Our ref: JAGU / LN



Date: 2nd May 2017

Diana Terris

Chief Executive

Barnsley MBC

18 Regent Street

Barnsley

South Yorkshire

S70 2HG

www.southyorks.gov.uk

Mr T Farrell

c/o tony@JAHTruth.net

|  |  |  |
| --- | --- | --- |
| This Matter is being dealt with by: | David Cutting  Solicitor | Tel: 07734 777101 |
| Email: | davidcutting@barnsley.gov.uk |  |

Dear Mr Farrell

**RE: COMPLAINT AGAINST THE POLICE AND CRIME COMMISSIONER**

Firstly, could apologise on behalf of the Police and Crime Panel for the length it has taken to respond to your issues.

You may be aware that responsibility for the meetings, administration and complaints handling on behalf of the Panel transferred to Barnsley MBC from Rotherham MBC on the 1st April 2017. Whilst there was some preparatory transitional work in the months leading up to the formal transfer the Panel acknowledge that this may have led to an element of delay in some matters being progressed as expediently as the Panel would have wished.

However, the Complaints Panel of the SY Police and Crime Panel met on 28th April 2017 and considered the four elements of complaint which you have raised. Having considered the Office of the Police and Crime Commissioner’s (OPCC’s) responses the Panel have reached the finding that none of the four elements of complaint are upheld . This is based upon consideration of the following 4 responses provided by the OPCC in relation to the specific points you raise.

1. **Allegation of perjury against Meredydd Hughes**

The enclosed timeline evidence (see attached) evidences the communication that this office [OPCC] has had to address this particular concern. In June 2016 Mr Farrell was presented with two options – one to review the criminal allegation of perjury via the Chief Constable, or alternatively, to review the conduct of former Chief Constable Hughes by way of a complaint.

Mr Farrell selected the second option for which the Commissioner was the Appropriate Authority to investigate such a complaint. At the time of the complaint, an officer within the OPCC – Sally Parkin – had delegated authority to make the initial assessment in relation to Mr Farrell’s complaint.

On 1st July 2016 Sally Parkin made a non-recording decision on the grounds that Mr Farrell did not meet the criteria to make a complaint. This decision was communicated to Mr Farrell on the same day. *(The Complaints Panel have had sight of this e-mail correspondence).*

During the meeting on 26th October 2016, Mr Farrell presented the Commissioner with a number of recommendations that he wished to discuss. As part of these recommendations, Mr Farrell requested for the non-recording decision to be reviewed.

The review was undertaken and the non-recording decision was upheld by the Commissioner. The Police Reform and Social Responsibility Act 2011 defines a complaint as “A complaint is an expression of dissatisfaction by a member of the public about the conduct of a person serving with the Police”. Former Chief Constable Meredydd Hughes retired from South Yorkshire Police on 9th October 2011 so was not a serving police officer at the time he gave evidence to the Home Affairs Select Committee on 9th September 2014.

As such this matter has been looked into on more than one occasion and the Commissioner’s decision-making rationale is clearly justified.

2. **The Independent Ethics Panel**

On 5th September 2016, the Commissioner received an e-mail from Mr Farrell in which he requested to present to the Independent Ethics Panel (IEP). On 15th September 2016, Leah Crowley, the Caseworker for the OPCC, informed Mr Farrell that this request had not gone unnoticed and would be discussed alongside the additional matters he wished to raise with the Commissioner in his (then) forthcoming meeting.

On 28th November 2016 an e-mail was sent to Mr Farrell by Leah Crowley in which he was asked to clarify the issues he wished to raise with the IEP. These subject matters which were professed by Mr Farrell himself to “be in keeping with the matter raised at our meeting on 26th October” were brought to the attention of Mr Lockley who concluded that he felt a meeting would not be beneficial to either party. The reasons for such a conclusion were set out in a letter to Mr Farrell dated 6th February 2017.

As evidenced above, this decision was made by Mr Lockley and was not a decision that was taken lightly. The IEP do not meet frequently enough to reconsider matters that have already been explored in depth by this office and, particularly at such a level of seniority within the OPCC.

3. **Consultation with the current Chief Constable**

The Commissioner appreciates that the matters Mr Farrell raises, particularly those that are operational in nature, are very important to him. This is evidenced by his longstanding communication with this office regarding the same topic(s), and the Commissioner does empathise with Mr Farrell in that he has been, thus far, unsuccessful in gaining any form of justice.

However, the chronology attached shows that a number of the recommendations – namely 5,7 and 8 respectively, have been amended. This is due to the fact that, in this initial submission of recommendations, Mr Farrell had requested the Commissioner to “instruct” the Chief Constable to carry out a number of tasks. The Commissioner’s role does not comprise of the power to “instruct” a Chief Constable. As such, Mr Farrell was invited to amend those recommendations and re-submit them for consideration, which he kindly did.

It was agreed in the meeting with Mr Farrell on 26th October 2016 that the Commissioner would draw recommendations 5, 7, 8 and 10 to the Chief Constable’s attention and that was done on 13th December 2016. Thus, the Commissioner has fulfilled Mr Farrell’s request. Whilst the OPCC note that he is disappointed that no further action has been taken by the Chief Constable / South Yorkshire Police in respect of these matters, the operational justification for a lack of apparent action needs to be sought from the Force. It is not something that the Commissioner can be drawn into.

4. **Response to JAH**

The OPCC note that Mr Farrell supplied Rotherham MBC (who dealt with Police and Crime Panel matters prior to the 1st April 2017), with a copy of JAH’s initial letter dated 22nd August 2016 and, as such, the Complaints Panel has had sight of the Commissioner’s response dated 13th January 2017.

Whilst the OPCC is of the view that, perhaps some of the communication with Mr Farrell could have been executed in a more timely manner, the complexity and nature of the concerns have certainly contributed to the delay.

I trust that you will appreciate that with this letter the Police and Crime Panel have now concluded their involvement with these 4 elements of complaint and are of the view that the OPCC explanation provides a satisfactory narrative of how they have been dealt with. This concludes the Panel’s involvement in this regard.

Yours sincerely



**Cllr Talib Hussain**

**Chair – South Yorkshire Police and Crime Panel**