



OFFICE OF THE POLICE & CRIME COMMISSIONER FOR NORFOLK

Reply to: Claire Buckley

Tel No: 01953 424455

9th January 2018

Dear Member of Public

Freedom of Information Request FOI/OPCCN/132

I am writing in connection with your email dated 26th December 2017, in which you requested the following information:

“Dear Norfolk Police and Crime Commissioner,

In the the Policing Protocol Order 2011 pursuant to The Police Reform and Social Responsibility Act 2011 it states;

- 22. The Chief Constable is accountable to the law for the exercise of police powers, and to the PCC for the delivery of efficient and effective policing, management of resources and expenditure by the police force.**
- 17. The PCC has the legal power AND DUTY to—**
 - (c) hold the Chief Constable to account for the performance of the force’s officers and staff;**
 - (j) hold the Chief Constable to account for the exercise of the functions of the office of Chief Constable and the functions of the persons under the direction and control of the Chief Constable;**
- 19. In order to enable the PCC to exercise the functions of their office effectively, they will need access to information and officers and staff within their force area. Such access to any information must not be unreasonably withheld or obstructed by the Chief Constable and/or fetter the Chief Constable’s direction and control of the force.**
- 22. The Chief Constable is responsible to the public and accountable to the PCC for—**
 - (e) providing the PCC with access to information, officers and staff as required;**
 - (m) having day to day responsibility for financial management of the force within the framework of the agreed budget allocation and levels of authorisation issued by the PCC.**

I quote the above duties as I am bringing it to your attention, formally, that the Chief Constable is failing to discharge his duties with providing information to me. You

have an obligation to make sure he fulfills his duties and you have the legal power to obtain the information I seek.

The information I am requiring is the formal authorisation for "any" member of the Chief Constables force regarding the delegation of Appropriate Authority powers under the Police Reform Act 2002

Apart from the duty I speak of in the first paragraph, I would like to make it clear in this written request that I am not just requesting this information from you under the Freedom of Information Act but also under the duty of candour and I am also requesting that you disclose it under the the Civil Procedure Rules Part 31. As you are a party to the judicial proceedings claim number CO/4188/2017, these duties strictly apply to you and it is a requirement what the House of Lords have called "an exceptionally high duty on public authorities". (see Tweed).

Therefore, you have four separate duties to make sure I am provided with this information.

- 1) FOI
- 2) Duty of candour
- 3) Civil Procedure Rules Part 31
- 4) The Policing Protocol Order 2011

It should be an official template document clearly showing the names, signature and the date of authorisation like in the similar format you sent me in the below link.

XXXXXX

Yours faithfully,

XXXXXX”

I have reviewed our records and I can advise that no information is held by the Office of the Police and Crime Commissioner for Norfolk.

Yours sincerely

CBuckley

Claire Buckley
Freedom of Information Officer
Office of the Police and Crime Commissioner
For Norfolk.

Internal Review

If you think we have not supplied information in accordance with Section 1 (the General Right of Access) of the Freedom of Information Act 2000, or you are dissatisfied with the way in which your request has been handled, then you should write, in the first instance, to:

Mark Stokes
Chief Executive
Office of the Police and Crime Commissioner for Norfolk
Building 8
Jubilee House
Falconers Chase
Wymondham
Norfolk
NR18 0WW

Telephone: 01953 424455

Fax: 01953 424462

Email: opccn@norfolk.pnn.police.uk

If you are dissatisfied in any way with our response or the way we have handled your request, you can contact us by phone, email or in writing. We may, in the first instance, try and resolve your complaint informally. However, at any stage you can request or we may decide to treat your complaint formally under our internal review process.

An internal review is conducted by the Chief Executive who will review the request and response, taking account of your complaint(s), and will respond in writing as soon as possible. The Information Commissioner's Officer recommends that a response should be made in 20 working days. If we are unable to respond in this timeframe we will inform you and provide a date by which you should expect to receive our response.

If, after the internal review, you remain dissatisfied then you can complain to the Information Commissioner's Office, the government regulator for the Freedom of Information Act. Details of how to contact the Information Commissioner's Office can be found at www.ico.gov.uk