

## Complaint against the police

IPCC Office Use Only

### Completing the form

Please use BLOCK CAPITALS when completing this form. If you have any difficulties in filling out this form, and would like to discuss it, please call 0300 020 0096. If you would like someone to act on your behalf (perhaps a friend or relative) please provide their details and your written permission and submit this with your form.

### Your details (complainant)

Title: e.g. Mr, Miss, Mrs, Ms ..... Mr ..... First name: John .....

Surname: Layte ..... Date of birth: 11/6/1944 .....

Address: My full address / home, work and mobile phone nos. / several of my email addresses and many of my web sites are included in the posted version of this complaint but not in this email version. .....

..... Postcode: .....

Work telephone ..... Home telephone number.....

Mobile telephone number: ..... Email: .....

### Police details

WHO? Which police force is your complaint about?

Devon & Cornwall .....

Please give us any details you might have about the police officers you would like to **make a complaint against**:

Name, rank, ID and any other identifier: [Sergeant Ray Jones 16430](#).....

Name, rank, ID and any other identifier: .....

If you know the police station that the officer/s work from, please give details:

[St Austell Response](#)  
.....

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## Your complaint details

WHERE? Where did the incident/s happen that led to your complaint? Please be as specific as possible, you may wish to include details of landmarks, etc.

[Phone call - see attached complaint](#)  
.....  
.....

WHEN? When did the incident/s happen that led to your complaint? If more than one date, please specify when the incidents occurred below:

Date: [3 October 2012](#)..... Time: .....

Or indicate the time period when the incident occurred.

From ..... To: .....

WHAT? Please describe the circumstances that have led to you feeling the police have treated you badly.

Please include details of:

- Who was involved
- What was said and done
- Any other people who witnessed the incident
- If there was any damage or injury
- Details of any witness

At this stage we only require a summary of your complaint, but you may attach additional information if necessary. Please use the space provided on the last page of this form.

[Please see attached complaint and note that it is also a complaint that the Police \(DI Adam\)](#)  
.....

[refused to record this complaint when it was first made.](#)  
.....  
.....

See attached complaint

**Signature and date**

The details of this complaint will be sent to the appropriate authority responsible for considering your complaint. Please sign and date to confirm the information you have provided is correct:

Signature.....**COPY**.....

Date...10 February 2014.....

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## Ethnic group

So that the IPCC can ensure that it is providing all sections of society with the best possible service, we would ask you to give us a few details about your ethnicity. Any information given in this section will be treated in the strictest confidence and will in no way have any effect on the way your comment is treated.

### WHITE

- British
- Irish
- Any other White background

### ASIAN OR ASIAN BRITISH

- Indian
- Pakistani
- Bangladeshi
- Any other Asian background

### CHINESE OR OTHER ETHNIC GROUP

- Chinese
- Any other ethnic group

### MIXED

- White and Black Caribbean
- White and Black African
- White and Asian
- Any other mixed background

### BLACK OR BLACK BRITISH

- Caribbean
- African
- Any other Black background

### NOT STATED

- Any other ethnic group

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## Where to send this form

For your complaint to be dealt with more quickly please send this form directly to the police force you are complaining about for them to consider.

If you would prefer to send your complaint to the IPCC we will forward your complaint to the police force concerned. Please return the completed form by post, fax or email to: IPCC, PO BOX 473, Sale M33 0BW.

Fax: 020 7166 3306

Email address: [enquiries@ipcc.gsi.gov.uk](mailto:enquiries@ipcc.gsi.gov.uk)

11 February 2014

**Complaint against SGT R. Jones**

Dear Sir/Madam

Whereas this complaint has been made before the Police refused to record it and DI Adam had confirmed in writing that the Police would not accept any more complaints until after her report on what the Police **state** are my complaints is published. On 30 December 2013, over 12 months after her investigation began, I received [the long awaited report](#). Whereas the report is absolute nonsense it does mean that the Police will now have to record this complaint and many more concerning the content of the report and the Officer that signed it DC "Rick" Milburn.

SGT Jones phoned me on 3 October 2012 wanting to know exactly what my complaint(s) made against the Police, the PSD, the Court and the IPCC were so that he could list them for investigation.

I explained that I would be recording the phone call and would upload a copy of the recording to the Internet and be complaining about him if his resulting report turned out to be inaccurate in any way. The report is absolute nonsense and several copies of the recording have been uploaded to the www having first asked if the Police objected - No objections were received.

SGT Jones stated that he knew little about the case and thus his report would be based on what was said in the phone call (rather than any pre-conceived views). There followed a two hour phone call in which I attempted to explain my complaints and SGT Jones expressed his views about them (and the case) and I vehemently disagreed with him and his views.

SGT Jones prepared a report and submitted it to a Mr Jones of the PSD. Mr Jones listed some of my complaints mentioned in the phone call and applied to the IPCC to dispense with the need to investigate them (only complaints against the Police).

The IPCC refused the Police request to dispense with the PACE notice complaint but did dispense with the need for the Police to investigate the Police Officer that issued it (DC Roger Exelby) on suspicion of corruption (His links to Mr and Mrs Arthur (neighbour) may have influenced his investigation into Mr Arthur's false allegation of theft made against me (First Defendant in Mr and Mrs Arthur's extant (at the time) Civil Claim against my ex wife and I). Mr Arthur subsequently used the PACE notice and "Mr Everard's" witness statement as his only evidence in his £40,000 Civil Claim against my ex wife and I.

The IPCC gave their reason for granting dispensation regarding DC Exelby as "*The Police first became aware of my complaint against DC Exelby in my phone call with SGT Jones on 3 October 2012*". This is nonsense - the IPCC **first** became aware of my suspicion of corruption regarding DC Exelby in February 2005 during a phone conversation with Liz Semple and the Police were informed about this conversation by fax dated [10 March 2005](#)

The IPCC apparently based their decision on SGT Jones' report rather than on the Police recording of the phone call but, as can be seen, the report does not state that "*The Police first became aware of my concerns about DC Exelby on 3 October 2012*" which resulted in a verbal complaint against the IPCC (a written complaint will be published soon).

11 February 2014

**Complaint against SGT R.Jones**

I applied to the IPCC under the FOI Act for a copy of SGT Jones' report and an annotated copy of it is enclosed / attached.

My complaint against SGT Jones is as follows -

1. His report misrepresents what was said in the 3 October 2012 phone call.
2. His description of my complaint about DC Exelby is inaccurate.
3. His description of my complaint about P.Chudley is inaccurate.
4. His description of my complaint about DI Strickland is nonsense in that my complaint is about what was said in the 26 January 2011 letter which, although signed, "Mr Strickland" (No rank, Police number and on non Police paper and posted with no stamp!) was apparently drafted by the Force Legal Department and therefore my complaint is against them concerning the content of the letter.
5. His statement on page "*Although Mr Layte was awarded costs his award was eventually determined to be £0 as **the Courts stated that correct procedures and Orders were not followed** must be substantiated with proof*" that such a statement exists and if so who made the statement. Please note my [20 December 2013 letter](#) to Exeter Court requesting the name of the Court officer responsible for (mis)informing the Under Secretary of State for Justice at the time (Jonathan Djanogly) [something similar](#) - We were awarded £0 because we did not comply with Judge Wainwright's 10 September 2007 Order - **But we did comply!!!! And that is beyond all doubt.**
6. SGT Jones's statement on page six "*Mr Layte complained to the Minister for Justice resulting in his email address being barred by that department*" is untrue - it was Mrs Deery, the court Manager at Exeter Court, that barred my email address and that is undeniable. A complaint concerning Mrs Deery was made to the Police (PS Ian "Fishy" Pollock) about this barring and her statement concerning what she "says a Judge said" (see [20 December 2013 letter](#)) because the OJC said that it was a matter for the Police to investigate if a Judge (His Honour Judge Griggs or a Court Officer (Mrs Deery) had "lied in Court". The complaint about Mrs Deery was also made to the MOJ on the OJC's advice.
- 7.

**TO BE CONTINUED**

# Complaint Notification

**This form is to be completed for ALL complaint matters**

For information on dealing with complaints including local resolution, please refer to PSD Sharepoint site

Form completed by: <input type="text"/>	Ref. No.: <input type="text"/>		
Name: RAY JONES Rank: SGT Force No.: 16430 Stn / Dept.: St Austell Response	Direction and Control Complaint <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Complaint Against Police <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Policing Pledge <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Other complaint matter (please specify e.g. Fairness at Work):		
Date: 03/10/12			
How made? <input type="checkbox"/> Letter <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Personal visit			
<b>1. Details of Complainant</b>			
Last name: LAYTE	First name(s): John		
Address: Goonhilland Cottage, Goongumpas, St Day, Redruth.	Title: Mr.		
	Gender: Male		
	Date of Birth: 11/06/44		
Postcode: TR16 5JL	SDE code: W1 - British		
<b>Preferred method of contact:</b>			
Telephone No.: 01209 820146	Mobile No.: Text? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
E-mail: john@layte.com	Other (specify):		
Solicitor or other advocate details (please give name and contact address):	Witness details if known (please give name and contact address):		
<b>2. Who is The Complaint Against</b>			
Rank/Grade	ID Number	Name	BCU/Department
Insp.	13782	Strickland	CIOS CID
Civ	56565	Chudley	HQ Prof. Standards
DC	13655	Exelby	CID
<b>OR Direction &amp; Control Complaint Against</b>			
<input type="checkbox"/> Call Handling <input type="checkbox"/> Quality of Service <input type="checkbox"/> Investigation Procedure (Traffic) <input type="checkbox"/> Prosecution/Diversion/Decision Making (Traffic) <input type="checkbox"/> Custody Procedure <input type="checkbox"/> Other Policy Complaint:		<input type="checkbox"/> Resource Allocation <input type="checkbox"/> Tactical Operation <input checked="" type="checkbox"/> Investigation Procedure (Crime) <input type="checkbox"/> Prosecution/Diversion/Decision Making (Crime) <input type="checkbox"/> Investigation Procedure (Crime) <input type="checkbox"/> Other Procedural Complaint:	

This report resulted from a two hour phone call that I (JH Layte) had with SGT Jones on 3 October 2012 concerning my complaints against the Police, the PSD, the IPCC and the Court. SGT Jones was made aware that I was recording the phone call at the time and that if I did not agree his subsequent report accurately reflected what was said in the phone call then I may well publish a copy of my recording on the www. SGT Jones threatened that he would prosecute me if I did. The report does not accurately reflect what was said in the phone call and I have uploaded a copy of the recording to the www having first asked if they Police had any objections? No objections were received.

On the basis of this report the Police applied to IPCC to dispense with the need to investigate some of my complaints including the need to investigate DC Exelby.

Paula McEwan (IPCC) dispensed with the need to investigate DC Exelby on the grounds that it was her opinion that the Police first became aware of my suspicion of corruption within the Police (including DC Roger Exelby and DC Joanne Exelby) during the 3 October 2012 phone call.

Paula McEwan stated that she had based her decision to grant dispensation on the basis of SGT Jones' report of our 3 October 2012 phone call. I pointed out to her that I had a recording of the phone call and as far as I could tell no part of it even gave the impression that I was reporting my suspicions about DC (Roger) Exelby for the first time. I offered to play her my recording of it but she declined.

I pointed out to Paula McEwan that contrary to her opinion that the Police first became aware of my suspicions about DC (Roger) Exelby on 3 October 2012 it was my opinion that I first made the Police aware of my suspicions of Police corruption in my 10 March 2005 fax. This fax mentioned my February 2005 phone call with Liz Semple of the IPCC in which I had been more specific and explained to her DC (Roger) Exelby's links to the Claimants in the extant Civil litigation and my disapproval of the Police becoming involved in it by issuing a PACE notice to the Claimant's advantage in a £40,000 Claim against the Defendants (My ex wife Kathryn and I).

I asked her about my 10 March 2005 fax (which had been faxed to two persons in the IPCC as well as three in the Police) and she replied that there was no record of it in the IPCC files. I pointed out that there was a copy of it on the DVD I had supplied her with and that the Police had been supplied with a copy of a very similar DVD on many previous occasions. She replied that she had been unable to read the DVD and had returned it. I gave her the www site address of one of the on-line copies of the DVD supplied to the Police enclosed with our 30 July 2010 letter to DI Strickland but she replied that her computer would not open it (Considering the fact that the visitor logs of the web site confirm that the Police and other persons in the IPCC had been able to open the site I find it surprising that Paula McEwan was unable to).

I asked Paula McEwan to supply me with a copy of the 3 October 2012 report that she claimed stated that "The Police first became aware of my suspicion of Police corruption during the phone call of same date" but she said she would consider this when she returned from holiday in about 3 weeks. Not being willing to wait that long I applied for a copy under the Freedom of Information Act. My application was granted and I was supplied with this report.

As can be seen there is nothing in the report that states that I first made the Police aware of my suspicion of corruption in that DC Exelby's links with Mr and Mrs Arthur (neighbour) may have influenced his poor investigation into Mr Arthur's allegation of theft against me (First Defendant in Mr and Mrs Arthur's extant Claim against us) and his decision to issue a PACE notice that Mr Arthur used as evidence against us in the Claim.

**Please Note:** My original 2005 complaint concerned DC Roger Exelby - The fact that he was a neighbour of Mr Arthur may well have influenced his investigation into his allegation of theft and his decision to issue a PACE notice after he had determined there had been no theft caused the litigation to continue. However in 2012 I learnt that DC Exelby's wife Joanne had also a Police officer / neighbour and may well have also been involved so I asked the Home Secretary to investigate this. The Police refused to record a complaint against DC Joanne Exelby or my general complaint of suspicion of corruption.

## COMPLAINTS AGAINST

STRICKLAND - (1) The statement made in "his" 26 January 2011 letter "DC Exelby has no links with Mr Arthur" is untrue and the statement "there is no evidence that Mr Arthur perverted the course of Justice" is also untrue.

STRICKLAND - (2) "His" 26 January 2011 letter does not address the issues raised in our 30 July 2010 letter to him.

CHUDLEY - Failed to properly record my 2 February 2011 complaint about "DI Strickland's" 26 January 2011 letter and some 12 months later claimed he had not received a copy of it from the IPCC the Police Authority and me despite proof that all sent the PSD a copy.

EXELBY - (1) His links with Mr and Mrs Arthur (neighbour) influenced his investigation into Mr Arthur's false allegation of theft and the PACE notice he authorised caused the already extant litigation to escalate out of all proportion because of Mr Arthur's use of the PACE notice as evidence to support his £40,000 Claim against us.

EXELBY - (2) Apparently told DI Strickland "He had no links to Mr and Mrs Arthur" which the Police state "caused him to make an untruthful statement in his 26 January 2011 letter".

### 3. Details of Complaint

Date of incident: 2006	i	Time of incident:	i
Location of incident: Home address	i	OIS Log No.: 752 02102012	i
LPA/Dept. of incident: D and C various	i	Sector/Beat code: GP	i

#### Outline of complainants allegations: (Box will expand if needed)

This complainant has made a number of complaints and has contacted the Police again as he claims his initial complaints have not been finalised.

The points below are not an exhaustive list of his complaints however they are a summary of complaints I established during a very lengthy telephone call.

Mr Layte (pronounced LATE) was a former business partner of a male called Mr Arthur. Their acrimoniously ending relationship led to claims and counter claims resulting in extremely lengthy litigation and on one occasion led to the arrest of Mr Layte.

Mr Layte has previously complained regarding this arrest and although the matter appeared to have been resolved his appeal to the IPCC seems to have been upheld and the complaint was then not finalised. This complaint was against DC Exelby. Part of that complaint was that Mr Layte suspected that DC Exelby was not acting impartially due to his connections with Mr Arthur. This was answered by DI Strickland but not to the satisfaction of Mr Layte.

Mr Layte maintains an uploaded web database of all his correspondence with the Police, Courts / Ministry of Justice, can be found at <http://www.arthurvlayte.nofeeshost.com/>

His reasoning for believing the officer not to be impartial is contained therein.

Although Mr Layte claims to have provided this website details previously he claims that no officers have interrogated it to establish whether any offences can be established as he suggests. Mr Layte can see when people visit this site and when they download documents from it as I found out.

The website contains all communication between him and Police and Mr Layte is quite scathing on the website of the report by DI Strickland which is his next complaint.

With the exception of the complaint regarding his arrest and detention the remainder of the complaints are in respect of the civil litigation he entered into.

Mr Arthur took legal action against Mr Layte which Mr Layte was successful in defending. Mr Layte was awarded costs against Mr Arthur.

The following litigation surrounded cost hearings. Although Mr Layte was awarded costs his award was eventually determined to be zero as the courts stated that correct procedures and orders were not followed.

Mr Layte contests this and as a consequence he accuses a judge and court officials of perjury, his next complaint. Mr Layte wanted Devon and Cornwall Police to investigate those court officials for perjury. No crime investigation ever commenced and this matter was never finalised.

Mr Layte complained to the Minister for Justice resulting in his email address being barred by that department.

Mr Layte created a website similar to that which is addressed above. One part of that website however contained defamatory material against Mr Arthur and as a consequence the website host insisted on its removal.

Mr Layte believes that the Police had material involvement in that website removal and he therefore believes that the Police are responsible for the offence of concealing evidence because in doing so the document trail he had uploaded could no longer be seen.

True - I do not consider that my initial complaint concerning the PACE notice and suspicion of corruption has been investigated and it has obviously not been finalised. Subsequent complaints against the PSD (Chudley), Court staff (principally N.Deery), the Judiciary (HHJ Griggs and DJ Wainwright) have also not been finalised albeit they have mostly been recorded.

The points below are certainly not exhaustive and, for the most part, do not reflect what was actually said in the "very lengthy" (two hour) phone call as is apparent if one compares the recording of the phone call with the report. However I cannot see that the report states that "The Police *"first"* became aware of my "concerns" about DC Roger Exelby" on 3 October 2012 as the IPCC claim it does.

The Arthurs were in partnership with the Laytes in that two properties the Laytes had identified as good investments were purchased in 1988 on a 50/50 basis. The first sold within a few weeks (£27,500 profit) and the second was rented until June 2000 when the tenant stopped paying the rent but continued to trade for a further 18 months. Following the tenant vacating a protracted facade redecoration the property was put on the market in about June 2002 but the partnership could not agree a selling price. The Arthurs litigated against the Laytes claiming the Layte's valuation was about double the property's true value and sought an injunction to give the Arthurs sole right to market the property and prevent the Laytes interfering in the sale. The Laytes entered a counterclaim that the Arthurs had failed to inform the Laytes of the £10,000 + stock + fixtures and fittings they had negotiated with the tenant in lieu of the 18 months unpaid rent. The Arthur's injunction was not allowed and the Layte's counterclaim was found in their favour but the property had not been sold at that point and there followed the inevitable attempt by the Arthurs to sell at their low valuation and thus win their valuation dispute Claim but they were unsuccessful as the Laytes managed to thwart their plan to sell at a low price to a buyer they had promised the property to in June 2000 for about £60,000 (A Mr DT Everard) by obtaining a Court Order for a "sealed bid" auction. Mr Everard was the only bidder (although he did not know it!) and thus won the auction with his bid of £132,500 in November 2003. Mr Arthur was not happy that his buyer had been obliged to pay £132,500 for a property he had offered to sell to him for £60,000 some three years previous and applied to the Court to restore his original Claim. The Court restored it but pointed out there was no evidence to support a valuation dispute Claim now the subject property had been sold at the Defendant's valuation.

In an attempt to get some evidence to support his restored Claim Mr Arthur approached the Police with a false allegation of theft against me in the hope of getting a conviction. He did not get a conviction but he did get a PACE notice which he subsequently used as evidence in support of his Claim and extend the litigation by 10 years (so far!).

It was Mr Arthur's neighbour, DC (Roger) Exelby, that arrested me and authorized the PACE notice that Mr Arthur used to extend the litigation from 16 months by about 10 years !!! (16 months from the original July 2002 Claim to the sale of the property in November 2003 - 10 years from the issue of the PACE notice in January 2004 to date (February 2014)) **Thus the most part of the "Extremely lengthy litigation" is due to the Police involvement.**

The complaint was more against the PACE notice than the arrest initially and then against DC (Roger) Exelby for suspected corruption following the discovery that he had links with Mr and Mrs Arthur in that he was a neighbour of theirs. A complaint was made about this to the IPCC in February 2005 and the Police were informed by [fax dated 10 March 2005](#) but nothing seems to have been done about this. A complaint was made about DC Exelby's lies to the IPCC (regarding the arrest) but the IPCC granted dispensation regarding this on the grounds that a complaint cannot be made against a police officer if his lies influence the outcome of an IPCC decision (i.e. A Police officer can lie to the IPCC with impunity !!!). I agree that part of my complaint was that I suspect DC Exelby was not acting impartially regarding his investigation into Mr Arthur's allegation of theft and the PACE notice that followed his determining that removing the FRM was **not** theft and "ownership" was a Civil matter. DI Strickland stated that DC Exelby had no links with Mr Arthur so I am obviously not satisfied with DI Strickland's answer as it is not true. DI Strickland passed the blame to the Force Legal Department as he later claimed his [26 January 2011 letter](#), which states "DC Exelby has no links with Mr Arthur" was drafted by them.

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Whereas I do maintain a DVD (years 1976-2014) database and have uploaded many copies of it (see [www.arthur-v-layte.com](http://www.arthur-v-layte.com) for the www address of the latest uploaded DVD (January 2014)) it should be noted that [www.arthurvlayte.nofeeshost.com](http://www.arthurvlayte.nofeeshost.com) is a very small part of it and started life as a copy of the 2008-2010 [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) 4 page web site which was shut down because of a false complaint made by Mr Arthur concerning another web site that I own and maintain. The original [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) web site **only** listed copies of items posted / delivered to Mr and Mrs Arthur in particular our bills of cost. There was nothing on it relating to correspondence with the Police or the Ministry of Justice and the only Court correspondence uploaded concerned letters / bills of costs which were cc the Court or documents ordered to be filed (as well as served) such as our bills of costs the intention being to put an end to Mr Arthur's constant denials he had received documents such as our Bills of costs. Pages 5 and 6 were added to the [www.arthurvlayte.nofeeshost.com](http://www.arthurvlayte.nofeeshost.com) site after the original [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) site had been shut down and these pages do have correspondence relating to the Police /Court and a link to a site which questions whether or not the Police were also involved in shutting down the original. The Police (including SGT Jones) were told about this link and I am aware, from the visitor logs, that the Police have looked at it **as have the IPCC**. The Police were supplied with a copy of the off-line DVD on many occasions and have also been made aware of some of the on-line copies and I am aware the Police have looked at some parts of the web site such as the [2004-2008 correspondence with Police and IPCC](#) regarding my PACE notice complaint.

Utter rubbish - SGT Jones is confusing the [www.arthurvlayte.nofeeshost.com](http://www.arthurvlayte.nofeeshost.com) web site with the DVD and the on-line copies of the DVD web sites which are very different (see [www.arthur-v-layte.com](http://www.arthur-v-layte.com) link to the 2014 on-line DVD) and contrary to claiming "no officers have interrogated it" I am aware that some persons from both the Police and the IPCC have looked at both the DVD web site and the [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) (before it was shut down) and the [www.arthurvlayte.nofeeshost.com](http://www.arthurvlayte.nofeeshost.com) (after the original was shut down). Whether the Police looked at the many copies of the actual DVD they have been supplied with over the years I have no way of telling. The DVD supplied to Paula McEwan (IPCC) was returned and she stated she was not able to read it on her computer. Do I believe her? No I don't.

I did not "enter into" the litigation - Mr and Mrs Arthur were Claimants and if their "claims" were not defended then they would have won by default - we had no choice. If we had allowed Mr Arthur to sell 52 Fore Street to Mr Everard for the price he had (secretly) offered to sell it to him and not defended his "theft of FRM" or £40,000 "breach of fiduciary duty" Claims we would have been at least £100,000 worse off. However the cost of defending the Claims is many times that until our costs are paid.

The complaint about the arrest and detention (and abysmally incompetent investigation into Mr Arthur's allegation of theft) was much more to do with the PACE notice. It was because of the PACE notice that Mr Arthur was able to prolong the litigation from the January 2004 issuing of the notice to the present day.

The action that Mr and Mrs Arthur took against Mr and Mrs Layte was attempted fraud in that Mr and Mrs Arthur attempted to gain sole control over the sale of our jointly owned property so that they could sell it at the absurdly low price (£60,000) they had (secretly) promised to Mr DT Everard. The Arthurs were unsuccessful in gaining a Court injunction giving them sole control of the marketing and ultimately unsuccessful in selling the property at their promised price to Mr Everard although he was the eventual buyer at over double the price the Arthurs had offered it to him for - much to Mr Arthur's chagrin.

Instead of being pleased that the Layte half of the partnership had earned the partnership an extra £73,000 over and above the the Arthur's promised price Mr Arthur applied to the Court to restore his original valuation dispute Claim!

Unbelievably the Court allowed Mr Arthur to restore the Claim but pointed out that now the property had been sold (at the Defendant's valuation) the Claim had no meaning or evidence in support.

Mr Arthur solved the "no meaning" bit by amending the Claim from a valuation dispute to a £40,000 damages Claim for breach of fiduciary duty in that we had not adhered to a verbal contract that Mr Arthur said "we agreed to in 1988 whereby we developed the property as the Arthurs told us to do! There was never such an agreement but proving there wasn't is as difficult as proving there was as it all depends on who is telling the truth?"

Mr Arthur attempted to solve the "no evidence" bit by accusing me (First Defendant) of theft and reporting the crime to the Police. The Police ascertained that there had been no crime but much to my amazement issued a PACE notice against me! In their naivety the Police treated the issue as one of a dispute of ownership of the FRM (A Fabric Rolling Machine that Mr Arthur had accused both Defendants of stealing) Mr Arthur was not interested in owning a virtually worthless machine. He was interested in gaining some evidence that the Defendants were dishonest thieves and would also likely to lie about the existence of th alleged (by Mr Arthur) "1988 verbal contract". The Police officer that issued the PACE notice just happened to be a neighbour of Mr and Mrs Arthur. Mr Arthur used the PACE notice as his **only** tangible evidence to support his £40,000 restored and amended damages Claim. If it were not for a PACE notice issued by a Police officer neighbour there would not have been a Claim and there would obviously have been no complaints against the Police.

Mr Arthur told the Judge that he reported the FRM stolen by "persons unknown" on 9 September 2003 and it took the Police until January 2004 to discover that I had removed it. Inspector Lyn Gooding contradicts and states that the "theft" was reported on 19 December 2003. The Police must confirm that Lyn Gooding is telling the truth.

DRAFT

### 3. Details of Complaint

Date of incident: 2006	i	Time of incident:	i
Location of incident: Home adress	i	OIS Log No.: 752 02102012	i
LPA/Dept. of incident: D and C various	i	Sector/Beat code: GP	i

Outline of complainants allegations: (Box will expand if needed)

This complainant has made a number of complaints and has contacted the Police again as he claims his initial complaints have not been finalised.

The points below are not an exhaustive list of his complaints however they are a summary of complaints I established during a very lengthy telephone call.

Mr Layte (pronounced LATE) was a former business partner of a male called Mr Arthur. Their acrimoniously ending relationship led to claims and counter claims resulting in extremely lengthy litigation and on one occasion led to the arrest of Mr Layte.

Mr Layte has previously complained regarding this arrest and although the matter appeared to have been resolved his appeal to the IPCC seems to have been upheld and the complaint was then not finalised. This complaint was against DC Exelby. Part of that complaint was that Mr Layte suspected that DC Exelby was not acting impartially due to his connections with Mr Arthur. This was answered by DI Strickland but not to the satisfaction of Mr Layte.

Mr Layte maintains an uploaded web database of all his correspondence with the Police / Courts / Ministry of Justice. It can be found at <http://www.arthurvlayte.nofeeshost.com/>

His reasoning for believing the officer not to be impartial is contained therein.

Although Mr Layte claims to have provided this website details previously he claims that no officers have interrogated it to establish whether any offences can be established as he suggests. Mr Layte can see when people visit this site and when they download documents from it as I found out.

The website contains all communication between him and Police and Mr Layte is quite scathing on the website of the report by DI Strickland which is his next complaint.

With the exception of the complaint regarding his arrest and detention the remainder of the complaints are in respect of the civil litigation he entered into.

Mr Arthur took legal action against Mr Layte which Mr Layte was successful in defending. Mr Layte was awarded costs against Mr Arthur.

The following litigation surrounded cost hearings. Although Mr Layte was awarded costs his award was eventually determined to be zero as the courts stated that correct procedures and orders were not followed.

Mr Layte contests this and as a consequence he accuses a judge and court officials of perjury, his next complaint. Mr Layte wanted Devon and Cornwall Police to investigate those court officials for perjury. No crime investigation ever commenced and this matter was never finalised.

Mr Layte complained to the Minister for Justice resulting in his email address being barred by that department.

Mr Layte created a website similar to that which is addressed above. One part of that website however contained defamatory material against Mr Arthur and as a consequence the website host insisted on its removal.

Mr Layte believes that the Police had material involvement in that website removal and he therefore believes that the Police are responsible for the offence of concealing evidence because in doing so the document trail he had uploaded could no longer be seen.

At the final trial of the Claim Mr Arthur abandoned the Claim in the first few minutes and we were thus awarded costs against Mr and Mrs Arthur "to be assessed by **detailed assessment if not agreed**". Following the trial Mr and Mrs Arthur refused to communicate let alone agree costs which meant we had to prepare bills of costs as per the rules - Cost Practice Direction Part 43 (mainly !!). Because of the vast amount of evidence and communications we had generated in defiance of the Arthur's Claim(s) (about 22,000 pages) this took us nearly six months and mindful of the fact that Mr Arthur had frequently denied service of documents throughout the proceedings we posted our bills to the Court (Truro) and requested the Court serve them on the Arthurs but the Court refused (unless we applied for a Court Order) and returned our bills stating that we must serve them ourselves. We served them by recorded delivery post to the service address provided by the Arthurs and they were signed for but Mr Arthur claimed the envelope only contained about 10% of the bills we had posted. Amazingly the Court seemed to think that the 10% was what we had spent six months preparing and set aside the Default costs certificates we had obtained on the grounds that the "bill" Mr Arthur had supplied the Court with was not compliant as per the rules. Obviously it was not compliant, Mr Arthur had falsified it) nor could it even be described as a "bill" since there was not a single £ claimed on it - the 90% Mr Arthur had "lost" contained descriptions of our costs and the amounts claimed and was compliant as per the rules.

The Judge who set aside the Default Costs Certificates (Judge Mitchell) passed the matter to Judge Wainwright at Exeter Court. Judge Wainwright spent about three months jumping up and down stating we must serve and file compliant bills as the one that Judge Mitchell had passed to her was not compliant however at this time we had assumed that Mr Arthur had supplied the Court with true copies of the bills we had served and were unaware that he had falsified them.

Eventually Judge Wainwright ordered us to file copies of the bills we had served which we did. Perhaps in a fit of pique having wasted several months pontificating on falsified copies of our bills Judge Wainwright made her 10 September 2007 Order which obviously **gives the impression** that our actual bills were not compliant and certainly convinced His Honour Judge Griggs that they must be faulty (although he admitted he had not had sight of them himself!). However, having spent six months studying the rules and preparing our bills, we were convinced that they **were** CPR compliant and, in compliance with the Order, served and filed them again in the same form as before together with a signed witness statement that outlined our understanding of each and every rule that applied to self litigant's bills of costs. We asked the Court to tell us if our understanding of the rules was in error and if we had misunderstood any of the rules then we would correct the error. As we received no response we took it to mean that our understanding of the rules was, in this instance, superior to Judge Wainwright's and our view was vindicated when Judge Middleton (The cost Judge who Judge Wainwright had passed the case to) was unable to fault our bills and passed the matter back to Judge Wainwright who jumped up and down again and stated that since we had not changed our bills since her 10 September 2007 Order she overruled the costs Order and awarded us £0 but said we could make applications to the Court. The applications we both made were the only applications we could see we could make and were essentially **"We are of the opinion that our bills of costs are and always have been in a CPR compliant form and Judge Wainwright's 10 September 2007 Order which implies that they are not is faulty however if the Court really do think our bills are not compliant then we will modify them accordingly if the Court can demonstrate any non compliance"**.

The Court (Judge Wainwright) conceded that our bills were compliant (and as they were in the same format as the ones served before the 10 September 2007 Order this meant that Judge Wainwright was admitting that her Order was nonsense) but in what was obviously an attempt to exonerate herself she "deemed" our applications to be "applications for relief from sanctions" that is she was giving us another chance to comply with her 10 September 2007 Order and treating the Bills she ordered us to file and serve (again) **after** her Order as being in a different form to the ones we had served before her Order but she knew they were the same and had even stated this! Incredibly Judge Wainwright then gave Mr Arthur permission to appeal her "deeming" of our applications to be applications the exact opposite of what they were!!!

Mr Arthur's appeal was set to be heard on 14 July 2009 and obviously we wanted to attend to point out that our applications were not applications for relief from sanctions as we had complied with the 10 September 2007 Order some six months before it had been made and thus did not need relief from the sanction of complying with an Order we had complied with both before it was made and several times after it had been made.

We were awarded costs (to be assessed by detailed assessment if not agreed) and following Mr & Mrs Arthur's refusal to attempt to agree costs we believe we have followed all procedures required in the Detailed Assessment of Costs Rules and have complied with all Court Orders made within the costs process.

**I require proof that SGT Jones's statement "the Courts stated" is true and will apply to the Force Data Protection Department for such proof be it a written statement or a recorded phone call. If such proof is not supplied then it will be taken that SGT Jones is expressing his own personal opinion as to why we were awarded £0**

I do indeed contest this "alleged" Court statement and have, on numerous occasions, asked the Court to provide proof of which procedure or Order we have not followed or complied with but have received no response to date. We have also asked for the name of the Court employee(s) that have allegedly made such a statement but again have received no response. The latest attempt being my [letter of 20 December 2013](#) which the Court has again failed to respond to.

This is untrue - I complained to the MOJ about Exeter Court Manager (Mrs N.Deery) for failing to provide proof that a statement allegedly made by Judge Wainwright existed and for failing to explain why our application to re-list Mr Arthur's 14 July 2009 appeal hearing to a date when we would be able to attend and for failing to draw Order within the time allowed by the Court Charter which jeopardized our chances to appeal the Order within the prescribed 21 days. **It was Mrs Deery that my email address - not the MOJ**

### 3. Details of Complaint

Date of incident: 2006	Time of incident:
Location of incident: Home address	OIS Log No.: 752 02102012
LPA/Dept. of incident: D and C various	Sector/Beat code: GP

#### Outline of complainants allegations: (Box will expand if needed)

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Mr Layte complained to the Minister for Justice resulting in his email address being ignored by that department.

Mr Layte created a website similar to that which is addressed above. One part of that website however contained defamatory material against Mr arthur and as a consequence the website host insisted on its removal.

Mr Layte believes that the Police had material involvement in that website removal and he therefore believes that the Police are responsible for the offence of concealing evidence because in doing so the document trail he had uploaded could no longer be seen.

Utter nonsense - I have maintained the Pool Market web site since Mr and Mrs Arthur first requested I prepare and upload it in June 2001.

Mr Arthur had been convicted of drink driving in Tesco Extra car park on 9 March 2010 and the [West Briton reported this on July 8 2010](#). As can be seen from the article Mr Arthur applied to appeal the conviction. Tesco Extra car park is adjacent to his own land at Pool Market.

Sometime in October 2010 I was made aware that several notices had appeared around Pool Market one of which banned the two Police officers that had arrested Mr Arthur for drink driving from entering Pool Market land (whether on or off duty). Mr Arthur had apparently told the market traders that his appeal had been successful in that Tesco car park is private land and the drink drive law does not apply to private land and the notices declared Pool Market to also be private land where the drink drive law does not apply. I did not agree with this and published the notices on the Pool Market web site ([www.poolmarket.net](http://www.poolmarket.net)) with a warning that whereas Pool Market may well be privately owned that did not mean that any drunk driver on the land was beyond the law. I also informed the Police about the notices and suggested they get Mr Arthur to remove them as they were giving the wrong impression to the public especially as Mr Arthur was telling everyone he had successfully appealed his Tesco car park conviction. The Police did nothing other than to suggest I complain to the Council if I was concerned.

Mr Arthur [complained](#) to my hosting company (1&1 Internet) that he had won his Tesco drink driving appeal and thus it was OK to drink and drive on private land and it was defamatory to upload photos of the notices and warn the public that it was not OK but at the same time he wanted the notices uploaded to inform the public that Pool Market was private land (and by implication OK to drink and drive in Pool Market car park or environs) !!

1 & 1 Internet closed my whole account on the grounds that the notices that Mr Arthur had wanted displayed were also defamatory on the grounds that Mr Arthur had (told them!) he had won his appeal. Because all 50 of my web sites had been shut down and were thus invisible I set up a copy Pool Market site ([www.pool-market.net](http://www.pool-market.net)) with another hosting company to advertise Pool Market (as per the original 2001 contract) and to warn the public that it was **NOT OK** to drink and drive on Pool Market land despite the notices and Mr Arthur's assurances that it was and he had won his appeal. My attempt to warn the public that it is **NOT OK** to drink and drive at Pool Market was vindicated when, a year later, Mr Arthur himself was [convicted of drink driving](#) in front of his own notices!

As 1 & 1 Internet had shut down **all** my web sites (not just the [www.poolmarket.net](http://www.poolmarket.net) one) they were all invisible including the [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) site. The Police were supposed to be investigating Mr Arthur at the time concerning his providing the Court with a false copy of our bills of costs and the [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) I considered important as it contained the copies of our bills that we had served and filed. Despite Mr Arthur's denials that he had received them by post he could not argue with the web site which included an uploaded copy of our bills and confirmed the date they had been served and how they had been served. I complained to the Police about the fact that Mr Arthur had shut down a web site pertinent to their current investigation. The Police did nothing and 1 & 1 Internet stated the Police were involved and were "investigating the case on behalf of Mr Arthur".

As I considered it very important that the Police were aware of the data displayed in the shut down and invisible [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) web site I set up several others with different hosting companies such as [www.arthur-v-layte.com](http://www.arthur-v-layte.com) and informed the Police about them as SGT Jones obviously confirms in this report.

The Police have been provided with a great deal of evidence on DVD and have also been informed about several web sites that contain evidence that Mr Arthur perverted the course of justice. The DVD and the web sites also expand on my suspicions about Police corruption.

DI Strickland's or The Force legal Department's [26 January 2011 letter](#) states that "he" *did not consider there was any evidence that Mr Arthur perverted the course of Justice*. I have no idea if the Police looked at any of the DVD's they have been supplied with over the years but I do have a record of which of the 100,000 (ish) documents on the www they looked at. Since 2010 the Police have looked at 12 documents! Stating there is no evidence is a lie. There is a vast amount of evidence both against Mr

Bunkum! See above. My website host closed down my entire account because Mr Arthur complained that his own notices ([that he wanted displayed](#)) on the [www.poolmarket.net](http://www.poolmarket.net) were defamatory! He told my hosting company 1&1 Internet that he had [won his appeal](#) against conviction for drink driving and they believed him! Mr Arthur is a liar - he is forever telling people he won a Court case when he did not. The [www.poolmarket.net](http://www.poolmarket.net) web site is not similar to [www.arthurvlayte.nofeeshost.com](http://www.arthurvlayte.nofeeshost.com) and no part of it actually contained defamatory material. The [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) web site is similar to the [www.arthurvlayte.nofeeshost.com](http://www.arthurvlayte.nofeeshost.com) site but Mr Arthur has not complained about it to the company that hosts it. He did complain about [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) on the grounds that it gave the impression that he had lost the Court case when he told 1 & 1 Internet that he had won it!! Once again 1 and 1 Internet believed him! Mr Arthur lost the Court case as should be obvious to all as [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) and the similar [www.arthurvlayte.nofeeshost.com](http://www.arthurvlayte.nofeeshost.com) both list our bills of costs as awarded by the Court. If Mr Arthur had won, as he tells everyone he did then he would have been awarded costs against us!! As can be seen from the [30 January 2014 Police report "Summary"](#) it appears Mr Arthur has even convinced the Police the case was found in his favour and that subsequent to his winning I involved the Police (to get revenge?). **The truth is the exact opposite**. Mr Arthur lost his valuation dispute (we thwarted his plans to sell to Mr Everard at half price) and then he involved the Police to seek revenge.

I do believe the Police were involved in shutting down the original [www.arthur-v-layte.co.uk](http://www.arthur-v-layte.co.uk) web site in 2010 because it contained the evidence that the "Police" [26 January 2011 letter](#) states does not exist. I complained about this but the Police applied for dispensation on the grounds that I was "out of time" not that the Police denied that they were involved in shutting down the site.

Mr Laytes' overriding complaint is that his costs award was unsuccessful due to Mr Arthur telling lies to the court in two regards. Firstly that he did not receive documents served upon him by Mr Layte and secondly by presenting incomplete documents to the court stating that that was all he received.

Mr Layte is instant that those actions are an offence of Perverting the Course of conduct and as such wanted Devon and Cornwall Police to investigate.

These matters have been reported upon by DI Strickland and then by DI Simms but Mr Layte refutes those findings as incorrect per his database.

In the years of dealing with the Police Mr Layte believes that various officers have acted incompetently (PS Simon Hoye / PS Ian Pollock) It seems that officers have told Mr Layte that they have viewed his website when clearly he can see they haven't.

He accuses Paul Chudley of Professional Standards of lying to him when he stated he had not received various documentation when the IPCC claim they have.

#### 4. Action taken (if any)

(Box will expand if needed)

In a two hour telephone conversation with the RP I have recorded his complaint in the above abridged form.

I have explained the difference between the burden of proof required between a civil matter (balance of probabilities) and the stricter burden of proof (beyond all reasonable doubt) required to progress a criminal offence to be proven.

Although Mr Layte has been through years of litigation his interpretation of law is simplistic and he has no understanding of evidential points or mens rea or actus reus, in essence I believe his understanding of law to be childlike.

The whole crux of this complaint is simple. Mr Layte was successful in defending a case brought against him by Mr. Arthur. At the costs hearings that followed it is alleged that Mr Arthur has misled the court and this misleading of the court has resulted in a finding of zero costs being awarded against Mr Arthur despite him being successful at the judgement hearing. Mr Layte believes this misleading of the court concerning service of documents is an offence of Perverting the course of Justice.

It is my belief that the loss of cost award was as a direct result of his own naivety by not employing process servers or the assistance of any legal advice. I have tried to show that his allegation that perjury has been committed is fundamentally flawed and that it was his own inability to comply with due process that led to his loss but Mr Layte became irate towards myself and cannot see any other point of view other than his own.

Mr Layte makes specific mention on his website of one particular occasion that he believes should be investigated. If it can be shown to him that any attempt to pursue that one allegation would fail and the reasoning for that failure then it may go some way to resolve his overall complaint. I tried this reasoning but found it impossible over the telephone as Mr Layte constantly talks over me.

#### 5. Additional Information

Is complaint related to the arrest of the complainant?  Yes  No

Status of proceedings: NFA

Case Ref. No.:

If charged or bailed next appearing at:

On date:

Rubbish!! My overriding complaint is the issue of a PACE notice by a Police officer that just happened to be a neighbour of Mr Arthur in extant Civil litigation. Without the PACE notice there would not have been any furtherance of the litigation nor any further complaints concerning Mr Arthur's post trial behaviour in the Detailed Assessment of Costs process.

Presenting falsely acquired evidence (The PACE notice) to the Court. Presenting fabricated evidence ("Mr Everard's" witness statement) to the Court. Claiming we had not served our bills of costs (when we had) to the Court. Claiming the "bill" we served only consisted of about 10% of the bill we actually served ARE attempts to pervert the course of Justice and as such the Police must investigate them

DI Strickland claims the 26 January 2011 letter was drafted by the Force Legal Department and thus represent their view rather than his. I disagree with what is said in the letter in that the letter states "DC Exelby has no links with Mr Arthur" when he has (neighbour) and "There is no evidence that Mr Arthur attempted to pervert the course of Justice" when there is a vast amount - Do the Police really believe Mr Arthur presented false and or fabricated evidence to the Court for any other purpose than to attempt to pervert the course of Justice?

If it were not for Mr Arthur approaching the Police after restoring his evidence less "Claim" in 2003, DC Exelby (neighbour) and the PACE notice then there would not have been "Years of dealing with the Police" and a vast amount of time and money would have been saved. It was Mr Arthur that involved the Police in the litigation not either of the Defendants.

My 2 February 2011 email to the IPCC was forwarded to the PSD by the IPCC and the Police Authority (Now the OPCC) and myself (by email and post enclosed with a standard complaint form) yet about a year later Mr Chudley denied that he knew anything about it!!!! The 2 February 2011 email questions the content of the 26 January 2011 letter which at the time was thought to be Mr Strickland's personal view but later DI Strickland attributed the content of the letter to the Force

It is not only in an "abridged form" it is extremely inaccurate and selective as can be determined by listening to the recording of the actual phone call

I am aware of the difference but do not consider attempting to pervert the course of Justice a Civil matter even though committed within Civil proceedings and it is well beyond all reasonable doubt that Mr Arthur has attempted to pervert the course of Justice on several occasions in an attempt to win a £40,000 Claim against us.

The litigation would have "only" been 16 months (between Mr and Mrs Arthur's 15 July 2002 "valuation dispute" Claim and the sale of the property on 18 November 2003 at our valuation of approximately twice what Mr and Mrs Arthur had tried to sell it to Mr Everard for). The litigation since 18 November 2003 is entirely due to Mr Arthur using the PACE notice issued by his neighbour to extend the litigation to the final trial of his restored (and later amended) Claim in November 2005 at which we were awarded costs against Mr and Mrs Arthur. The costs order was for "Costs to be assessed by detailed assessment if not agreed". Because Mr and Mrs Arthur refused to even communicate let alone agree our costs meant that we had to prepare our bills of costs in the prescribed form. The form is quite simple but due to the huge amount of communications, documents and evidence we had produced in defending the Claims (over 22,000 pages) we were unable to find a cost draftsman in the whole of the South West willing to undertake the task of converting this into a meaningful bill of costs which meant we had to undertake the task ourselves.

This whole paragraph is confusing. Firstly Mr (and Mrs) Arthur was not successful at the Judgement Hearing hence we were awarded costs against them. The costs were to be assessed by detailed assessment if not agreed. Mr and Mrs Arthur refused to even communicate let alone agree our costs which necessitated preparing bills of costs and serving them on Mr and Mrs Arthur which we did. There should be no costs hearings in a detailed assessment of costs process unless Mr and Mrs Arthur dispute any of our costs and we disagree with any of the costs that are disputed. Mr and Mrs Arthur had 21 days to dispute our bills (or ask for an extension of time) but they did neither. If no points of dispute are made within the 21 days then the only thing we could do is apply for a default cost certificate (ie the bill has not been disputed therefore the full amount of our claimed costs must be paid). The default cost certificates were issued by the Court but Mr Arthur then applied to set the certificates aside on the grounds that our bills of costs were not in a compliant form and to make his point he filed 12 pages (10% of the bills we had served) at Court and stated "that was all he had been served". Mr Arthur is a liar and it is inconceivable that we would have spent 6 months preparing bills of costs only to serve 12 pages that did not claim a single £ of cost. We had served our bills by recorded delivery to the service address supplied by Mr and Mrs Arthur and they were signed for so Mr Arthur could not claim he had not received an envelope but he could, and did, claim that the contents were not compliant bills. The subsequent times we served our bills they were also uploaded to a web site so that Mr Arthur would not be able to dispute what was in the envelope. He did try and get the web site shut down though.