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A/Detective Chief Inspector
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Central Specialist Crime

Special Enquiry Team
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Date: 02 October 2024

Dear Ms Kerswell,

I write to provide an update in relation to the complaint you raised to the Metropolitan Police Service (MPS) on the 11th of May 2023 concerning the alleged misuse of public funds.

I manage the MPS Special Enquiry Team (SET), a facet of the organisation's Central Specialist Crime Command. The SET consists of a team of skilled and experienced detectives who specialise in the assessment and investigation of matters which involve politically exposed individuals.

Following your complaint, on the 17th of June 2023 the MPS' Economic Crime Command (ECC) completed a review using the independent reports and supporting material provided by yourself. The ECC concluded that there was no evidence of false accounting or fraud.

We requested pre-investigative advice from the Crown Prosecution Service (CPS) for the offence of misconduct in public office (MiPO). The CPS emphasised the evidential challenges of proving the elements of the offence and the need to present evidence against each subject to be considered separately.

As you may know Misconduct in a Public Office (MiPO) is a Common Law offence; it is not defined in statute. It carries a maximum sentence of life imprisonment. The offence requires that: a public officer acting as such; wilfully neglects to perform his or her duty and/or wilfully misconducts him or herself; to such a degree as to amount to the *abuse of the public's trust in the office of the holder; without reasonable excuse or justification*.

As a result of the possible existence of MiPO offences, SET were asked to consider the matter. DSU Katherine Goodwin and DCI Joe Garrity met with you and your team along with the risk and financial advisory firm which you had commissioned to carry out a forensic review of what was considered to be a particularly egregious project. It was decided that it was proportionate for the SET to carry out an assessment.

Actions the SET have taken -

The SET extensively reviewed the material surrounding the potential actions and culpability of named individuals, as well as the Council Executive as a whole.

Our review considered all the material provided by the London Borough of Croydon (LBC). In total there were 2,609 pages of documentation, which included the following independent reports:

- The Report in the Public Interest by Grant Thornton October 2020 (RIPI1);
- The Non-Statutory Rapid Review report published by the (then) Ministry of Housing; Communities and Local Government – now the Department for Levelling up, Housing and Communities, by Chris Wood October 2020;
- The PWC Strategic Review Report November 2020;
- The Penn Report '*Collective Corporate Blindness; How did the Council get here?*' by Richard Penn, March 2021;
- The Report in the Public Interest by Grant Thornton February 2022 (RIPI2);
- The Kroll Report – a forensic investigation into the refurbishment of Fairfield Halls, April 2023.

In addition to this we considered the relevant supporting material provided by yourself, including the Appointments & Disciplinary Committee (ADC) Agenda and Appendices pack. We also undertook other independent investigatory actions, which I am unable to expand upon here.

Following our extensive review we have determined that the actions and/or inactions of the previous council executive did not meet the high threshold set out in legal guidance for wilful neglect or misconduct, or abuse of the public's trust, to such a degree that the offence of MiPO was capable of being made out. The assessment highlights that MiPO is not a 'catch all' negligence offence and that a high bar of 'seriousness' exists. Although the assessment did reference potential wrongdoing, breaches of statutory duty and incompetence, these were highlighted as collective failings as opposed to individual instances of MiPO.

After reviewing the material the SET requested further pre-investigative advice from the CPS who confirmed their previous observations remained unchanged. They reaffirmed that negligence and/or incompetence are not sufficient of themselves to amount to MiPO and that there would be considerable challenges in proving the offence.

Our decision –

Our assessment was incredibly thorough, reflective of the public interest considerations this matter attracts. It highlighted significant evidential challenges in relation to proving the offence of MiPO.

Furthermore as a public servant, I have a duty to utilise resources in a responsible and proportionate manner. Given the volume of material in this case exceeds millions of different documents including emails, any resulting police investigation would have the potential to last several years. In this context and given that, no matter the MPS' investment in time and resources, the offence is unlikely to be made out I have decided that police will take no further action at this stage. I cannot initiate an

investigation of this scale and nature, in the knowledge that it is highly unlikely to result in a positive outcome.

I would stress that our decision should not be interpreted as abrupt finality. If further evidence comes to light, it will be duly considered by the police.

Thank you for taking the time to raise your concerns and thank you for the support that you and your staff have provided to my team.

Yours sincerely,

A handwritten signature in black ink that reads "L. Riddell". The signature is written in a cursive, slightly slanted style.

A/DCI Laura Riddell
Special Enquiry Team
Central Specialist Crime
Metropolitan Police Service