

30th June 2023

Dear Mrs Newbury

I write to acknowledge your letter of 23rd June 2023 regarding the appointment of my Deputy Police & Crime Commissioner.

In both our submissions to the Panel as well as the information Mr Flatley and I provided at the confirmation hearing, I have demonstrated that the appointment to the role of Deputy Police & Crime Commissioner has been a considered and thorough process. As such I am pleased to confirm Mr Flatley in the role and look forward to working closely with him in the coming months to build on the success already achieved by my Office and I on behalf of the communities of Derbyshire.

However, in acknowledging your letter I also want to put on record my concerns that the Panel appeared to be misinformed and driven by party-politics in how the Confirmation Hearing was conducted. Rather than assessing Mr Flatley's suitability for the role of Deputy Police & Crime Commissioner, the hearing became an entirely predictable attempt to score political points.

The Police and Crime Panel is set up to be an independent panel and the role of the Chair is to always maintain political neutrality. Unfortunately, there was no such neutrality at the recent Panel. As you know, there are specific requirements in law that cover the formal process for appointing a Deputy Police and Crime Commissioner. The formal legal process was fulfilled and adhered to in appointing Mr Flatley. Your comment in point 1 is grossly inaccurate and misleading. Unfortunately it reflects the politically biased attitude of Panel members during the Confirmation Hearing. This process was properly explained during the Confirmation Hearing. However, there was no acknowledgment to that fact at the time. The comments made about the process lacking openness or transparency completely misses the point about what the legal requirements are for such an appointment. I am particularly concerned that members appeared at the time not to understand what the law requires and instead we saw statements being made that lacked merit but curiously went unchallenged by you as Chair of the Panel. As you are aware, I have been without a Deputy Police and Crime Commissioner for the last two years, unlike the previous incumbents. The Government is now moving towards making the appointment of a Deputy compulsory. There is now less than a year to the end of the current term. To use any other routes to appoint would have taken much longer and my Deputy would not have been able to start for a while, effectively making it difficult for anybody to have an effective impact on the role, which is a one-year appointment.

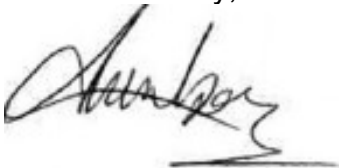
Section 18 of the Police Reform and Social Responsibility Act 2011 provides for a Commissioner to 'appoint' a person as Deputy Police & Crime Commissioner and provides a clear framework for assessing the eligibility and scrutiny requirements of such an appointment. My Office and I have followed that legal responsibility closely. It is therefore entirely without basis to make the comments that you have when they amount to nothing more than opinion at best. The Panel's Monitoring Officer and my own Monitoring Officer discussed the legal requirements prior to the Panel meeting to ensure that they were clearly understood, which they were. I therefore question why a number of Panel members were allowed to continue to make politically charged comments that are baseless.

In relation to several of the other concerns in your letter, my Office and I provided ample information in advance as well as at the Confirmation Hearing to demonstrate Mr Flatley's suitability for the role. There were a number of weeks between the official notification of appointment to the Panel and the Confirmation Hearing, during which the Panel had every opportunity to request any further information they wished to see. However, no such request was made by the Panel in advance of the Confirmation Hearing. Furthermore, Mr Flatley and I answered all the questions that were asked by the Panel on the day so I also refute the insinuation that information was in some way not forthcoming. That, again, is a politically motivated statement and without merit. Again, on the day the same individuals were able to continuously make political statements rather than use the meeting as the constructive and informative meeting that it should have been.

Whilst welcoming your recommendation to appoint Mr Flatley I trust that my comments above will be noted, and I would urge you as Chair to ensure that the advice of your Monitoring Officer is heeded in future to ensure that the Panel exercises its duty appropriately. May I also suggest that whilst the political bias of the Panel members is now clear, it is the Chair's responsibility to ensure that comments being made in public forum are accurate and backed up with evidence. In the case of the process by which I have appointed Mr Flatley, the Panel's conclusions are objectively inaccurate and nothing more than political point-scoring.

I have grave concerns about the obvious political bias of the Panel. This is expected by all concerned to become even worse as we approach the elections in May 2024.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Angelique Foster', with a horizontal line underneath.

Commissioner Angelique Foster
Police and Crime Commissioner for Derbyshire