



**Derbyshire
Police and Crime
Commissioner**

Protecting Communities,
Fighting Crime

The Office of the Police and Crime
Commissioner for Derbyshire
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Derbyshire DE5 3RS

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28th March 2024

FOI 08/2024

I write in connection with your request for information processed under the Freedom of Information Act 2000 and received in the Office of the Police and Crime Commissioner (OPCC) for Derbyshire on 03/02/2024 when you asked the following question(s):

Dear Derbyshire Police and Crime Commissioner, I again contact you on the information provided by yourself and that of senior officers on the subject of unlawful parking restrictions and the negative actions from the force on the perjury and fraud committed by DCC and its personnel. You had also claimed that the police had no involvement within traffic /parking regulations but failed to disclose that the force have a liaison officer with the Council and also that the Chief Constable has to be consulted prior to any TRO being deployed. The above two stated areas of involvement conveys that you either have no qualifications for your position or that you knowingly provided misleading information at the time.

It is also evident that the force are complicit with the Council in supporting unlawful operations of parking restrictions on the A632 lay-by where it is a force problem as the lines are not allowed within any rural lay-by and no doubt had to attend many times prior to these unlawful restrictions. Every regulation is being abused by this Council and is all documented in their responses over the past seven years. In providing incorrect information at TPTs the Council also commit the act of fraud and I quote the 1911 perjury act and the 2006 fraud act, both being serious criminal acts and not civil as claimed by senior officers.

I again request that this situation is rectified ASAP and that all regulations as claimed by those senior officers and yourself is correct as previously claimed. (Regulation documents required) I quote regulations and NOT what others consider or require them to be.

I await the information on the legal claim made by all and anyone who claims that rural lay-bys can have any restrictions and that the Council are not acting unlawfully.

I would also advise assessing the National Highways TROs which state highways, roads, lay-bys, service road or bus stop. All being "separate areas" and all having their own application(s)

I inform you that a recent driver submitted his NTO with one word, this being UNLAWFUL and the Council accepted his claim. Just how corrupt can this subject become??

In answer to your request for information above, please see the below response.

I am aware that my office has liaised with you over a number of years regarding Traffic Regulation Orders (TROs). I must advise you, that ultimately it is the decision of the relevant local highways authority whether to issue a TRO or not and that the Constabulary are only a consultee in that process, not the final decision maker. Therefore, when the Council wants to put a TRO in place, they are *obliged* to inform the Constabulary/Chief Constable of this and ask for any comments. However, it is actually the Roads Policing Unit who will send any comments they have back to the Council regarding a proposed TRO, not the Chief Constable herself. It is then up to the Council to review all the comments received from all consultees in the process, before issuing or not issuing a TRO.

Once a TRO is issued, enforcement is carried out by the county council for parking restrictions under their powers stated in the Traffic Management Act 2004. Therefore, if you feel that there have been some unlawful operations regarding parking restrictions, then I would advise you to liaise directly with the county council's Monitoring Officer, and thereafter, the Local Government and Social Care Ombudsmen, as it is not something that falls within my remit as Police and Crime Commissioner to have any influence over.

I believe that my office has clarified our position regarding TROs, and I have also advised you of the most appropriate authority for you to contact, should you wish to raise any complaints regarding TROs. Therefore, to clarify, the OPCC will not be responding to you further regarding this matter and any further correspondence received from you regarding this matter will be filed for reference only and not responded to further.

If you are not satisfied with our response to your request, under Section 17 of the FOIA of the FOIA you are entitled to ask for an internal review of our decision. Any internal review needs to be submitted within two months of the date of receipt of this response and state why you are unhappy with the response. You can submit an internal review in the following ways:

- * emailing the OPCC Inbox –
PCCOffice@Derbyshire.PNN.Police.UK or;
- * writing to the OPCC at –
The Office of the Police and Crime Commissioner for Derbyshire
Butterley Hall
Ripley
Derbyshire
DE5 3RS
By phone – 0300 122 6000 (as a reasonable adjustment under the Equality Act 2010).



If you are not satisfied with the outcome of the internal review under Section 50 of the FOIA you can apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the internal review procedure provided by the OPCC. You can contact the ICO in the following ways:

- * online at the ICO –
<https://ico.org.uk/global/contact-us/> or;
- * writing to the ICO at –
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Marie Romano'.

Marie Romano
Interim Strategic Lead for Governance and Compliance
On behalf of the Police and Crime Commissioner

