

18 Sep 2013

Hello John

Apologies for not updating you sooner, I've tried the phone number I have for you a few times over the past couple of weeks but must have kept missing you. Azam has provided me with your e-mail and you will see that my direct phone no. is appended so if you have any queries you can contact me direct.

I have thoroughly investigated Councillor David O'Toole in relation to expenses he has claimed as both a County Councillor and Chair of the Combined Fire Authority and presented my findings to the Crown Prosecution Service who are responsible for deciding if any evidence adduced is sufficient to present to a court in criminal proceedings.

The lawyer reviewing a Mr John Dilworth is the Head of the North West Complex Casework Unit and he concluded that there was insufficient evidence to prosecute Cllr O'Toole.

I appreciate that this may be a disappointment to you but I can assure you that the investigation was both painstaking and thorough and whilst some anomalies were unearthed they were VERY minor, indeed it transpires that Cllr O'Toole has potentially 'under claimed' from the County Council/Fire Authority in respect of what his full entitlement would be.

I can confirm that all Councillors are entitled (and told this is the case) to claim for performing party whips duties and all mileage amounts claimed for 'regular' journeys (e.g. Home to County Hall) are at an amount agreed with County Hall officials.

As stated if you have any queries please do not hesitate to contact me.

Regards

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28/04/2014

Re: *Theft of public funds by CC O'Toole – Police Investigation*

Dear Mr Pearson

Thank you for your email of 4th April regarding your investigation into CC O'Toole's expenses claims. For me it is a simple matter of whether CC O'Toole knowingly submitted false claims or not, if so, to whom and why?

This is a significantly simply matter in which rules have clearly been broken.

The false mileage claim records alone are quite sufficient to demonstrate fraud; that he has done so is surely criminal fraud, plain and simple.

In addition it is probable that he made false claims to at least 3 different organisations to whom he had a duty of plain honesty in public office.

The mileage claim is actually set and approved in writing for each individual on an approved scheme by the LCC and is always taken as the shortest distance between CC O'Toole's home address(23 Granville Park Aughton Ormskirk Lancs L39 5DS) and his base, and usually his first and last journey in any week is discounted from his monthly claim. All these rules apply equally to both his base at County Hall and his base at Fire HQ.

The actual return journey distance is 38 miles(County Hall) and CC O'Toole has clearly been claiming twice that in his records which I have released to me under the FOIA.

There are no factors of convenience or time taken into account. It is the shortest mileage distance no more and no less, and a public explanation is required.

The County Treasurer will have a copy of CC O'Toole's original approved mileage and so will CC O'Toole and I might add so will HMRC because it is the HMRC throughout the UK who actually set all mileage claim rules(not the LCC) under its 'benefits in kind' policies which are taxable benefits.

If for example CC O'Toole's has been stating to the HMRC the correct actual mileage from his home address(38 miles rtn) in his annual return to them and claiming the falsely enhanced mileage and pocketing the difference without the knowledge of the HMRC and doing the same with his claims at Fire HQ then I would suggest to you that the Police are the least of his concerns when the HMRC are made aware of his double criminality. No doubt these will be tax and VAT tricks he picked up when he had his business in Ormskirk.

These are all matters which he is going to have to explain to a Court of his peers, sooner or later.

To a layman reading your report it would seem that you are justifying and excusing CC O'Toole's actions. I am sure that was not your intention and I agree people do deserve the benefit of the doubt when an isolated error occurs from time to time.

However, when repeated excessive claims are made over an extended period, eg mileage claims inflated by over 50% for at least the decade he claims to have been on the Fire Authority, a line must be drawn in the sand because the only conclusion that one can arrive at is that this is premeditated fraud by him of the public purse.

You make no mention(among other omissions) of duplications of claims when comparing his LCC records set against his Fire HQ records for the same day and hours CC O'Toole claims he was at both establishments? Published Public Minutes of Meetings confirm his presence at the same time? For the moment Fire HQ unlike the LCC, are still refusing to make public these records and this also is something I am curious about and I wonder why?

Given my continuing and expanded thoughts above, your synopsis is clearly very brief and does not begin to answer the substance of my

complaints of fraud by CC O'Toole. Therefore I feel that a meeting to discuss the findings of your investigations is essential and as I have previously stated I will be accompanied and I will need to record the meeting. I would rather not engage the IPCC at this early stage as I am sure you appreciate.

Please supply a number of dates in the near future when you could arrange such a meeting.

Previously I have asked that copies of my personal documents to be returned, would you kindly arrange that.

Yours sincerely

John Hinton