

This is Appendix A which referred to in the main meeting minutes of the Panel on 25 July 2013



# HERTFORDSHIRE Police and Crime Panel

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To Members of the Police and Crime Panel,

The following questions have been received from Mark Ryan for the meeting on 20 June.

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 ] (Withdrawn by subsequent e mail after the agenda and papers were published)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)

-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?

*It is not a falsehood as explained in the PCC's comments.*

-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?

*It is not deceit as explained in the PCC's comment.*

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.

-Do the Panel think that it is acceptable that anyone uses a falsehood in this way towards any panel or the public?

-In detail what is the panel going to do about this?

*The statement was not false. You had referred 2 issues to the clerk to the PCP, the PCC replied that they had published those 2 pieces of information and they had.*

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.

-What do the panel think of the any PCC ignoring the Home Secretary and continuing to appear to fail in their statutory duties?

-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> )

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*The panel has requested a full response from the PCC on publication of required information and this appears on the agenda of the 25 July 2013 meeting. The panel does not consider the PCC has ignored the Home Secretary and notes the PCC's explanation of the purpose of the meeting with the Home Secretary.*

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>

-What is the panels view on any PCC's actions of not appearing to carry out their statutory duties and appearing to ignore this committees findings, the Home Secretary and the public on this matter?

-In detail what is the panel going to do about this?

*The panel has requested a full response from the PCC on publication of required information and this appears on the agenda of the 25 July 2013 meeting. The panel does not consider the PCC is ignoring the committee's findings.*

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:

-What is the panels view regarding this type of unlawful deed under the FOI Act by any PCC towards a member of the public?

-Would the panel describe these action as a sign of an open,transparent and accountable PCC?

-In detail what is the panel going to do about this?

*There is no decision notice available on the Information Commissioner's web site. The Information Commissioner has powers to deal with disclosures of information and has been provided with these powers specifically to be able to resolve disputes between authorities and information seekers. The Panel considers it important that the PCC is subject to public scrutiny and will monitor the publication of information by the PCC.*

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 a direct unlawful deed against the public under the FOI Act:

-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?

*The panel has requested a full response from the PCC on publication of required information and this appears on the agenda of the 25 July 2013 meeting. The Panel notes the comment of the PCC. The Panel considers it important that the PCC is subject to public scrutiny and will monitor the publication of information by the PCC.*

-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?

-In detail what is the panel going to do about this?

*The panel has requested a full response from the PCC on publication of required information and this appears on the agenda of the 25 July 2013 meeting.*

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:

-Do the Panel support these action or do they consider it morally inappropriate and insensitive to the Herts residence having to use food banks ?

-Will the panel be advising the PCC that he should cease accepting such freebies?

*Any panel comments?*

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:

-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?

-In detail what is the panel going to do about this matter?

*The panel notes the comments of the PCC on this issue and the panel will request the PCC to make the report to the panel as soon as possible for publication.*

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:

-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?

-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?

-In detail what is the panel going to do about this matter?

*The panel concurred in the appointment of the seconded CEO which is a model being adopted by a number of public authorities. The panel was aware the position was to be reviewed after 12 months and considers that is the appropriate thing to do. The panel notes that there is a considerable variation in the staffing of offices of police and crime commissioners nationally and considerable variation in the cost of these offices nationally. The balance that needs to be struck in each case between cost and resources that can be used is one that the PCC will have to defend at the ballot box in due course and the panel may make recommendations at each budget setting before that.*