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Alan Menzies Esq.,
Director of Planning & Economic Regeneration
East Riding of Yorkshire Council,
by email to alan.menzies@eastriding.gov.uk

cc Humberside Police, MP's, Councillors and others.

Misconduct in a Public Office and other offences in Relation to Speed Camera Claims.

Dear Mr. Menzies,

I am copying your letter of 23rd May (received on the 26th) and this reply, to **Humberside Police asking that they add your name and that of your Council to that of Safer Roads Humber in relation to my complaint of Misconduct in Public Office and other offences.** My reason for doing so is that your letter makes it clear that **you and your Council continue to refuse to withdraw claims which you must know to be untrue, and that publication of these false claims amounts to one or more criminal offences.**

The most striking aspect of your response, as with Sherlock Holmes' dog that barked in the night, is that you make no attempt whatever to claim, let alone to explain why, my analysis is wrong and Safer Roads Humber's claims are correct. Given that you could not have attained your present position without at least a basic understanding of arithmetic, you will understand why I take your failure to challenge my analysis as **tacit acceptance that it is correct**, and that Safer Roads Humber's claims are - to put it politely - **mistaken**. I therefore need not repeat here the detail of those arguments (which are in any case, with all relevant correspondence, in the public domain at <http://www.fightbackwithfacts.com/humberside-safer-roads-false-claims/>) and instead I concentrate on the **legal aspects of the publication of false information**:

As a public servant you cannot fail to be aware of your **statutory duty of care**, and that of your Council, to the public you serve, and that this **duty extends not only to what you do but also to what you fail to do**. As someone clearly involved in planning and spending, you cannot fail to be aware that while, in any context, **planning, decisions and spending based on false data and analysis usually leads to worse outcomes than would otherwise occur, in the context of road context lives and limbs are at stake.**

You may not have been aware until now that as long ago as 1911 the **Perjury Act** made it a **criminal offence to publish false information in public documents**, but even if you were not so aware, you could not sensibly not have known that, as a general principle, **doing so must be improper and illegal**. Given that I made these legal points in considerable detail in my original complaints (which I assume you have read) and that you no more challenged them than you did my analysis of the false claims, I again have to assume that **your failure to challenge these legal points amounts to tacit acceptance that they too are correct.**

The basis of your refusal to withdraw the claims seems therefore to be based therefore on a **single remarkable proposition - that you are following the recommendations (until 2007 the instructions) of the DfT and have no intention of doing otherwise.** However, because I had already been in touch with the DfT over these issues. their David Hammond confirmed to me in email* dated 14th May that:

"Since the end of the National Safety Camera Programme on 31st March 2007, actions relating to enforcement cameras have been a local matter for the Partnerships, where they still exist, or the police where they do not. With the end of hypothecation, the no power to direct or influence the actions of those agencies undertaking enforcement". (my emphasis)

Thus responsibility for truth and accuracy of your analysis of supposed camera benefit **rests fairly and squarely with Safer Roads Humber, its staff and your Council**. To claim otherwise and to refuse to withdraw the false claims **is to misunderstand your responsibilities and those of the Council to the public you serve**. Hiding behind the (admittedly seriously flawed but now effectively withdrawn) advice of the DfT to perpetuate gross errors is no more a credible defence than "*I was only following orders*" was at the Nuremburg War Crimes Tribunal. Nor do I understand how so many people in the public eye still fail to understand that it is often **not the original error that proves fatal, but the cover-up**.

You and your colleagues have a **clear and statutory duty to withdraw these false claims. If you continue to refuse to do so I will pursue every available means to ensure that you do**.

Yours faithfully,

Idris Francis

* <http://www.fightbackwithfacts.com/wp-content/uploads/2012/05/22-DfT-reply-to-my-complaint.pdf>