

Police and Crime Commissioner

for Hertfordshire

Mr Gavin Miles
Clerk to the Police and Crime Panel
Broxbourne Borough Council

18.07.2013

Dear Mr Miles

I am writing to provide you with further information in relation to the 9 questions asked of the Panel at the 20th June meeting.

Q2 The quotation given is an extract from a more detailed explanation of the publication requirements and our intention to publish on the website within the month following the quarter to which they refer. The quotation was not in any way intended to mislead, but was a factually correct statement intended to provide a full and honest explanation of the situation. At the time of writing, Mr Lloyd had not made, or had approved any claims and therefore the office responded with all information available to reassure that payments that the public were not aware of had not been made. Once the claim was made for the quarter, the information was published and appeared on the website on 30th April. No claims were made in respect of the first quarter in office.

Q3 This question relates to an interaction between you and Mr Ryan on which I think you have already provided background information to the Panel.

The office has been working through delivering the publication requirements which has also required time to develop efficient and robust processes for the recording and publication of the information. Progress against the publication requirements is the subject of a separate report to the Panel which gives details of publication dates.

Q4 The meeting referred to on the 28th April was the first Police and Crime Commissioner meeting with the Home Office to which all 41 Police and Crime Commissioners were invited. It was not a personal meeting with the Home Secretary as the initial wording of the question implies. The invitation came from Damien Green to all Commissioners on the 25th March setting out that the meeting was an opportunity to discuss the first months in office, Commissioners' priorities and some of the issues that matter to Commissioners. This was a private, full day meeting at which the Home Secretary spoke at the end of the day. The Commissioner's recollection of the meeting was that the issue of publication of information was discussed in brief generality with the business of the day being as set out in the invitation and a packed agenda on policing and crime reduction business.

Q5 We understand that a range of issues, misinterpretations and inaccuracies with the Home Affairs Select Committee report have been raised by a number of Commissioners and the Commissioner feels disappointed that in that context, the report may have led to the painting of an incorrect national picture which is not helpful. As also indicated within other comment in the same article quoted, the Commissioner continues to support and welcome scrutiny.

For example, the HASC report gave the impression that budget and precept reports had not been publicised – this was incorrect. The decision regarding setting the council tax precept was published on March 13, 2013. The annual budget report and annual treasury management investment strategy were also first posted on March 13, 2013. Furthermore (and most importantly for the public) a precept leaflet was also issued to every household in Hertfordshire, which contained further details of the budget.

In addition, please see paragraph 2 of Q3.

Q6 Mr Ryan made a request for all documents in relation to the employment of the former Deputy PCC, including contract of employment. The previous Chief Executive declined to release detail of the contract as it was a personal document related to a third party who expressly refused consent to disclosure of information as they believed the information would remain confidential. It was the view of the Commissioner that disclosure of the contract would be unfair to the former Deputy Commissioner in accordance with the Ministry of Justice exemptions guidance. The Chief Executive did confirm that there was nothing that would be viewed contentious or novel within the contract.

In dealing with the subsequent complaint as raised with me by the ICO, I established that there was some further archived email correspondence relating to Frequently Asked Questions regarding the appointment of a DPCC, a press release proposing the appointment and possible dates for induction which had not previously been identified. I offered and released these to Mr Ryan following which we were informed by the ICO that Mr Ryan had withdrawn his complaint and the case was considered closed.

I attach at Annex A a summary of the terms and conditions of our Deputy Commissioner contract, which are based on those of the Constabulary senior police staff employment contract but as modified by the requirements of the Police Reform and Social Responsibility Act.

We have established improvements required within the process previously used to identify all electronic documents and are considering ways in which these can be implemented including by working more closely with the Constabulary.

Q7 The Office has not made any statement confirming that the Commissioner appears to have broken the law and will continue so to do. I believe the email response on the 9th April was in relation to the quarterly publication of expenses and it simply stated the intention to publish that month. I also refer to the response to Q3 and note that the times of publication within the Specified Information Order are stated as being 'as soon as practicable'.

Q8 The Commissioner is very open about any hospitality received and has been reporting this even below the generally accepted de minimis value. The occasions quoted were all related to business meetings and discussions.

Q9 The particular issue raised by Mr Ryan related to my temporary secondment as Chief Executive, a situation that has been endorsed by the Panel. The nature of the issue has much complexity within it due to the potential conflict of interest related to myself and the Deputy Chief Executive who would normally deal with matters such as these. To clarify, the issue was being dealt with from receipt and although an automated email confirming receipt would have been sent out in response, a further email should have been sent as a specific update. This failed to happen and Mr Ryan has received two apologies from the office in relation to this administrative oversight

whilst also being assured that the issue was being dealt with. It should be noted that a considerable amount of time has been spent in the office in trying to find an independent monitoring officer and Mr Ryan has since been updated as the issue has been progressed. Advice has also been taken from you and arrangements have now been made for review by counsel to close this matter and report the outcome to the Panel.

Mr Ryan has made a number of contacts with the office. The office has also suffered from staffing abstractions and required additional temporary support. We have identified the need to reshape the office structure to provide more flexible and resilient support and this is currently the subject of review.

Q10 Please also see response to Q9 in relation to the nature of the failure to respond. As also reported above, the office requirements and the appropriate structure at all levels to provide efficient and effective support to the Commissioner are currently under review. Once any identified changes are implemented, it is proposed that the leadership team model will also be reviewed and we are considering appropriate independent input to that work. The results of that review will be reported to the Panel in a timely way before the end of the secondment as currently approved by the Panel.

I hope this assists the Panel in preparing responses to the questions asked. The Commissioner and I will be happy to provide any further clarification at the meeting.

Yours sincerely



Roy Wilsher
Chief Executive

ANNEX A: Summary of terms and conditions for the Deputy Police and Crime Commissioner for Hertfordshire

Eligibility	As restricted by Police Reform and Social Responsibility Act
Politically restricted post	No
Salary	£50,000 full time per annum
Hours of work	37 minimum involving working outside normal office hours.
Annual leave	31 days as Senior Police Staff Contract
Sickness	As Senior Police Staff Contract
Pension	Entitled to join the Local Government Pension Scheme
Termination of contract of employment	2 month notice on either side. Termination without notice for relevant disqualification. Contract to terminate in any event upon the appointing Commissioner ceasing to hold office for any reason.
Allowances	In accordance with the Home Secretary's Determination
Conduct	In accordance with Commissioner's Code of Conduct
Confidentiality	Required to sign the Official Secrets Act

Issues that may be subject to negotiation:

Annual leave adjustment: Up to 5 days increase/reduction in leave entitlement with salary variation of 1/260th per day as appropriate (In accordance with Senior Police Staff contract).

Flexible working arrangements.