

Q1(b) In relation to 1(a) were all the WYPA members made aware of the existence of this letter (plus attachment) and on what date was it discussed (YES) or (NO) and is it recorded in any WYPA minutes (WHICH CAN BE EXAMINED ONLINE)?

Both documents were e-mailed to all members on 4 October 2012. It was not discussed at any meeting of the Police Authority and therefore no minutes are available.

Q2 (a) What was the procedure for informing those person's who had submitted questions to the Authority prior to the publishing of the Agenda Item No 9 'disclosure / permitted list, in order that they can make arrangements to travel and attend? Or NOT to travel?

There is no formal procedure documented for informing people. However, confirmation that questions have been accepted for answering at a Police Authority meeting was normally provided by e-mail or letter, unless another form of contact had been requested.

Q2(b) Were those questions which I wished to raise, submitted to the Full Police Authority prior to Open Meeting?

The questions were considered by the Acting Chair, Councillor Les Carter, when finalising the agenda for the Full Police Authority meeting which took place on 9 November 2012. They were not submitted to the Full Police Authority.

Q2(d) Please supply the WYPA response to Mr N Wilby's request/question (question listed No 2 on the list i.e. his first question outlined, 'How is the public interested served by West Yorkshire Police Authority broadcasting a request for public questions via the Internet on the afternoon of the 25 October with a deadline of the following day (26th)?'

The response provided to Mr N Wilby was as follows:-

"Public questions have been dealt with on the Authority's agenda since 8 October 2010 and it has been a regular agenda item since that time. The Authority has no requirement under its standing orders to issue a press release on a particular date. However, the Authority recognises that the press release which invited public questions should have been issued much earlier and accepts this should have been done. This was an omission rather than a deliberate decision."

2(e) Were any other person(s) questions to the Authority, not permitted for similar reasons such as mine?

No other person's questions were rejected for similar reasons as yours.

2(f) Were any of either Mr M Horbury or Mr N Wilby submitted questions - rejected and if so how many? Please supply me with those rejected questions.

5 questions in total from these individuals were rejected. The text of the questions is as follows:-

“Can all Members please indicate by show of hands if, before the Special Committee meeting on 4th October 2012 they had, firstly, read Chapter 11 of the Hillsborough Independent Panel Report. Secondly, if they had read the Inquiry Report in its entirety and, lastly, if they had read all the documents on the Hillsborough Inquiry Report website that showed in response to typing 'Bettison' in the website's search engine. There are 159 such documents.”

“Sir Norman Bettison denies any involvement of a cover up and a smear campaign in the Hillsborough disaster in the face of an independent enquiry that says there was a cover up and a smear campaign. Does this mean that Sir Norman alleges that he was kept in the dark by subordinates?”

“And if he does, would this 23 year period spent in such darkness be consistent with that of a competent police officer?”

“Could it be a realistic scenario that a competent officer would be unaware of such things?”

“Mark Burns-Williamson, OBE said: “Firstly, we found the contents of the report shocking and very disturbing, especially the revelations that possibly 41 lives could have been saved.” With this firmly established in the mind of the WYPA and the fact that Sir Norman Bettison can only realistically choose from either being culpable (which he denies) or incompetent (by not knowing what was going on under his very nose) surely the WYPA is open to accusations of a gross dereliction of duty by not sacking him?”

[Q3\(b\)\(1\) Dealing specifically with the date of this Report, which is shown as 26 April 2010. What is the correct date for this report?](#)

The correct date of the report is 26 April 2012 – the year was mis-typed. The following explanation has been created to assist you. This date does not correspond to any Committee meeting dates because the Chair of the Resources Committee was asked to make a decision using the Police Authority's Standing Order 12 – Urgent Business. The date corresponds to an informal meeting between the Chair of the Resources Committee and the Command Team portfolio holders, where the Chair was asked to make two urgent decisions. As per Standing Orders, the Resources Committee was asked to note the Chair's decision at the next meeting of the Committee on 25 May 2012. The Committee decision can be found at Item 17 on the agenda for that meeting. I have attached the report for your information.

Please note that the above response also addresses question 1 from the Freedom of Information Request received by West Yorkshire Police and transferred to the Office of the Police and Crime Commissioner on 20 May 2013 (West Yorkshire Police Reference FOI-20131/284889)

[Q3\(b\)\(2\) What was the date that this report was presented to the Resources Committee?](#)

The Resources Committee was asked to note the Chair's decision taken under Standing Order 12 – Urgent Business at the next meeting of the Committee on 25 May 2012. The Committee decision can be found at Item 17 on the agenda for that meeting.

Q3(b)(3) Was this report shown/discussed in any other Committee WYMP sessions?

In answering this question I have assumed that this question refers to the West Yorkshire Police Authority (WYPA) Committees. WYMP is an old acronym for the West Yorkshire Metropolitan Police. The report was not shown or discussed at any other Committee meetings. The Resources Committee was the appropriate committee to deal with that business.

Q3(b)(4) Who was the person responsible for recording the matters discussed/documents/reports submitted when the Chief Constable Report was presented? Why is there no detailed record of this report being presented in either Resources Committee reports 2 March 2012 or 25 May 2012 although there is reference page no3 Item 61 Provisional Outturn 2011/13 re recent court decisions about medical pensions, and page 8 Item 80 Standing Order 12 Decision – Over 65s Medical Pensions Review. URGENT BUSINESS. There is no reference to the Chief Constables Report which the public should be allowed to access and examine?

I was the person responsible for recording the matters discussed at the Resources Committee. The Chief Constable's report was provided as an appendix to the report at Item 17 on the agenda for the Resources Committee meeting on 25 May 2012, as you will see from the attachment to this e-mail. The minutes from the meeting show that the Committee noted the Chair's decision. I have attached the minutes from the meeting on 25 May 2012 for your reference also.

Q4 In relation to the amended Standing Orders Appendix B referred to in the Police Authority Meeting on 23 September 2011 (recently disclosed in a FOI);
(a) Why was not the amended Appendix B Resources Standing Order referred to in the Police Authority Meeting on 23 September 2011 immediately placed in the 'Order Book' as required by the Authority's own rules?

The amended standing order was effective from the date of approval by the Authority. It was not however included on the website and this was an omission on our part. However, please see 4(b) below which means there was no practical impact of this omission.

Q4(b) The necessity and compulsion of interdicting this additional Order 3.1 (g) and placing it this in the Resource Standing Orders/Appendix B is to deal legally with all former police officers in the future (YES) (NO)?
Therefore it must be assumed that the recent actions by the West Yorkshire Police was also unlawful, as there was no 'delegation of authority to the Chief Constable to deal with former retired IOD officers' (YES) (NO) or is there another explanation?

No. The amendment to Resource Standing Order 3.1(g) was for the purposes of clarifying the intent of the delegation, which did not change as a result of this amendment.

Q5(a) Please supply me with the WYPA Delegation to the Chief Constable that 'authorised' him and his staff to process and deal with 'retired IOD pensioners' between the period 2004 until 23 September 2011. (I would point out that the WYPA legal team



who represented the Authority during Dorricott/Dewane/Clarkson/Turner apparently could not locate such a authority / delegation document in order to furnish the appellants legal team. Likewise the West Yorkshire Police could not locate such a delegation from the Chief Constable to the staff detailed to process the now Home Office Guidance which has been declared unlawful by the High Courts. (YES) or (NO)? Or is there another explanation?)

I have attached a copy of the previous Resource Standing Orders prior to 23 September 2011.

Please note that the above response also addresses part of question 1 from the Freedom of Information Request received by West Yorkshire Police and transferred to the Office of the Police and Crime Commissioner on 20 May 2013 (West Yorkshire Police Reference FOI-20131/284905)

6 In relation to the yearly Financial Document West Yorkshire Police Authority 1 April 2010 to 31 March 2011, page 65 'Police Injury Benefits'.

(a) Please detail what was the legal action which was settled, especially as the WYP were resisting a judicial review Dorricott/Dewane/Clarkson/ and Turner?

The reference was to the legal action being taken by the four claimants that you have named.

Q7 Since May 2012, how many claims for damages has either the WYPA/WYP/OPCC received from the IOD pensioners whose pensions were 'unlawfully reduced' and also whether there has been any settlement? What is the settlement figure to date? Has a 'class action' been notified to the WYP/OPCC? Or is the WYP/OPCC going to make voluntary contributory offer to all IOD pensioners to off set any potential claims?

We do not hold any information about this. You will need to refer this question to West Yorkshire Police.

Questions from your Freedom of Information Request received by West Yorkshire Police and transferred to the Office of the Police and Crime Commissioner on 20 May 2013 (West Yorkshire Police Reference FOI-20131/284889):

Q2. "It is evident from studying both the Minutes of the WYPA and the Report from the Chief Constable referred to in Item No 1 above, that there is no reference to a High Court Judgement (Queens Bench Division) Administrative Court Ref CO/5056/2011 an application by John Dorricott/John Dewane/Deninis Clarkson / Langford Turner -v- West Yorkshire Police Authority, in any of those Minutes of the Authority's Committees neither is it mentioned in the Chief Constables Report (26 APRIL 2010 ?)

(Q.2a) Please name the person/department for ensuring that such information is duly and correctly recorded in the Police Authority Minutes etc. (Q.2b) Please name the person/department who should and is duty bound to forward such information to (Q2.a). in order that it is recorded in the public records."

The matter was raised by the Assistant Chief Constable at the Resources Committee meeting on 2 September 2011 and recorded by myself. Please find attached the minutes from that meeting, which show the discussion at Item 6.

Please note that the above response also addresses question 3c and all of question 4 from the Freedom of Information Request received by West Yorkshire Police and transferred to the Office of the Police and Crime Commissioner on 20 May 2013 (West Yorkshire Police Reference FOI-20131/284889)

Q3a. " On what date was the WYP and/or the WYPA aware that the ' four named IOD officers ' in question No 2 above intended(Q.3.a) to take High Court Action - date of first legal papers ? and on what date did the WYPA decide to " ACQUIESCE) " to those IOD pensioners claim.? thereby agreeing that the WYP/WYPA actions had been unlawful.

The Police Authority was informed about the intended legal action on 21 June 2011. We do not hold any information about the remaining parts of this question. You will need to refer these parts to West Yorkshire Police.

(Q.3.b) Why was not the remainder of the WYP IOD's pensioners re-instated and re-imbursed immediately at or shortly afterwards ? bearing in mind that Mr Justice Brian Langford had declared that the medical reviews had been unlawfully conducted ?

We do not hold any information about this. You will need to refer this question to West Yorkshire Police.

Q5. "Has any letter of apology been forwarded to the IOD Pensioners re the WYP unlawful reduction of their pension entitlements ?"

We do not hold any information about this. You will need to refer this question to West Yorkshire Police.

Questions 1 and 2 from your Freedom of Information Request received by West Yorkshire Police and transferred to the Office of the Police and Crime Commissioner on 20 May 2013 (West Yorkshire Police Reference FOI-20131/284905):

Q1. Please would you supply me with the relevant dates of the West Yorkshire Police Authority meetings (either Full combined or Resources Committee) when the issue of reducing injured on duty pension entitlements was discussed and agreed, which entitled the Authority to delegate/authorize the West Yorkshire Police to proceed with a recommendation from the Home Office 2004. Please supply me with a copy of all those minutes when the Authority members discussed the ramification of reducing the legal entitlements of the injured on duty officers pensions, and the document of delegation to the Chief Constable.

Q2. Please supply all minutes of the West Yorkshire Police Authority (Full or Resources Committee) which are relative to the reduction of the IOD officer/pensioners entitlements between 2004 and 19 June 2009.

Please find attached the minutes from the Full Police Authority meeting on 20 March 2009 and the Human Resources Committee on 19 June 2009.

Requests for opinion or interpretation

Q1(a) Did you Mark Burns-Williamson (then the Chairman of the WYPA) see this letter and the 'attached informative paper' (forwarded to Fraser Sampson (Chief Executive) on 17 September 2012) which referred to possible maladministration and criminal offences under Section 4 Fraud Act 2006 (Misfeasance)? (YES) or (NO).

Mr Burns-Williamson did not see your letter or attached informative paper because he stood down from the Police Authority on 7 October 2012, in accordance with legislative requirements for anyone wishing to stand for election for the Police and Crime Commissioner post. I can confirm that the Acting Chair, Councillor Les Carter, did see both documents.

Q1(c) Fraser Sampson replied to my letter on 4 October 2012, stating that he had forwarded my questions onto the 'relevant department within the force to respond.' (which was the Corporate Support Department/Information Management). (Note – Precursor for below) Why was this action NOT recorded in WYPA "Freedom of Information Request Log" being the normal procedure with similar requests?

This was an omission on our part and should have been done. Thank you for drawing it to our attention. I will update the disclosure log accordingly.

Q2(c) Please once again explain why none of my questions, were selected to be aired?

This information has already been provided in the text to you on 6 November 2012. It is re-provided here as a courtesy.

"Thank you for your questions which I received via a fax dated 25 October 2012.

In consultation with the Vice Chair and in accordance with our normal processes we have agreed that due to the number and complex nature of some of your questions it would not be possible to answer them at the Police Authority meeting on 9 November 2012.

We therefore we propose to answer your questions outside of the meeting and will respond to you within the next 20 days.

I can assure you that the Vice Chair has seen your questions and I will ensure that he is copied into your response."

Q3 (a) Item 14 (page 3) the phrase 'the decision to over turn the earlier decision' was the Chief Constable Sir Norman Bettison referring about Dorricott/Dewane/Clarkson/ and Turner at Leeds Crown Court - v – West Yorkshire Police Authority = acquiescence (YES) or (NO)? Is there any other issues? (SPECIFY)

This was a report from the Chief Constable. You will need to contact West Yorkshire Police for any interpretation of the intention of the author.

4(c) In view of 4(b) then the reply given in Sharon Waugh (OPCC) letter to me 28 Nov 2012, 'The responsibility for managing the scheme was delegated to the Chief

Constable. In keeping with other delegated matters, the management of the scheme was reported to the Authority' is therefore incorrect (YES) (NO)? Or is there another explanation?

Referring to my response to question 4(b) I can confirm that the reply given by Sharon Waugh was correct.

Q5 (a)(1) Is this the reason why the legal team acquiesced in the judicial review re Dorricott/Dewance/Clarkson/Turner, judgment by Mr Justice Langstaff on 23/01/2012 (YES) OR (NO)? Or is there another explanation?

We do not hold any information about this. You will need to refer this question to West Yorkshire Police.

6(b) Please inform me why all other 'unlawfully' reduced pensioners were not re-instated as Q6(a) above i.e. 31 March 2011?

We do not hold any information about this. You will need to refer this question to West Yorkshire Police.

6(c) Was there a 'gagging order' placed on the settlement at (6)(a) prior to 31 March 2011?

We do not hold any information about this. You will need to refer this question to West Yorkshire Police.