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Subject:Letter to the Police & Crime Commissioner

Date:Sun, 22 Feb 2015 08:25:30 +0000

From:'Nigel'

To:JULIA MULLIGAN <pcc@northyorkshire-pcc.gov.uk>

CC:Will Naylor <will.naylor@northyorkshire-pcc.gov.uk>

Mrs JULIA MULLIGAN - North Yorkshire Police & Crime Commissioner

IN THE PUBLIC INTEREST

Julia,

As a North Yorkshire resident, I am concerned at the costs of:

a) The failed criminal prosecution of Tim HICKS in 2012 - 2014;

and

b) The subsequent failed civil action against Tim HICKS and myself for harassment that was heard in the High Court on Monday the 9th of February 2015, of which you are clearly aware.

[NAME REDACTED] appears to have assembled a Task Force consisting at various times of himself, **[NAME REDACTED]**, **[NAME REDACTED]**, **[NAME REDACTED]**, Detective Constable TAYLOR, Detective Constable MURRAY, the former Force Solicitor Simon DENNIS, Ms Jane WINTERMEYER, two unnamed solicitors from the Force Legal Directorate, specialist Counsel, Queens Counsel, Junior Counsel and an external firm of solicitors, FORD & WARREN, of Leeds - all to investigate a minor harassment allegation, normally investigated by a Uniform Branch Constable.

Best estimates of the costs of this exercise range between £80,000 and £125,000 thus far.

In particular, this action appears to have been financed in its entirety by North Yorkshire Police (although it was initiated against the advice of the CPS - twice) on behalf of **[NAME REDACTED]** and other Officers in their respective capacities as a private individuals, and by other private individuals with no connection to North Yorkshire Police.

No pre-action correspondence was initiated to try and resolve the case without recourse to the High Court with its concomitant massive expenditure of Police (i.e. public) funds. As the legal opinion in the attached skeleton argument makes clear, it was not a lawful use of Police funding, manpower and resources for a Police Force to support, finance and launch civil litigation on behalf of private citizens

against other private citizens - particularly as the CPS has twice specifically ruled that no crime has occurred and no prosecution should be initiated.

The powers afforded to the Police in England and Wales are defined largely by statute law, with the main source being the Police & Criminal Evidence Act 1984, as amended by s.110 of the Serious Organised Crime and Police Act 2005. Nowhere does that statutory framework empower the Police to fund civil litigation on behalf of particular private citizens.

The actions of North Yorkshire Police thus appear completely *ultra vires* and ostensibly constitute a flagrant misuse of Police time and resources - which is perhaps why [NAME REDACTED] has attempted to conceal the source of his funding for the action by failing to submit a Notice of Funding to the Court, as required.

The decision to bring the case was also a collateral attack upon the role of and authority of the Crown Prosecution Service.

It appears that we were singled out for prosecution because we have properly and accurately criticised North Yorkshire Police over its refusal to arrest Peter JACONELLI and Jimmy SAVILE, despite us having provided copious explicit evidence and multiple witnesses to their offending at a time when both were alive. Our coverage has resulted in an investigation - "*Operation Hibiscus*" - with which we have co-operated fully and have been thanked, on many occasions, by the Operation Leader, (Acting) Det. Chief Supt. Steve SMITH, for our assistance which subsequently led to misconduct papers being served on a serving NYP Detective Sergeant.

It also concerns me that the injunction requested, had this action succeeded, would have forced all of the *North Yorks Enquirer* and *Real Whitby* articles on the Police and [NAME REDACTED] to be expunged from the public domain and prohibited both magazines (neither of which is owned or controlled by myself or Tim HICKS) from covering crime and Local Government stories in Scarborough, thereby so severely restricting the reporting of both magazines (i.e. the freedom of the press) as to render them ineffectual - which, arguably, was the true motivation and intention of the action.

The injunction requested would also have prevented the *North Yorks Enquirer* placing evidence before the Home Office Enquiry by Her Honour Justice GODDARD, or commenting on the DHSS investigation into Jimmy SAVILE and Peter JACONELLI's offending with patients from Rampton Secure Psychiatric Hospital.

North Yorkshire Police appear to be trying to close down two out of the three local news outlets in Scarborough, imposing censorship on the press and interfering with witnesses in the Home Office Enquiry, to prevent evidence being submitted to Her Honour Justice GODDARD.

Please could you:

- 1. Confirm the costs to the taxpayer of the failed criminal prosecution against Tim HICKS.**
- 2. Confirm the cost of the failed attempt through a Police-funded civil action to close down Real Whitby and the North Yorks Enquirer.**

(I am lodging a detailed FOIA request, under separate cover).

3. Write asking Messrs FORD & WARREN and [NAME REDACTED] - who has apparently drawn upon the public purse to fund a private legal action from which he stood to personally profit from damages against myself and Tim HICKS - requesting that they repay the funds. This is in accordance with the precedent set when you wrote to Grahame MAXWELL and Adam BRIGGS, asking them to repay the Personal Development Fund allowances they had illegally received.

4. Instruct Jane WINTERMEYER of your Legal Department to write to all other potential Claimants (as specified in her Witness Statement) who she has co-ordinated, confirming that all Police funding for their putative civil action against Tim HICKS and myself was unlawful and is now withdrawn, so that she does not incur any other unlawful liabilities for Police funds.

5. Provide assurances that the North Yorkshire Enquirer will be allowed to place its evidence before Her Honour Justice GODDARD without any further interference or intimidation from the Chief Constable and/or yourself.

I thank you in anticipation of your assistance in these requests.

The copyright inherent in this email belongs to me and to me alone. You should therefore be aware that all rights to share all/any of my correspondence with you and your Staff reside with me and me alone, and I reserve the right to share it with whomsoever I please, and to publish it, at my own prerogative, into the public domain, in the public interest, should I deem it at any time necessary and/or appropriate to do so.

Yours, with very kind regards,

Nigel