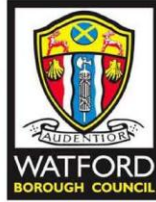




HERTFORDSHIRE Police and Crime Panel



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Please ask for Gavin Miles
My reference: 13/J/PCP
13 June 2013

**Circulated to all appointed and substitute members of the
Hertfordshire Police and Crime Panel**

Dear Panel Member

MEETING OF THE PANEL ON 20 JUNE 2013 AT STEVENAGE BOROUGH COUNCIL

- 1. QUESTIONS SUBMITTED BY MEMBERS OF THE PUBLIC TO THE PANEL AS PER THE RULES OF PROCEDURE**
- 2. PROPOSAL BY THE PCC TO APPOINT A DEPUTY PCC**
- 3. ADDITIONAL INFORMATION OFFERED TO POLICE AND CRIME PANELS AND OTHERS**

Further to the circulation of the agenda and papers on 7 June 2013 for the next meeting of the Panel on 20 June 2013, I am writing to advise of additional papers which are attached and will be put on the web site.

- 1. Questions submitted by members of the public to the Panel as per the Rules of Procedure**

In accordance with the Rules of Procedure, the following questions have been received from Mr Mark Ryan for consideration at the meeting on 20 June 2013.

Dear Sirs

In line with your rules of procedures please find below public question for the meeting on the 20th June 2013. Please could you circulate them to all members of the panel immediately so that they can consider their answer as well as benefiting from the additional information provided via attached documents or web links.

[Q1. Is the subject in Item 3 (matters arising) of the minutes of the 14th March 2012 on the agenda for the meeting of the 20th June 2013 as indicated in item 3. And if not why not?]
(Withdrawn by subsequent e mail after the agenda and papers were published)

Q2. On the 15th April 2013 in response to my email 30th March 2013 complaining to the Herts PCC that they had failed to publish statutory information, in particular allowance/expenses, I was informed by the PCC that although this information had not yet been published that "No allowances have been paid so far to Mr Lloyd." This appears to be a falsehood as when the information was published later it showed that the PCC had made claims as early as the 14th January!!(copy attached)

- a) Do the panel support the actions of anyone in using a falsehood in this way to the public to cover up the fact that they had failed to publish information? If not what is their position on this type of behaviour?
- b) Do the panel support the actions of anyone using deceit of this nature or do they consider this to be incompatible and untenable with anyone holding the Office of PCC?

Q3. On the 15th April 2013 I complained to the panel that the Herts PCC had not published statutory information that he is required to do so by law. On the 17th May 2013 Gavin Miles was kind enough to respond to me on behalf of the panel. He informed me that he had been told by the PCC that this information had been published. This was not true and I immediately made him aware of this fact. At time of writing the PCC has still not done this.

- a) Do the Panel think that it is acceptable that anyone uses a falsehood in this way towards any panel or the public?
- b) In detail what is the panel going to do about this?

Q4. On the 28th April 2013 it was reported (link below) that the Home Secretary had met with the PCC to complain that he had not carried out his statutory duties and published information required by law. At the time of writing the PCC has still not done this.

- a) What do the panel think of any PCC ignoring the Home Secretary and continuing to appear to fail in their statutory duties?
- b) In detail what is the panel going to do about it?

(link to report-<http://www.independent.co.uk/news/uk/politics/theresa-may-reads-the-riot-act-to-police-commissioners-after-expenses-scandals-8591811.html>)

Q5. On the 16th May 2013 the Parliamentary Home Affairs Committee issued a report (link below) naming the Herts PCC twice in respect to not publishing information. The PCC was reported as saying that this report was "unhelpful"!!

Link to committee report-

<http://www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/69/6902.htm>

Link to news report <http://www.hertfordshiremercury.co.uk/Hertfordshire/PCC-David-Lloyd-hits-back-at-MPs-report-20130606160902.htm>

- a) *What is the panels view on any PCC's actions of not appearing to carry out their statutory duties and appearing to ignore these committees findings, the Home Secretary and the public on this matter?*
- b) *In detail what is the panel going to do about this?*

Q6. *On the 1st June 2013 I was informed by the Information Commissioners Office that it had upheld my complaint against the PCC for failing as required by law to action a freedom of information request that I made on the **1st January 2013**. The ICO then instructed the PCC to release the information to me:*

- a) *What is the panel's view regarding this type of unlawful deed under the FOI Act by any PCC towards a member of the public?*
- b) *Would the panel describe these action as a sign of an open, transparent and accountable PCC?*
- c) *In detail what is the panel going to do about this?*

Q7. *On the 9th April 2013 I received a written response from the OPCC on behalf of the PCC regarding the failure of the PCC to carry out their statutory duties. The OPCC confirmed that the PCC had appeared to of broken the law and would continue to do so!!!! It is a matter of record that over the last 6 months the PCC has wilfully and consistently failed on several levels with respect to his statutory duties as well as a direct unlawful deed against the public under the FOI Act:*

- a) *Do the panel support these types of statutory failures by any PCC or is it their view that any person who holds the Office of PCC should resign for such behaviour and if not why not?*
- b) *Do the panel agree that acts like these by any person holding the office of PCC brings the office of PCC in to disrepute and makes that persons position untenable and if not why not?*
- c) *In detail what is the panel going to do about this?*

Q8. *In April the PCC reported (copy attached) the he had accepted free dinner at Luton Hoo & Auberge Du Lac as well as free football match ticket, corporate box plus lunch and drinks. With the increasing use of food banks in Hertfordshire:*

- a) *Do the Panel support these action or do they consider it morally inappropriate and insensitive to the Herts residence having to use food banks?*
- b) *Will the panel be advising the PCC that he should cease accepting such freebies?*

Q9. *On the 30th May 2013 I received an apology from the Office of the PCC for taking nearly 40 days to make contact with me regarding a serious complaint I had made to the Monitoring Officer (aka Chief Executive). The reason given for this appalling service was due to "limited resources" in the office:*

- a) *Do the panel agree with me that rather than go to free expensive restaurant, free expensive corporate football matches and free entry to go and see Harry Potter (Warner Brothers) that the PCC should dedicate his time in supporting his "limited resources" in order to provide better service to the public?*
- b) *In detail what is the panel going to do about this matter?*

Q10. *In my email to the PCC dated 15th March 2013 and copied to the panel I express grave concerns regarding the post of Chief Executive becoming the only adhoc part time CE role in any PCC office in the UK:*

- a) *Do the panel agree with me that due to the fact it took the CE nearly 40 days to reply to a serious complaint by the public that my concerns have now been proven and if not why not?*
- b) *Do the panel agree with me that the introduction of an adhoc part time CE is a contributing factor to the limited resource problem and hence appalling service to the public not to mention the possible derelictions of the CE duty as Monitoring Officer and if not why not?*
- c) *In detail what is the panel going to do about this matter?*

The Police and Crime Commissioner will not be present at the meeting on 20 June 2013 but a copy of Mr Ryan's questions has been sent to the Commissioner's office so that a response from the Commissioner may be available.

To provide background information on question three, Mr Ryan's original complaint of the lack of publication of statutory information included two specific examples. The two specific examples were what had been published, and not all the required information.

The Panel will be aware that its powers are limited by the Act but it can seek explanations and can give an opinion or express a view.

2. Proposal by the PCC to appoint a Deputy PCC

The attached letter has been received from the PCC regarding his intention to appoint a Deputy PCC. Comments of the PCP are requested so it is suggested that this item be considered as part of the agenda for the meeting on 20 June. As well as any comments on the proposed appointment by the PCC, the Panel will need to consider, if it does receive notification as planned from the PCC on 16 July, how to conduct the confirmation hearing. A response must be sent to the PCC by 6 August. There is already a meeting scheduled on 25 July, at Stevenage Borough Council, at 7.00pm. Members will recall that informal guidance suggests a confirmation hearing should be a separate meeting to a normal meeting. The Panel could convene earlier to separate out the agendas, if that is

convenient for members, or the Panel could arrange an additional meeting. **It is requested that members of the Panel confirm when a confirmation hearing will be held.**

3. Additional information

The host authority has been notified of a website where comparative national information on police and crime commissioners may be obtained. The website has been created by Copacc, an organisation providing advice on policing and related services. I have no personal knowledge of the organisation but the website brings together conveniently a number of web links for comparison. Please follow this link: <http://copacc.org.uk/compare-pccs/>

Yours sincerely

Gavin Miles

Gavin Miles
Head of Legal Services