

PE1461/F

9<sup>th</sup> August 2013

Our Ref: ACC North / AP

Mr Howlett  
T3.40  
Scottish Parliament  
Edinburgh  
EH99 1SP

Via email: [andrew.howlett@scottish.parliament.uk](mailto:andrew.howlett@scottish.parliament.uk)



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Dear Mr Howlett

## CONSIDERATION OF PETITION PE1461

I refer to the above and the following petition:

*Petition by William Campbell calling on the Scottish Parliament to urge the Scottish Government to demonstrate how the current planning process ensures planning applicants are unable to interfere with the rights of third parties to object to planning applications and to ensure that appropriate sanctions are in place when it has been shown that the planning applicant has attempted to interfere with these rights by any means.*

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. I can confirm that the alleged behaviours outlined in the petition would potentially form substantive common law and statute crimes in their own right and where sufficient evidence was available, could be reported for consideration of a prosecution by the Crown Office and Procurator Fiscal Service (COPFS).

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.

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 complainers 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 behavior 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.

More information about the new police complaints process is available on the PIRC website at [www.pirc.scotland.gov.uk](http://www.pirc.scotland.gov.uk).

I trust this information is of assistance to you.

Yours sincerely

Derek Penman  
Assistant Chief Constable  
Local Policing North