

## DEVON AND CORNWALL POLICE AUTHORITY

**MINUTES** of a meeting of the **Devon and Cornwall Police Authority** held at Endeavor House, Exeter on **Friday 18 April 2008**

### **Present:**

J Smith (in the Chair)

Mr M Bull, Mr C Bulley Sir Simon Day, Mrs L Dunn,, Mr M Hicks, Mr M Hodge, Mrs A Malcolm, Mr D Money, Mr M Nevitt, Ms J Norton Mrs J Owen, Mr B Preston, Mr J Rowe, and Mr C L Wallin.

### **OFFICERS IN ATTENDANCE**

#### **Police Authority**

Mr G Davey (Chief Executive), Mr J Glasby (Treasurer), Mrs E Tanner (Administrator).

#### **Police Force**

Mr S Otter (Chief Constable)

### **P/2216 APOLOGIES FOR ABSENCE**

Apologies were received from, B Greenslade, Mr G Hicks and Mrs V Pengelly.

### **P/2217 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman provided an overview of the order of items to be considered by Members and proposed that the item on the Request for Access to a File be considered first by the meeting.

Members considered and discussed the possibility of tape recording the meeting so that an indisputable record of the discussion would be available. During their consideration, the following issues were raised:

- Freedom of Information and the public right to request a copy of the transcript of the meeting.
- The risk of constricting a full and frank discussion.
- Whether legal advice had been sought on recording the meeting.
- The risk of slander in expressing a point of view.
- Creating a precedent for future meetings in relation to private matters.
- The non-recording of meetings in the past that had considered similar issues.

The meeting AGREED not to record the discussion.

### **P/2218 CLOSED ITEMS - EXCLUSION OF THE PRESS AND PUBLIC**

**RESOLVED** that the item detailed in the table below be considered as closed items:

<b>Minute number</b>	<b>Report title</b>	<b>Relevant Act</b>	<b>Relevant section</b>
P/2219	Request For Access To A File.	Local Government Act 1972 as amended by the Local Government (access to information) Act 1985	Schedule 12A, paragraph 1. Information relating to any individual.

## **P/2219 REQUEST FOR ACCESS TO A FILE**

Members were provided with the background information, in particular a summary of the events leading up to Mr Graeme Hicks' motion to Cornwall County Council calling for a vote of no confidence in the Police Authority.

An explanation of the decisions taken in relation to both the handling of the original complaint against Mr Graeme Hicks by Cllr Lello and the handling of the request for access to personal information by Mr Graeme Hicks was provided.

Various documents were circulated for Members consideration and included:

- Cllr Lello's letter of complaint and enclosures.
- Standards Board letter detailing the formal decision in relation to this complaint.
- Correspondence between the Chairman and Mr Hicks which detailed what the meeting was to consider.
- Various emails originating from Mr Graeme Hicks.
- A motion put forward by Mr Graeme Hicks for consideration by Cornwall Council Council, calling for a vote of no confidence in the Devon & Cornwall Police Authority.

A motion that addressed the following points was put forward and considered by Members.

- Support for the way in which the request for access to the personal information had been handled by the Chief Constable.
- The decisions taken by the Chief Executive and the advice given by the Chairman of the Police Authority.
- Members' opinion of Mr Graeme Hicks' motion of no confidence.
- The Authority's response to the motion.
- Future publication of the Police Authority's response to the motion.
- The future of Mr Graeme Hicks as Cornwall County Council's representative on the Police Authority.

There was considerable debate which included the following issues:

- The Authority had sought advice from Counsel and from the Information Commissioner in relation to the request for the file. The action of the Chief executive to seek Counsel's opinion.
- The Authority had received an accusation of unlawful expenditure from Mr Graeme Hicks in relation to the advice sought from counsel. This accusation was investigated and the expenditure was deemed not unlawful.
- It was stressed that on no occasion had Mr Graeme Hicks taken the opportunity of having his complaint investigated under the usual protocols. Members were content that the Chief Constable had properly dealt with Mr Graeme Hicks' request.
- Mr Graeme Hick's persistence in pursuing his request had caused considerable distress to senior police officers and was unsettling to other members of the Constabulary.

**Cont'd...**

## **P/2219 REQUEST FOR ACCESS TO A FILE (Cont'd)**

- Mr Graeme Hicks had copied to a member of the press, many of the emails he had sent to Members. The content of these emails was often inappropriate, intemperate and heated.
- Members' code of conduct.
- Members' term of office.
- The future publication in the public domain of the Authority's response to Mr Graeme Hicks' motion.
- The handling of public relations within the Constabulary and Police Authority in relation to Mr Graeme Hicks' motion and behaviour leading up to it.
- Members were deeply offended by the extreme claims made by Mr Graeme Hicks in his motion. An unconditional withdrawal and a public apology was demanded.

The meeting moved on to the next item at 12.30 to enable the Chairman to re-draft the motion. The meeting continued to consider this item at 13:10 following a short adjournment.

### **RESOLVED**

That the Devon and Cornwall Police Authority:

- (i) Fully supports the decision taken by the Chief Constable of the Devon and Cornwall Constabulary, not to release the personal file of a former Police Officer and current member of Police Staff, to an individual Member of the Police Authority, given that there is no legal right for Members to see such files and the Chief Constable had offered to deal with the matters of concern through established protocols.
- (ii) Thanks both the Chief Constable and the Deputy Chief Constable for the principled and resolute stand they took on this, despite the considerable pressure they were subjected to.
- (iii) Fully endorses the decision making of the Chief Executive and the advice given by the Chairman of the Police Authority, on these matters.

Note: There were 2 abstentions on this point.

- (iv) Seriously regrets the decision of Mr Graeme Hicks to propose a Motion of 'no confidence in the Devon and Cornwall Police Authority', to Cornwall County Council - whether, or not, that Motion is formally considered by Cornwall County Council.
- (v) Seriously regrets the decision of Mr Graeme Hicks to share his views on the Devon and Cornwall Police Authority, the Devon and Cornwall Constabulary and individual members of staff, in open correspondence, with some Press reporters.

### **Cont'd...**

- (vi) Recognises that these decisions, entirely made by Mr Graeme Hicks, have made it more difficult to treat the issues that need to be resolved, by use of normal protocols, as they have already been placed in the public domain, by him.

## **P/2219 REQUEST FOR ACCESS TO A FILE (Cont'd)**

- (vii) Instructs the Chief Executive of the Police Authority, to draft a written briefing, for endorsement by all Police Authority Members present at the meeting held on the 18<sup>th</sup> of April 2008, for submission to the Chief Executive of Cornwall County Council for use during the debate on Mr Hick's motion of 'no confidence'.
- (viii) Recognises that this briefing might also need to be made available to the Press if Mr Hicks chooses to release his view of events to the Press and it is felt necessary to respond to any allegations made. The decision on this use of the statement will be made by the Chief Executive in consultation with the Chairman.
- (ix) Totally rejects the immoderate statements made (eg "This type of despicable behaviour has more in common with the Nazi party than a so-called democratic institution.") and invites Mr Graeme Hicks to consider making a formal public apology to the Authority on these statements and to offer an unconditional withdrawal.
- (x) Invites Mr Graeme Hicks to consider how he can best serve the interests of his community and the wider public as a Member of Devon and Cornwall Police Authority, given the conflict and mistrust that he has recently created between himself, the Police Authority and the Constabulary.

## **P/2220 RE-ADMITTANCE OF THE PRESS AND PUBLIC**

**RESOLVED** that the remaining Agenda items be considered as open items

## **OPEN SESSION**

### **P2221 ITEMS REQUIRING URGENT ATTENTION - FORCE TARGETS 2008/11 AND 2008/09 – UPDATE**

Mr Mike Bull took the Chair.

When Police Authority Members agreed Force three year and one year targets, it had been raised that the Home Office had not published the final Assessment of Policing and Community Safety guidance. This guidance includes those indicators that will be measured nationally. In order to aspire to be in the top ten forces, three year targets must be measured nationally.

Following the publication of the Assessment of Policing and Community Safety (APACS) guidance, it was clear that one target selected was not in the nationally published indicator set. It was therefore proposed that the target:

To be one of the 10 Forces nationally with the highest percentage of people who 'agree that the local police are dealing with anti-social behaviour and crime that matter in this area'

be replaced with

To be one of the 10 Forces with the highest percentage of people who 'think the police in their area are doing a good job'.

**Cont'd...**

**P2221 ITEMS REQUIRING URGENT ATTENTION - FORCE TARGETS 2008/11 AND 2008/09 – UPDATE (CONT'D)**

It was also proposed that the one year target 'To exceed 40% of people who agree that the local police are dealing with anti-social behaviour and crime that matter in this area' be maintained.

Issues discussed during consideration of this item included:

The origin of the 40% in the one year target. This was the figure decided at an earlier meeting when considering the targets and was considered to be a suitably challenging percentage to achieve.

**RESOLVED to approve the proposed change to Force targets.**

The meeting adjourned at 13:30.

The meeting reconvened at 15:00

**P/2222 WEBCASTING**

Having regard to the special circumstances pertaining in this matter – namely the need to place orders for webcasting services to ensure the continuation of webcasting of Authority meetings post the May meeting, the Chairman was of the opinion that despite its non-inclusion on the Agenda, the matter of webcasting should be considered at the meeting as a matter of urgency.

The Urgency Committee had previously been asked to consider the approval of expenditure and consequential changes to the capital programme and budget to provide webcasting facilities at Police Headquarters and at the Authority's offices to enable the continuation of webcasting of the Authority's meetings.

Some Members of the Urgency Committee had recommended that this decision be taken by the full Authority.

Members were provided with the cost of both the webcasting equipment lease and airtime, and the purchase of audio equipment. A further report would be brought to the next meeting of the Authority.

**RESOLVED** to approve the placing of the orders for audio equipment and annual leasing of the associated webcasting equipment and airtime.

**The meeting ended at 15:05**

Signed.....
Date.....