Panel since his appointment. The Panel subsequently sought to question the role of my Deputy, which is unfortunate. This, in

addition to your assertion via social media of a 'no show either by his deputy' is disingenuous at best.

For the avoidance of doubt, I reiterate that my Deputy was not available to attend the Panel meeting in my absence given a pre-existing commitment and, in particular, the short notice provided. I welcome the clarification provided by the Panel Secretariat during the Panel meeting, but the decision by some Panel members to question the role of my Deputy and suggest there has been no engagement is extremely disappointing and, with respect, unacceptable. Following the proposed appointment of my Deputy and the subsequent confirmation hearing, the Panel unanimously supported the appointment of a Deputy Police & Crime Commissioner. In addition, I refer you and Panel members to an email sent from my office to the Panel Secretariat on Tuesday 08 February 2022, explaining that should any Panel member wish to meet with my Deputy, they should contact him directly via email to arrange a meeting. My Deputy remains committed to meeting with Panel members should they wish to do so, but it is apparent that no request has been made by any Panel member.

I note your further contact via social media (Twitter) on Saturday afternoon (14:19) in which you stated:

I have requested from officers of @CheshireEast an interpretation of the legislation relating to Deputy Police and Crime Commissioners standing in the absence of @CheshirePCC

Whilst you are more than entitled to request an interpretation of the legislation, I have no doubt that officers from Cheshire East Council will advise that my Deputy is permitted to attend Panel meetings in my absence, as detailed in Chapter 3, Section 18 (delegation of functions by police and crime commissioners) of the Police Reform and Social Responsibility Act 2011. Panel members may wish to note, however, that I may not arrange for my Deputy to exercise some of my other statutory functions, as detailed in legislation. Nevertheless, I wish to draw your attention to the Panel Arrangements Rules of Procedure which, incidentally, were ratified in your absence at the Panel meeting on Friday and, therefore, adopted for the coming Municipal Year. For completeness, Part 3, paragraph 9.3 states:

Where, in exceptional circumstances, the PCC is unable to attend on the required date, then an alternative date for attendance may be arranged following consultation with the Chairman of the Panel.

The Panel's main function is to review or scrutinise decisions made, or other action taken, by me in my role as Police & Crime Commissioner and in connection with the discharge of my functions. Although permitted within legislation, I do not believe it would be appropriate for the Panel to scrutinise my Deputy in my absence for this reason. Whilst I remain fully committed to attending Panel meetings, I would request that where exceptional circumstances prevent my attendance in the future (such as COVID-19 or other illness), the Panel implements its own rules of procedure and an alternative date for my attendance is arranged. That said, should I be unable to attend any future Panel meeting, I will ensure my Deputy is available to attend in my absence should this be the wish of the Panel.

An additional issue I wish to raise with you is the Home Office white paper and consultation in relation to 'Reforming Our Fire and Rescue Service'. I understand, in your absence, that the Panel Secretariat introduced agenda item 14, 'current issues' on your behalf and explained your desire for a small working group to be established to draft a response to the consultation on behalf of the Panel. I note, however, the Panel subsequently agreed to hold a special meeting at a later date to discuss the Panel's submission to the consultation.

Again, I note your further contact via social media (Twitter) on Sunday afternoon (13:13) in which you stated:

I have commissioned a politically proportionate group of the Police and Crime Panel to draft a response for the Panel to consider to the consultation of @HomeSecretary FRS Reform White paper and the implications for the Panel and @CheshirePCC

Whilst the Panel is perfectly entitled to arrange a special meeting and subsequently submit a response to the consultation, I wish to advise you of the unfortunate implications of the discussions during the Panel meeting, as well as your subsequent social media post.

As you will no doubt be aware, the white paper explains there is a strong case to consider options to transfer the governance of Fire and Rescue Service to an elected individual. One option could be to transfer responsibility to a Police, Fire and Crime Commissioner. This follows measures introduced via the Policing & Crime Act 2017 to enable Police & Crime Commissioners to take on oversight of the local Fire & Rescue Service. Whilst I acknowledge the findings of the PCC review and the possibility that the Home Office may mandate governance changes across England, the white paper explicitly explains that it is currently for each Police & Crime Commissioner to determine whether they want responsibility for fire. To date, only four areas have made the transition to a Police, Fire and Crime Commissioner, as detailed in the white paper.

For absolute clarity and the avoidance of doubt, I reiterate that **I have no appetite to submit a proposal to the Home Secretary in relation to the transfer of governance of the Fire and Rescue Service within Cheshire**. I have previously explained my position to the Chief Fire Officer, the Fire Authority as well as Police & Crime Panel members. It is disappointing, therefore, that Panel members have not paid attention to my previous comments in relation to this matter, nor referenced my position within the Panel meeting on Friday. Furthermore, the discussions held at the Panel meeting on Friday, in addition to your comments on social media, have subsequently been misinterpreted within the local media.

Given this has the potential to impact upon my relationships with strategic partners across Cheshire, as well as both regionally and nationally, I have felt it necessary to clarify my position with partners following the comments at the Panel meeting, as well as your inappropriate comments on social media.

In the absence of the Home Office mandating governance changes across England, I can advise that there are no implications for the Police & Crime Panel within Cheshire. I acknowledge you will be disappointed by this, particularly as I am aware of your personal desire to Chair a Police, Fire and Crime Panel.

Should you and the Panel wish to meet to discuss its submission to the consultation, I would request that my position, as detailed above, is referenced explicitly to limit the extent to which my strategic relationships are impacted further by the ill-informed actions of the Police & Crime Panel.

In conclusion, it is disappointing that I felt the need to send this letter, as a personal telephone call from you as Chair, following the Panel meeting last week, may have resolved the issues you have raised via social media.

I look forward to receiving an alternative date for my attendance and will be happy to provide any further clarification to Panel members should this be required.

Yours sincerely



John Dwyer
Police & Crime Commissioner