

PE1461/G

Petitioner Letter of 14 October 2013

PE 1461

Re the following statements made in the Assistant Chief Constable's letter of 9th August 2013 to the Petition's Committee, the Petitioner's comments are added below each.

1. Having considered the contents of the petition, I note in particular the view expressed by several organisations that the types of issues raised in the petition are a matter for the police and should not be considered as part of the planning process.

This statement is not acceptable particularly when situations like those surrounding the background of the Petition are ignored by a Scottish Police Force who fail to take any form of remedial action or enact suitable cautions or punishments ;

a) Matters were reported to the Police on several different occasions concerning Planning interference along with other serious issues but on each occasion the Police totally failed to exercise authority and did not consider it necessary to take appropriate remedial action.

b) This then puts situations like this into a "no mans land" where the public are left entirely unprotected from actions perpetrated by someone simply trying to create considerable distress and intimidation and causing extremes of mischief and bullying etc.

c) That as reported in the Petition is unquestionably a direct interference in the Planning process resulting in the public being too scared to further involve themselves in it – that was the reality of the situation and the Petitioner finds it totally inexcusable that such a serious public situation was allowed to occur. When the Police take no action and the public are very much afraid and distressed – then this is not the type of Scottish society we want to live in nor have such inappropriate Policing as part of it - something else needs to be done and that is the sole purpose of the Petition.

d) Yes this indeed was everyone's first reaction; COSLA, the Scottish Government, Planning Aid and then the Police all said the same thing "this is a Police matter" – that is exactly what the Petitioner and other members of the public across Scotland would think as well. But when the Police Authority are so extremely ineffective with no remedial or prohibitive actions being undertaken, then the matter has to be raised to a higher level, where policy changes to the Planning system that allowed much of the malevolent misconduct to take place has to be questioned with a view to changes being made to stop this ever happening again. The Petition as raised did not in any form or fashion ask for any further Police involvement. The Petition was quite clear in specifically asking for the Scottish Parliament's Petitions Committee to take this matter very seriously and request the Scottish Government to seek

to stop this type of unacceptable behaviour and make such changes to the Planning system as would offer proper and adequate protection to all Scottish citizens. Existing Breach of the Peace laws, involving the levels of harassment and distressing situations like those described are simply inadequate and inappropriate if they are the subject of poor judgement by a Police Force that is inefficient and ineffective – the goal of the Petition is an issue still firmly believed to be in the best public interest.

2. It is Police Scotland's position that we would encourage victims to report the actions of individuals involved in this course of conduct during planning applications in order for the circumstances to be fully investigated to determine if the actions amounted to criminal behaviour. We consider that the existing legislation adequately covers the offences mentioned and is sufficient to allow for Police investigations and where evidence exists, the reporting of offences to the COPFS.

Despite these comments now being made, approaches were indeed carried out by the general public but the circumstances relating to the background of the Petition were never fully investigated by that public body nor was the situation considered under the broader picture of all the previous events perpetrated. The Police indifference was mentioned to a high ranking retired Police officer who was simply appalled at the lack of cohesion and diligence exercised by the Police. The Police never interviewed anyone after concentrated evidence was provided to them, nor did they take into account the previous and current history of unacceptable behaviour that was being carried out - they did not take seriously the letter of complaint from a Community Council, they chose to ignore the fact that ill and elderly people were being affected and suffering from considerable anxiety. The Police's attitude was shocking and the picture being presented by Mr Penman is simply a text book front to the reality of the situation that occurred and has remained unpunished. Under Common Law in Scotland it has always been understood that it was an offence for anyone to carry out any action which would cause distress or create levels of harassment and nuisance to anyone, far less elderly and ill people.

Without any change to the Planning Policy and regulations, the situation as experienced will continue to remain as an inherent weakness. Even if evidence is again registered with the Police concerning such interference, the time taken and the failure to re-act, immediately or at all, by that body, will mean that any further Planning Applications involving such detrimental distressing interference might be decided upon without any correlation to the levels of interference undertaken or numbers of the public who have been removed from participating. This is why that Planning change is very necessary so that such interference is punishable and evident under the future determination of any Planning Application.

3. Furthermore, it may also be of interest to note that Police Scotland has recently established a Counter Corruption Unit (CCU). The CCU has a remit, amongst other priorities, to investigate public sector corruption and advise on anti-corruption processes. The Unit's aims are to prevent and investigate any alleged corruption by public bodies. Again we would wish to encourage reporting of any alleged instances

of malpractice or conduct for further investigation or reporting to the COPFS for consideration. Should the practice or behaviour fall short of criminal behaviour then there are other remedies available to complainants such as The Public Standards Commissioner and other ombudsman authorities.

Further to this, the police complaints process also changed on 1 April 2013. The Police Complaints Commissioner for Scotland (PCCS) became the Police Investigations and Review Commissioner (PIRC), and now has a wider remit than the PCCS. It includes conducting investigations into allegations of criminal behaviour made against the police; deaths or injuries in police custody or following police contact; police use of firearms; complaints against senior officers, and anything else considered to be in the public interest.

It is considered that this latter part of Mr Penman's letter is entirely irrelevant to the current Petition and its definitive request. As mentioned before the Petition seeks a specific goal - the changing of the Scottish Planning policy to have included within it a provision which will make interference as that described in the Petition very much a prosecutable offence. The laws that currently exist within Scotland do not really protect the public from this sort of thing nor do they provide confidence that such a protection exists – this is very evident as typified when the public and groups of people are subjected to the interference and actions that took place.

The Petition process has been continually delayed due to the lack of a timely Police response. Mr Penman's letter was received and studied and whilst answered comments have been duly made, members of the public considered that we should not ignore giving Mr Penman the opportunity to hear first hand accounts of the many issues that arose.

On 19th / 20th September last, Mr Penman's Police Office in Stirling was contacted by telephone by the Petitioner. He was not available but a message was certainly left and the female person/officer who took the call promised to pass the message to Mr Penman's secretary asking him to contact the Petitioner on the subject matter of the Petition with a view to perhaps this Assistant Chief Constable visiting members of the public who had been affected – no reply has ever been received. Dare it be suggested that this is yet another example of Police disinterest and again this further measure of disregard only adds weight to the public's real concerns towards that establishment.

As this will be the last opportunity to comment, as a Petitioner I would like to correct and add further comment on some of the Committee Reports previously made. i.e.

From the Official Report of the Petitions Committee dated December 2012

a) “.....Another problem—I have spoken to the police about this—is that it is one person's word against that of another”

This is not correct – a good number of people/families received distressing letters over their objections and other persons who had been the subject of intimidating and untruthful actions, notified and provided the Police with evidence. There is a long history involving all the actions perpetrated yet nothing was pursued.

b) “I have recent experience of a person who made a planning application in a rural area harassing a neighbour to the detriment of the wellbeing and normal life of the individuals who had objected to the planning application. There are serious issues about how applicants and objectors are protected under the current planning legislation. Although the petitioner and Mary Scanlon are right to say that the planning authority should not take account of any issues apart from what is in front of them that relates to the application and the objections, the difficulty is that many individuals face intimidation and harassment and, in some extreme cases, violence from applicants or objectors. We need to look at that in progressing the petition”.

It has already been clearly stated that the current Policing system is unable or not willing to take appropriate action to stop this – Might I also suggest that the Petition content be provided to the Scottish Government’s Justice Minister and in no uncertain terms he should also be advised of the associated failure of the Police establishment under his control. It is not for the Petitioner or any others so affected to now have to render complaint to any other organisation. There has been a fundamental flaw exposed in the current system and the public who were involved in this should not be getting shuttled about from pillar to post by the Police to follow their suggested Complaints Procedures. The matter has already been raised with the Police, the Statutory Local Authority, Local Councillors, MSPs and now it resides with the Public Petition’s Committee for their approval to submit it to the Scottish Government.

From the Official Report of the Petitions Committee 30th April 2013

“I recognise point, but I agree withand..... In view of the change in structure, if we write to Police Scotland at least it could be a warning shot or a highlighting shot to the new organisation. Once we get a response from Police Scotland, perhaps we could close the petition.”

A warning shot or a highlighting shot is not what is really required – many people suffered considerable anxiety and distress over the events that occurred and these could still occur again – a lasting satisfactory solution is what is most certainly required and that is why the Petition was raised. Much of the public affected do not now have any faith in the Police.

I do hope that my reading of the above statement has some alternative meaning other than the implication that no matter what the Police had to say “the Petition” was going to be closed anyway without ever achieving its desired goal?

W. Campbell
14th October 2013