

Thank you for your request for information of 29 November 2013. You have requested:

Information relating to any inquiries carried out by the auditor KPMG in connection with the lawfulness or otherwise of payments provided to former chief constable Norman Bettison. This would include all communications between the PCC's office and KPMG on this issue.

I am attaching the following information:

1. Email chain dated 12.11.13
2. Email chain dated 13.11.13
3. Email chain dated 15.11.13

Some information has been redacted because we consider that an exemption applies. Section 17 of the Freedom of Information Act 2000 states that:

- (1) A public authority which, in relation to any request for information, is to any extent relying on a claim that information is exempt information must, within the time for complying with Section 1(1), give the applicant a notice which:-
- (a) states the fact,
 - (b) specifies the exemption in question, and
 - (c) states (if that would not otherwise be apparent) why the exemption applies.

We consider that the following exemptions apply:

SECTION 40 PERSONAL INFORMATION

Section 40 (2) (b) (3) (a) (i) states that information is exempt if it is personal information about a person other than the applicant and its disclosure would breach any of the data protection principles.

The OPCC considers that disclosure of the information relating to the personal contact details for individuals would breach principle 1 of the Data Protection Act 1998 which is that information should be processed fairly and lawfully. Disclosure of this information would be unfair on the basis that the subject has a legitimate expectation that their contact details will be processed only for the purposes of the OPCC contacting them and would not be disclosed widely under the requirements of the Freedom of Information Act.

This exemption is an absolute exemption and does not require a public interest test.

SECTION 42 LEGAL PROFESSIONAL PRIVILEGE

Section 42(1) of the Freedom of Information Act states that information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is exempt information.

This exemption has been applied to counsel's opinion – a document which is attached to an email included in this disclosure.

This exemption is class-based and subject to a public interest test. In considering the public interest in disclosure of this information the following factors were taken into account:

1. The strong public interest in the decisions taken by public bodies and in ensuring that these are properly considered and professionally conducted.
2. The overriding public interest in transparency in decision making and, in particular, in those decisions which involve public expenditure.
3. The passage of time since the legal advice was presented.
4. The public interest in ensuring that public authorities continue to have access to independent, professional and impartial advice which is not compromised or adversely influenced by public disclosure.
5. The importance of the principle that communications between lawyer and client are protected to ensure access to full and frank legal advice. This is particularly relevant in this case which has a significant personal impact on a third party.

Taking these factors into account on balance it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosure.

From: S40(2) [mailto:S40(2)]
Sent: Tuesday, November 12, 2013 5:04 PM
To: Heeley, Judith
Subject: RE: WY CC pay [NOT PROTECTIVELY MARKED]

I don't suppose you have a copy of any response that [REDACTED] made please. I do not have access to any of our papers from the Audit Commission.

Thanks, [REDACTED]

From: Heeley, Judith [mailto:S40(2)]
Sent: 12 November 2013 15:59
To: S40(2)
Subject: RE: WY CC pay [NOT PROTECTIVELY MARKED]

[REDACTED]

our previous correspondence attached. The advice refers to regulation 34 and the prohibition on any allowances other than those provided for in the Determinations made by the Home Secretary.

thanks

Judith

Judith Heeley
Chief Finance Officer

[REDACTED]

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**Give us back
ALL the money**

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<http://action.westyorkshire-pcc.gov.uk/page/s/giveusbackallthemoney>

From: S40(2) [mailto:S40(2)]
Sent: Tuesday, November 12, 2013 3:40 PM
To: Heeley, Judith
Subject: WY CC pay

Dear Judith

Further to our telephone conversation earlier, please would you be able to arrange for me to have for copies of the Police Authority's decision re Sir Norman Bettison's pay and also a copy of the Counsel's opinion obtained at the time.

Please could you also confirm whether Regulation 34 of the Police Regulations 2003 was considered in making the decision. This is the regulation referred to in North Yorkshire Police Annual Governance Report for 2011/12.

Thank you for assistance in this matter.

S40(2)

kpmg

)

Leeds

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KPMG.

S40(2)

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Fraser Sampson
Chief Executive & Solicitor
West Yorkshire Police Authority
Ploughland House
62 George Street
Wakefield WF1 1DL



My Reference: WYPA/ES/SAC

Your Reference:

This matter is being dealt with by:

Email: es1@wypa.pnn.police.uk

Direct Dial: 01924 284002

22 July 2011

S40(2)

District Auditor
Audit Commission
3 Leeds City Office Park
Holbeck, Leeds
LS11 5BD

Dear S40(2)

Annual Review of the Chief Constable's Locally Agreed Package

The Senior Appointments Committee met on the 20 July to consider the attached report, which sets out the local package agreed for Sir Norman Bettison on his appointment as Chief Constable in 2007.

As you will be aware, the Police Authority was unable to provide any pensionable benefit to Sir Norman in relation to his service with West Yorkshire Police by reason of his earlier retirement from the Police Service.

Members of the committee wished to acknowledge that deficit, as they were very much of the view that in Sir Norman they had an exceptional candidate taking on an extremely demanding role.

The report includes the legal advice obtained by the Authority's Monitoring Officer, which sets out the rationale for the decision taken to enhance the local package provided to Sir Norman to reflect his unique circumstances.

The package was designed to be cost neutral to the taxpayer, reflecting the employer's contribution which the Authority would have made for any other postholder, and has been reviewed on an annual basis to ensure that it remains appropriate.

Continued.....

-2-

22 July 2011

Paragraph 12 (e) of the advice recommends consultation with yourself and the purpose of my letter is to inform you that the Committee agreed to the continuation of the current arrangements, but did ask for the consultation previously carried out to be refreshed. I would therefore ask for any views you may have on this matter and, in the terms of the advice, whether you are comfortable with the proposals as now implemented.

I am very happy to discuss this in more detail if that would be helpful.

Yours sincerely

Fraser Sampson
Chief Executive

From: Heeley, Judith
Sent: Wednesday, November 13, 2013 11:41 AM
To: S40(2)
Subject: Letter [NOT PROTECTIVELY MARKED]

[REDACTED] S40(2)
copy of [REDACTED]'s letter. Are you able to copy me in to your response to the YP please?

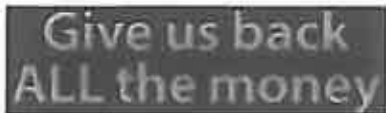
S40(2)

thanks

Judith

Judith Heeley
Chief Finance Officer

[REDACTED] S40(2)
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Like us on Facebook - 'Office of the Police and Crime Commissioner West Yorkshire'



Did you know half of the ill gotten gains of criminals seized by police and prosecutors in West Yorkshire gets taken by the Treasury? [Click here to sign the petition and get it back.](#)

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<http://action.westyorkshire-pcc.gov.uk/page/s/giveusbackallthemoney>

From: K0175@Westyorkshire.pnn.police.uk [mailto:K0175@Westyorkshire.pnn.police.uk]
Sent: Wednesday, November 13, 2013 1:43 PM
To: Heeley, Judith
Subject: Message from k0175

From: S40(2) [mailto:S40(2)]
Sent: Friday, November 15, 2013 8:49 AM
To: Heeley, Judith
Subject: FW: Letter [NOT PROTECTIVELY MARKED]

Good Morning Judith

Re the statement below, this should not be used by WY Police as part of any statement made to the press or any other third party.

Thanks, [REDACTED]

From: S40(2)
Sent: 14 November 2013 16:46
To: 'Heeley, Judith'
Subject: RE: Letter [NOT PROTECTIVELY MARKED]

Apologies Judith, I have been away from work. This is the statement given to the Yorkshire Post:

"The auditor considered the relevant issues in relation to his statutory duties when compiling his Annual Governance Report, including those in the Audit Commission's Weekly Auditor Communications. In relation to any individual's pay, and having made appropriate enquiries, he judged there were no grounds to challenge any Police Authority or Police and Crime Commissioner decisions or governance arrangements relevant to the 2012/13 accounts and therefore had no such matters to report ."

[REDACTED]
From: Heeley, Judith [mailto:S40(2)]
Sent: 13 November 2013 11:41
To: S40(2)
Subject: Letter [NOT PROTECTIVELY MARKED]

[REDACTED]
copy of [REDACTED]'s letter. Are you able to copy me in to your response to the YP please?

thanks

Judith

Judith Heeley
Chief Finance Officer

[REDACTED]
Follow us on Twitter - @WestYorksOPCC
Like us on Facebook - 'Office of the Police and Crime Commissioner West Yorkshire'

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ALL the money**

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<http://action.westyorkshire-pcc.gov.uk/page/s/giveusbackallthemoney>

From: K0175@Westyorkshire.pnn.police.uk [<mailto:K0175@Westyorkshire.pnn.police.uk>]
Sent: Wednesday, November 13, 2013 1:43 PM
To: Heeley, Judith
Subject: Message from k0175

Mark Burns-Williamson has been elected as the Police and Crime Commissioner for West Yorkshire. For more information about Mark and the Office of the Police and Crime Commissioner, please visit the Commissioner's website: www.westyorkshire-pcc.gov.uk.

REPORT MINOR CRIME ONLINE: Report a West Yorkshire crime online, request a callback or report lost property, all via the west yorkshire police website <http://www.westyorkshire.police.uk/>

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**NOT FOR PUBLICATION THIS
REPORT DEALS WITH EXEMPT
INFORMATION AS DESCRIBED IN
PARAGRAPH 3 OF PART 1 OF
SCHEDULE 12A TO THE LOCAL
GOVERNMENT ACT 1972**

AGENDA ITEM NO: 11

**SENIOR APPOINTMENTS
COMMITTEE**

20 JULY 2011

**SUBJECT: ANNUAL REVIEW OF THE CHIEF CONSTABLE'S LOCALLY AGREED
EMPLOYMENT PACKAGE**

Report of the Chief Executive

PURPOSE OF THE REPORT

1. To conduct the annual review of the Chief Constable's locally agreed employment package.

RECOMMENDATION

2. That members consider the content of the Chief Constable's locally agreed employment package and determine whether or not it remains appropriate.

KEY INFORMATION

3. On the appointment of the Chief Constable on 29 January 2007, members sought legal advice in relation to the establishment of a locally agreed employment package which took account of Sir Norman's individual circumstances. His earlier retirement from the police service meant that he was not eligible to join the Police Pension Scheme and as a result the Authority was also not able to make any contribution to pension provision as would be the case for any other postholder.
4. The advice covered the establishment of a local package in these circumstances. Part of that advice included a recommendation that the agreed package be formally reviewed on at least an annual basis to ensure that it remained appropriate. The advice is contained at Appendix A, and the package itself is set out at Appendix B.
5. As part of its annual review, the Committee has agreed in previous years to uprate the local package by the nationally agreed police pay award, effective from the anniversary of the Chief Constable's appointment. The amounts shown at Appendix B include the effect of the September 2009 pay award. The pay award agreed for September 2010 was 2.55%, and members are requested to consider implementing this increase with effect from 29 January 2011.

STRATEGIC RISK IMPLICATIONS

6. The Senior Appointments Committee has followed due process and taken independent legal advice to mitigate the risk that the package would be challenged as being outside of the provisions set down in Police Regulations.

RESOURCE IMPLICATIONS

7. The Chief Constable's package was specifically designed so as to be cost neutral in comparison with the employment of any other postholder.

EQUALITY AND DIVERSITY CONSIDERATIONS

8. The package agreed by the Senior Appointments Committee was designed to put the Chief Constable into a similar position to any other postholder in respect of his overall remuneration package.

HUMAN RIGHTS CONSIDERATIONS

9. None in the context of this report.

CONTRIBUTION TO THE POLICING PLAN

10. There is no direct contribution to the Policing Plan from the content of this report.

IMPLICATIONS FOR REGIONAL/COLLABORATIVE WORKING

11. There are none in relation to this report.

CONTACT OFFICER

Fraser Sampson
Chief Executive
West Yorkshire Police Authority
Ploughland House
62 George Street
Wakefield
WF1 1DL

SUPPORTING DOCUMENTATION

Appendix A – Legal Advice provided by S42(1)

Appendix B – Chief Constable's locally agreed package

BACKGROUND PAPERS

None

**WEST YORKSHIRE POLICE AUTHORITY
LOCALLY AGREED PACKAGE FOR
SIR NORMAN BETTISON,
CHIEF CONSTABLE WEST YORKSHIRE POLICE**

The conditions which comprise the locally agreed package offered by the Police Authority to the Chief Constable of the West Yorkshire Police are as follows:-

1. You will be provided with a staff car and driver for use on any duties you undertake in connection with your office of Chief Constable. You may also make personal use of this vehicle provided you reimburse the Police Authority in accordance with the conditions set out in the car scheme attached.
2. You will be paid a car allowance of £35,666 per annum. The allowance is intended to cover the purchase, maintenance and running costs (excluding fuel) of a private vehicle/s and as such the vehicle/s will not be owned, maintained or operated as part of the West Yorkshire Vehicle Fleet. Any business mileage will be reimbursed at the essential user rate.
3. A sum of £8,916 per annum will be provided for health and wellbeing, to include private health cover (including dental and optical cover) and gym membership for you and your immediate family.
4. A sum of £2,675 per annum will be provided for life cover in the event of death in service.
5. A sum of £7,134 per annum will be provided for continuing personal development activities of your choice, either in the UK or overseas.
6. You will be provided with a credit card exclusively for your use in connection with your duties when incurring expenses in respect of accommodation, subsistence, hospitality (including entertaining at home) and out-of-pocket expenses, all of which will be paid in full on your behalf.
7. You will be reimbursed telephone expenses including rental, 50% of all calls and VAT on both or broadband connection. Claims for more than 50% of total calls will be accepted if circumstances warrant.
8. You will be provided with a uniform.
9. You will be reimbursed the cost of professional fees (e.g. ACPO, etc.) as approved by the Executive Director.
10. Appropriate domestic security arrangements up to a maximum sum of £15,000 will be provided should there be a need.
[Note: Approval to the expenditure is currently delegated to the Chief Executive of the Authority acting in consultation with the Chair of the Authority]

The other terms and conditions of the appointment are in accordance with Police Regulations.

Items 2 to 5 are specific to you in your role as Chief Constable to West Yorkshire Police, and recognise your exceptional qualities and additional responsibilities placed upon you. As such, these items will be subject to annual review by the Police Authority.

NB Items 2 to 5 are shown gross of tax and national insurance.