

**Investigation into the Police and Crime
Commissioner for North Wales,
following an allegation that he made a
false statement during the Police and
Crime Commissioner elections of
November 2012 –
Mr George Winston Roddick CB, QC**

Independent Investigation
Final Report

IPCC Reference: 2013/006541

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Introduction

1. The complainant is a resident within the North Wales Police area. They voted in the Police and Crime Commissioner (PCC) election that took place within North Wales on 15 November 2012.
2. On 27 February 2013 and 5 March 2013, the complainant wrote to the Chief Constables of North Wales and Cheshire police. In this correspondence, they alleged that the successful candidate, Mr George Winston Roddick, had made a false statement relating to his home address when submitting his nomination papers prior to the election, which is in contravention of Article 21 of the Police and Crime Commissioner Elections Order 2012.
3. The Chief Constables of North Wales and Cheshire police then referred the matter to Mr Ken Finch, who was the delegated authority for the Police and Crime Panel (PCP) of North Wales. The PCP scrutinises and supports the work of their Police and Crime Commissioner. As the complaint was of a criminal nature, Mr Finch referred the matter to the Independent Police Complaints Commission (IPCC) on 23 April 2013. A decision was made on 1 May 2013, that the IPCC would independently investigate the allegation.

Terms of reference

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4. The terms of reference for the investigation were agreed by Commissioner Cindy Butts on 16 July 2013, they were:
 1. To investigate whether Mr Roddick resided at the address [REDACTED] Caernarfon LL55 [REDACTED] at the relevant time
 - a) To establish whether Mr Roddick was correctly registered on the two electoral registers for which he was registered.
 - b) To establish whether any criminal offence has been committed.
 2. To prepare a final report which indicates whether, in the opinion of the investigator, a criminal offence may have been committed by the relevant office holder. On receipt of the final report, the Commissioner shall determine whether the report should be sent to the Director of Public Prosecutions.

Summary of evidence

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5. The complainant made a statement dated 24 July 2013. It stated that following the election of Mr Roddick as the PCC for North Wales on 15 November 2012, the complainant decided to send some correspondence to Mr Roddick at an address that was shown on some campaign literature, which they believed was Mr Roddick's home address. This address was [REDACTED], Caernarfon LL55 [REDACTED]. The complainant duly sent the

correspondence, but apparently it was never delivered. The complainant stated that they were awarded compensation by the Post Office as there was no record of the packages in its system. The complainant said they were informed by the sorting office that the premises were unoccupied.

S2 6. The complainant states that they went to the offices of the PCC and spoke to a member of staff who they believed was the office manager. The complainant states that this person told them that Mr Roddick had never lived at the address in [REDACTED].

S2 7. The complainant decided to carry out their own enquiries to establish where Mr Roddick resided. The complainant established that Mr Roddick was shown in the Register of Company Directors as a resident of [REDACTED], Cardiff, CF23 [REDACTED]. The complainant also established that Mr Roddick was recorded in the Land Registry as the owner of this property. As it appeared that Mr Roddick was a long and continuous resident at this address, the complainant considered that Mr Roddick could not have been resident at the Caernarfon [REDACTED] address at the time of the PCC elections and therefore was not eligible to stand as a candidate.

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D53 8. Ms Lynn Phillips is employed by Flintshire County Council as an Electoral Services Manager, which involves organising all types of election. In her statement dated 6 August 2013, she stated that during the early afternoon on 5 October 2012, she was telephoned by Mr Roddick. He enquired if he was able to stand as a PCC candidate in the forthcoming elections. The query related to being registered on the electoral role in the relevant policing area. As she was unsure, she spoke to Mr Ceri John at the Electoral Commission who told her that as long as he was registered by 8 October 2012, he was eligible. Ms Phillips later communicated this to Mr Roddick via email.

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D62 9. Mr Ceri John is a Senior Political Parties Liaison Officer employed by the Electoral Commission at its offices in Cardiff. In a statement dated 9 August 2013, he explained his role was to respond to queries from candidates regarding anything contained in the Electoral Commission documents. In this case the document was entitled, '*Police and Crime Commissioner Elections in England and Wales, guidance for candidates and their agents.*'

10. Mr John stated that on 5 October 2012, he was called by Mr Roddick on his office phone. Mr Roddick's query was about the qualification to be registered on the electoral role. Mr John advised Mr Roddick that in order to be eligible to stand in the forthcoming PCC elections, he would need to be registered on the Electoral Register within the jurisdiction of the policing area for which he intended to stand as a candidate, and the register was due to be published on 18 October 2012. During this enquiry, Mr John noted that Mr Roddick's mobile phone number was xxxxxxxx506.

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D55 11. Mr Raymond Harvey is an Election Registration officer in Caernarfon,

North Wales. In a statement dated 6 August 2013, Mr Harvey stated that on 5 October 2012, he received a phone call from Mr Roddick enquiring about registering on the Electoral Register in Caernarfon. Mr Harvey advised Mr Roddick that the cut off date to get on to the register was the 8 October 2012.

12. During the afternoon of 5 October 2012, Mr Roddick attended the reception of Gwynedd Council in Caernarfon with a completed and signed registration form, where he met with Mr Harvey. Mr Harvey recalled some of the conversation they had. Mr Roddick said that he was intending to stand as a candidate in the PCC elections, but he had not declared this yet. He also said that he had just moved up from Cardiff.
13. The registration form that Mr Roddick presented stated that he currently resided at [REDACTED], the Caernarfon address, LL55 [REDACTED]. He gave his previous address as [REDACTED], Cardiff, CF23 [REDACTED] and also endorsed the form, '*Please remove me from the register at my previous address.*' The form also had a telephone contact number recorded as xxxxxxxx506. It was signed Winston Roddick and dated 5 October 2012.
- S3 14. Mr Colin Everett is the Chief Executive of Flintshire County Council. He is also the Returning Officer for all election processes in Flintshire. In a statement dated 25 July 2013, Mr Everett stated that in 2011, he was appointed by the Home Office and Electoral Commission as the Policing Area Returning Officer (PARO) for the PCC election in November 2012 in North Wales. Mr Everett was on leave from 20 September 2012 to 18 October 2012, so his nominated and approved deputy, Mr Gareth Owens, would receive, advise and formally accept nomination papers during his absence.
- S4 15. Mr Gareth Owens is the Head of Legal and Democratic Services employed by Flintshire County Council. In a statement dated 25 July 2013, Mr Owens stated that on 11 October 2012, he and Ms Lynn Phillips met with Mr Roddick and his Election Agent, Ms Jones-Parry. The purpose of the meeting was to provide Mr Roddick with an informal briefing to discuss the nature of the role of the PCC and the election process.
- D43 16. At 4pm on 18 October 2012, Mr Owens and Ms Phillips again met with Mr Roddick at the council offices. Mr Roddick produced his nomination papers to run as a candidate in the PCC elections. Among these papers was a declaration form in which Mr Roddick stated that his current home address was [REDACTED], the Caernarfon address Gwynedd, LL55 [REDACTED]. It was signed by Winston Roddick and dated 17 October 2012.
17. Mr Owens checked the nomination papers to see that they were correct. He specifically recalled that he said to Mr Roddick that it was a criminal offence to knowingly make a false statement within the papers.
- S3 18. On 16 November 2012, following the close of the count of the ballot papers, Mr Roddick made his acceptance of oath speech as the

successful candidate to become the PCC for North Wales.

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19. Ms Tamsin Dakoutros is an Intelligence Analyst employed by the IPCC. In statements dated 23 July 2013 and 11 September 2013, she outlined certain enquiries that she had made regarding Mr Roddick:

- Fastrac voters register showed that a George Roddick (born [REDACTED])
- R [REDACTED] and W [REDACTED] Roddick were registered at [REDACTED], the Caernarfon address LL55 [REDACTED]. R [REDACTED] and W [REDACTED] Roddick appeared in the record from 1982 onwards (sister-in-law and brother of Mr Roddick)
- Fastrac voters also showed that George W Roddick (born [REDACTED]) and his wife C [REDACTED] Roddick were listed on the voters register at [REDACTED], the Cardiff address and had been since 1998
- Fastrac voters also showed George W Roddick and C [REDACTED] Roddick on the voters register at an address on [REDACTED] Bethel Road, Caernarfon

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20. In the same statements, further clarification was provided following [REDACTED] credit checks:

- A check at the [REDACTED], Caernarfon address showed no credit history for either George or Winston Roddick
- A search on Winston Roddick returned one record giving the Cardiff address of [REDACTED], Cardiff ranging from 1986. There were three active credit accounts for this address and it had been updated on 14 July 2013
- A search of the name George Roddick (born [REDACTED]) gave records relating to the Cardiff address [REDACTED], in particular an application for insurance made in July 2013, which stated that Mr Roddick had been resident at the address for the previous three years and two months
- It also showed that George and C [REDACTED] Roddick had been entered on to the voters register relating to the Bethel Road [REDACTED] address from January 2013
- It also showed that George Roddick had been registered on the voters register at the [REDACTED], Caernarfon address from October 2012 to January 2013
- A search of the credit history relating to the Caernarfon address [REDACTED] showed that the utility bills were paid by W [REDACTED] Roddick and both he and his wife R [REDACTED] Roddick had bank accounts associated with the address.

21. The [REDACTED] credit checks also showed that an [REDACTED] communications account was registered at the [REDACTED], Cardiff address. Further checks revealed that the account related to the mobile number xxxxxxxx506, previously mentioned in this report as belonging to Mr Roddick.

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22. Billing data and historical cell site information was requested under the Regulation of Investigatory Powers Act 2000. The date parameters for the data requested were 1 October 2012 to 15 November 2012.
23. The cell site information gives the location of the base transceiver station (mobile phone mast) used by the mobile phone to make or receive communications.
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24. The analysis focussed on the first and last cell accessed by the handset on each day. Of the 44 days where records were obtained, the predominant cell accessed in the first and last records of each day was in Caernarfon. This cell is located approximately 500 metres from the Caernarfon address [REDACTED]. Although specific enquires have not been made as to the capabilities of this cell it is likely that this cell would give coverage for this address.
25. This cell was both the last cell used in the evening and the first cell used on the following day on 32 of the 43 nights where records were obtained. Only two days in this period gave strong indications that the person using this handset was not staying overnight in the Caernarfon area; these are 07-08/10/2012 where it appears this person stayed in Aberystwyth and 08-09/10/2012 where it appears this person stayed in the Cardiff area. The other dates when the first or last cell used was not located in Caernarfon, the cell used was located in the North Wales area.
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26. Ms Ann Philpott is employed by Cardiff Council as an Electoral Services Officer. In her statement dated 13 August 2013 she explained that Annual Audit forms are delivered to every household in Cardiff to ascertain who is resident at each property. She looked at the current register of electors and confirmed that two people were registered at [REDACTED], the Cardiff address. They were George W Roddick and C [REDACTED] Roddick. That information had been received on 30 August 2012 via the internet. From her enquiries, Ms Philpott was able to establish that George W Roddick was shown on the register of electors going back to 1994 at the same address.
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27. Arrangements were made for the IPCC to criminally interview Mr Roddick under caution. On 29 August 2013 the interview took place at Cheshire Police Headquarters where he was represented by a solicitor, Mr Norbury. Mr Roddick presented what he called a '*draft*' prepared statement and in addition confirmed that his mobile phone number was indeed xxxxxxxx506.
28. In this prepared statement Mr Roddick denied wrongdoing. He outlined that he had been born and brought up in Caernarfon at another address. The Caernarfon address at [REDACTED] was the family home since his parents purchased it in 1970. Mr Roddick added that the house was also known by its name of [REDACTED].
29. By 1970, Mr Roddick and his wife [REDACTED] were working in London and they

would regularly stay with his parents. Following the death of his parents, the house was left to a sibling in 1992.

30. Mr Roddick stated that he had owned a property in London since 1990 and was shown simultaneously on the voters register at the London address between 2002 and 2009, as well as the [REDACTED] Cardiff address [REDACTED].

31. Mr Roddick outlined his extensive ties to Caernarfon which included from 1998 onwards:

- Professional and public appointments
- Patron of the Caernarfon Rugby Club
- Vice president of Caernarfon town's choir
- Honorary life member of Caernarfon Town Football Club
- Long term member of the Caernarfon Sailing Club
- A member of the Glaslyn Fishing Association
- Acquiring freehold land and fishing rights in Caernarfon in 2011
- His doctor, dentist, solicitor and chapel were in Caernarfon

This meant that during this time, he often stayed at the Caernarfon address [REDACTED]

32. Mr Roddick added that he had long been discussing his retirement date with his wife, which was due to be 2 October 2012. The intention was to buy a property in Caernarfon, but to retain a property in South Wales, dependent upon where their children were located.

33. He stated that in 2011 he enlisted with estate agents with a view to purchasing a property. He and his wife settled on the [REDACTED] the [REDACTED] Bethel Road address in Caernarfon. Instead of purchasing the property at that time, the owner agreed to a 6-month tenancy which was signed on 10 October 2012. He and his wife could not move in immediately, but have since purchased the property.

34. Mr Roddick continued that, *'The question of my standing in the PCC elections was first canvassed with me on 17 May 2012, the occasion of the swearing-in of the mayor of Caernarfon. I was attracted to the idea and after further discussions decided I would do so.'*

35. Mr Roddick established that he would need to be registered to vote in the police area on the date of his nomination (on or before 18 October 2012) and on the day of voting (15 November 2012).

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36. He recalled his conversation with Mr Harvey on 5 October 2012. He stated, *'I did tell Mr Harvey that I had a home in Cardiff but that I was living in Caernarfon and intending to buy a property. I recall the phrase being used by Mr Harvey that my wife and I were in "transition" a situation that*

he said he well understood.'

37. Mr Roddick also made reference to the comment on the Electoral Registration form that he had filled out, where he stated, '*please remove me from the register to vote at my previous address*' [REDACTED], the Cardiff address).
38. Mr Roddick continued, '*So as far as I was concerned, on 5 October 2012 I was living at the Caernarfon address* [REDACTED] *and I was also registered to vote at that address.'*
- D70
D55 39. Mr Roddick continued that despite having leased the property in Bethel Road, Caernarfon, he was not living there at the time of his nomination nor on the date of the election and was not registered to vote at that address on either date. He continued, '*I believe that in October 2012 my home address was my family home at* [REDACTED] *the Caernarfon address as in that period that is where I was living.'*

Criminal offences under investigation

40. Article 21 of the Police and Crime Commissioner Elections Order 2012 states:
- A person is guilty of a corrupt practice if, at a PCC election, the person causes or permits to be included in a document delivered or otherwise furnished to a police area returning officer or a local returning officer for use in connection with the election-
- a) a statement of the name or home address of a candidate at the PCC election which the person knows to be false in any particular, or
 - b) a statement under rule 5(7) (b) of the PCC election rules which the person knows to be false in a material particular.
41. For Mr Roddick to be guilty of a corrupt practice under Article 21, when he caused or permitted the statement that his home address was the Caernarfon address [REDACTED] to be included in the Home Address form, it must be proved beyond all reasonable doubt that he knew that his statement was false. This essentially involves proof of dishonesty.

Other legislation

42. Section 4(3) and Section 5 of the Representation of Peoples Act 1983, relate specifically to the issue of whether a person can be registered to vote at more than one address.
43. There are a number of stated cases that deal with this issue and they are:
Fox – v Stirk (1970) QB 2 QB 463;
Hipperson – v – Newbury District Electoral Registration Office (1985) QB 1060;

Dumble – v – Registration Officer for Borders (1980) – SLT Sh Ct 60 .

44. These stated cases and legislation make it clear that a person can be registered to vote at two separate addresses, provided the individual can show that they were resident at each address on the relevant date that they applied to be on the register.

Analysis of the evidence

45. The essential issue revolves around the statement made by Mr Roddick when he submitted his nomination form on 18 October 2012. He had signed and dated the 'Home Address' form stating that he was resident at [REDACTED] the Caernarfon address at the time of his submission of the nomination form and at the time of the election on 15 November 2012.
46. The evidence provided by Mr Pollard relating to his lost correspondence is unexplained; although he has stated that the sorting office indicated that [REDACTED], the Caernarfon address was unoccupied.
47. The evidence from Fastrac provides a resident's summary for this address from 2000. It shows that the voters register for this address has W [REDACTED] and R [REDACTED] Roddick recorded as being resident from 1982 onwards.
48. Credit checks on the address also show that the utility bills were being paid by W [REDACTED] Roddick and so there is no evidence to indicate that the Caernarfon address was unoccupied.
49. There is no doubt that Mr Roddick has a long association with Caernarfon as it was his place of birth and the home of his parents and his brother.
50. The xxxxxxxx506 mobile phone number can be attributed to Mr Roddick. The analysis is quite clear that the historic cell site evidence strongly suggests that Mr Roddick was staying and sleeping in the Caernarfon area for the significant majority of nights during the period of 1 October 2012 to 15 November 2012, which supports the assertion made by Mr Roddick. This evidence suggests that Mr Roddick was at the [REDACTED] Caernarfon address during this period. This evidence could also be consistent with Mr Roddick staying at the Bethel Road address in Caernarfon.
51. Mr Owens, as the deputy PARO, had to satisfy himself that the nomination papers had been completed properly and certain criteria had been met. In the case of whether Mr Roddick was registered within the North Wales Police area when the nomination papers were submitted on 18 October 2012, Mr Owens checked the recently published electoral role and confirmed that Mr Roddick was registered at [REDACTED] the Caernarfon address. This was all he had to do and he had no obligation to check this information. Therefore, Mr Roddick was entitled to stand as a PCC candidate as the electoral role criteria had been met.

52. The evidence suggests that Mr Roddick was certainly leaving his electoral registration late in order to qualify for his candidacy, but regardless he had met the required condition.
53. There is no doubt that when filling out and submitting the Electoral Registration form on 5 October 2012, Mr Roddick clearly stated that he wanted to be removed from the voters register relating to his previous residency at [REDACTED], Cardiff. Mr Harvey also recalls that Mr Roddick had indicated that he had recently moved to the Caernarfon area.
54. Mr Roddick described in his prepared statement how he had signed a lease for the property in Bethel Road, Caernarfon on 12 October 2012. He stated that he did not move into this address and in fact was resident at the Caerbarfon address [REDACTED]. The evidence is clear that Mr Roddick did in fact eventually purchase the Bethel Road property and became registered as a voter at the address in January 2013.
55. Mr Roddick is absolutely clear that [REDACTED], the Caernarfon address was his home address when he submitted the nomination paper on 18 October 2012 and at the time of the election on 15 November 2012.
56. Mr Roddick was entitled to be registered at the Cardiff address of [REDACTED] Cardiff and [REDACTED] [REDACTED] the Caernarfon address at the same time.

Investigator's conclusion

57. Considering the evidence provided by witnesses, voters and credit checks, the supporting mobile phone cell site analysis and the account provided by Mr Roddick, in my opinion, there is no evidence that a criminal offence may have been committed by Mr Roddick.

Colin Sparrow

Deputy Senior Investigator, IPCC

12 September 2013