

## **PUBLIC AND PRIVATE CONDUCT**

**An Inquiry into the conduct of Michael Hancock CBE , MP,  
Councillor for Portsmouth City Council, concerning a constituent, AH.**

**Conducted by Nigel Pascoe QC**

Introduction page 2

Chapter 1. Instructions and Chronological History pages 3 - 14

Chapter 2. Terms of Reference and the Code of Conduct pages 15 - 16

Chapter 3. Law pages 17 - 19

Chapter 4. Allegations of AH

Extracts from Interview on July 10, 2013 pages 19 - 32

Extracts from Interview on July 17, 2013 pages 33 - 36

Chapter 5. Mental health issues and evidence concerning AH pages 37 - 39

Chapter 6. The position of Mr Hancock pages 40 - 41

Chapter 7. Analysis pages 42 - 47

Chapter 8 CONCLUSIONS pages 48 - 49

Appendix of Document pages 50 - 52

## PUBLIC AND PRIVATE CONDUCT

### INTRODUCTION

As I followed my terms of reference in this Inquiry, it became clear to me that the very unusual circumstances raised unavoidably a perennial but fundamental question. How far should the private behaviour of an elected representative affect their standing as a holder of public office?

This is not simply a legal issue, although the position is covered by law in the way that I have indicated below. It will be a matter of fact and degree in each case and, no doubt, in each case the subject of public debate. But above all, it is a question that needs to be addressed in a fair and balanced way. For those in public life do not lose all right to a private life, even if it is not to the liking of others. Equally, their constituents have the right to expect an approach to their individual problems which is never distorted by unwanted attention. They expect that as of right from their general practitioners. They are entitled equally to that from their elected representatives. If rarely and unexpectedly that does not happen, they need to be heard. That seems to me implicit in the contract between the voter and those chosen to act on their behalf.

But ultimately the consequences of my report are not a matter for me. So apart from the specific conclusions I have reached on my terms of reference, I leave that broader question on the shoulders of elected members and others.

I am particularly grateful to Victoria Ellis of my chambers for her considerable help in this inquiry. I also would like to thank Michael Lawther, Chief Executive, for resolving all difficulties with ease and Harriet Wistrich for her professional input at all times.

Nigel Pascoe QC Pump Court Chambers EC4 August 28<sup>th</sup> 2013

## Chapter 1. Instructions and Chronological history

I am instructed to carry out an inquiry into the alleged sexual misconduct of Mr Michael Hancock, CBE, MP and Councillor for the Fratton Ward of Portsmouth City Council towards one of his constituents AH.

The issue is whether or not he is in breach of one or more provisions of the Code of Conduct which then governed his behaviour as an elected member. That also requires consideration of the model code of conduct in law.

The relevant period is November 2009 when AH first met Mr Hancock, to late July 2010 when allegations she had made to her support worker were reported to the police. AH was aged 35 during the relevant period. However it has been necessary to look at the chronology beyond that date to follow the steps that have been taken in relation to her allegations.

At all material times, there is no dispute that Mr Hancock was aware of the mental health background of AH.

For the purposes of the Inquiry, I have set out in a simple table the main dates and events which I consider to be relevant. It does not purport to contain all telephone, email or other contacts between AH and MII. It is intended only as a general guide and therefore should not be taken as a complete summary of evidence or allegations.

The table however indicates the main steps which Mr Hancock took as a councillor on behalf of AH and is also indicative of an increasingly friendly relationship, illustrated by text messages between March and July 2010.

AH visited the surgery of Mr Hancock in Albert Road, Southsea to discuss the issues which concerned her, principally in relation to disputes with her neighbours, a possible change in accommodation and issues in relation to her twelve year old son (BH). Mr Hancock visited her house on a number of occasions, normally in the evening.

In the course of that relationship, there were presents bought and exchanged and a visit by AH and her son to the Houses of Parliament in March 2010. That was at the invitation of Mr Hancock and they had a meal there together. In late June 2010, AH went into hospital for an hysterectomy operation. Later she had a complaint about her hospital stay, which Mr Hancock pursued on her behalf.

Central to my enquiry is the credibility of AH.

It will be seen that I have had the great advantage of a very comprehensive psychiatric report provided by Dr Frank Farnham, a leading forensic consultant psychiatrist and supplied by the solicitors acting on behalf AH. In the light of the comprehensive nature of that report, I have not thought it necessary to commission any further expert psychiatric evidence. I also have GP medical records of AH.

It is known that AH is pursuing a civil action against Mr Hancock, but I have sought to approach my task by making up my mind completely independently of any other proceedings.

Essentially I have seen AH on two occasions and been able to form a clear view as to her credibility.

As part of the report, I have set out the position of Mr Hancock towards this inquiry. Essentially he denies any sexual misconduct of any kind. At all times I have sought to bear that in mind.

It is a matter of regret that Mr Hancock has chosen not to give evidence to the inquiry. He has indicated his position in a letter from his solicitors dated June 24<sup>th</sup> 2013 that speaks for itself and is reproduced in the Appendix to this report.

I have set out in a separate chapter the position of Mr Hancock as I understand it to be from the information in front of me. I have also set out the assumptions that I have made on his behalf in weighing the evidence in front of me.



## Chronology

|                    |   |
|--------------------|---|
| September 29, 2009 | Pat Little, Care Coordinator of the Adult Mental Health Service, wrote to Nicki Langdon, Housing Officer in support of the request of AH for a change of accommodation because of difficulties/disputes with neighbours. Reported that AH had been involved from time to time with the psychiatric service since 1996 |
| October 10, 2009   | AH went to MH's surgery in Albert Road with her then boyfriend AJ and her 12-year-old son. She raised with MH problems with her neighbours and also her claim for Respite Support, which had been discontinued.   |
| October 14, 2009   | MH receives response from Anti-Social Behaviour Unit  |
| October 22, 2009   | MH sent AH a copy of the latest letter he had received from the Anti-Social Behaviour Unit  |
| October 23, 2009   | MH received a response from Michael Swann, Housing Options Officer concerning AH: a possible option is to move.   |
| October 26, 2009   | AH wrote to MH thanking him for his letter of October 22 regarding the Anti-Social Behaviour Unit and gave further details of her concerns and particularly the cost of fencing of the garden.  |
| November 3, 2009   | MH wrote to AH thanking her for her latest letter and assured her <i>"I will certainly do all I can to help and I will come back to you as soon as I receive a reply. You can be assured that I will do whatever I can to help."</i>  |
| November 4, 2009   | AH wrote an undated letter back to MH thanking him for his letter. <i>"I'm sorry to burden you with these things but I'm struggling to know what to do and due to the apparent lack of house elsewhere I feel very anxious about everything.... Please help me if you can in any way."</i>                            |
| November 5, 2009   | MH sent AH a letter he had received on her behalf from the Housing Department   |
| November 6, 2009   | MH wrote to Mr Owen Buckwell, Head of Housing Management seeking some form of compromise or other source of finance to help AH obtain fencing<br><br>MH sent a letter to AH enclosing a copy of the letter that he had sent to Housing  |

|                   |   |
|-------------------|---|
| November 7, 2009  | AH went to the office of MH   |
| November 11, 2009 | <b>Gerry McDougall</b> of the Housing Management Anti-social Behaviour co-ordinator, responded to MH letter of November 3, 2009   |
| November 17, 2009 | MH forwarded the letter received from the Antisocial Behaviour Unit to AH<br><i>"I am also endeavouring to find a way of trying to help you with regard to your re-housing and I will continue to do that. I will probably be working in your area this Friday, 20th November, and I will endeavour to call on you. If you are in, and talk through with you, face to face, whatever options we can come up with."</i>  |
| November 23, 2009 | Response from Children Social Care and Safeguarding to MH to address concerns expressed in relation to AH and her support for her son.  |
| November 24, 2009 | AH wrote to MH thanking him for his letter of November 17, 2009. She was sorry they had missed each other on Friday, November 20th as she had been unwell.<br><br><i>"It would be great to meet up soon to discuss some of the topics we were going to discuss at the time you were going to visit. Obviously these things are still playing on my mind."... (Further details of her concerns) Thank you so much for all your help so far."</i>   |
| December 2, 2009  | <b>Dawn Cripps</b> , concerned with repairs and maintenance, wrote to MH concerning the possibility of fencing at the home of AH.<br><br>MH wrote to AH, thanking her for her letter of November 24th and providing a copy of a letter received from the Head of Children's Social Care and Safeguarding.<br><br><i>"I will continue to do what I can but I am going to try to find a situation where we can meet and I think I will come and visit you. I am away for a few days this week working abroad and also in London but I will be back at the weekend. If you are in Portsmouth then, I will come and see you but if not I will come and see you sometime at the beginning of the following week. If I come to see you we will certainly have more time to talk about the issues and I will do whatever I can to help."</i><br><br><i>Please be assured that you have my fullest support and if I can help in any way, I will."</i> |



|                   |   |
|-------------------|---|
|                   | <p>MH also wrote to AH with a copy of the letter received from <b>Dawn Cripps</b> of Repairs and Maintenance at Lamport Housing Office concerning a fence.</p> <p>MH wrote to AH, enclosing a letter received from the Head of Children Social Care and Safeguarding</p>  |
| January 9, 2010   | Date AH went to the office of MH  |
| February 4, 2010  | Date when it is suggested (in her solicitors' letter of complaint) that MH made a home visit to AH  |
| February 8, 2010  | <p>MH wrote to AH thanking her for her letter.</p> <p><i>"It was nice to meet you and (your son) the other day. I will continue to be available to help you whenever wherever I can. You just have to ask and if I can assist, I will do all I can to help either of you."</i></p> <p>MH wrote to Mr Owen Buckwell on behalf of AH seeking further help for her</p> |
| February 16, 2010 | MH received a letter from <b>Paul Main, Estates Manager</b> concerning a visit made to AH about a move  |
| February 21, 2010 | Telephone call from MH to AH – It is suggested that MH asked if AH and her son would like to visit Parliament   |
| February 22, 2010 | <p>MH wrote to <b>Paul Main</b> concerning fencing</p> <p><i>"I do believe that we ought to be able to do more to help (AH) than we are at the present time."</i></p>   |
| February 23, 2010 | MH wrote to AH with copies of letters received  |
| February 24, 2010 | Suggested telephone call from MH to AH to make arrangements for a proposed visit to the House of Commons  |
| February 28, 2010 | <p>MH received a further letter from <b>Paul Main</b>, Estates Manager</p> <p>Suggested date when MH made a visit to home of AH</p>   |

|                |  |
|----------------|--|
| March 4, 2010  | AH and her son saw MH at his invitation at the Houses of Parliament and had dinner there. MH drove AH and her son back home.   |
| March 9, 2010  | <p>MH wrote to AH with a copy of the latest letter from the Housing Department with a copy of his reply.</p> <p>MH wrote to <b>Paul Main, Estates Manager</b>, Landport Area Housing Office concerning the possibility of fencing.</p> <p>Suggested discussion between MH and AH about bringing back perfume for AH from a trip MH was making abroad</p> |
| March 15, 2010 | Meeting of MH and AH after MH has been abroad. MH gave AH perfume  |
| March 16, 2010 | Suggested date of telephone call from MH in Paris to AH  |
| March 19, 2010 | Suggested date that MH went to the house of AH   |
| March 23, 2010 | Suggested date that MH went to house of AH, giving her gifts, including a toy bear:  |
| March 24, 2010 | Suggested date that MH made a telephone call to AH: he is alleged to have made a comment about the toy bear to her   |
| March 25, 2010 | Suggested date that MH went to the home of A   |
| March 28, 2010 | <p>The first text message of MH to AH</p> <p>1924:41: Don't forget to go to my office at around 11 o'clock please x</p>  |
| March 29, 2010 | 08 28:44: are u okay i am missing you and thinking of you  |
| March 30, 2010 | <p>0909:50: Ok be strong I will talk soon x</p> <p>1407:24: No you have not I promise</p>  |



|                |  |
|----------------|--|
| April 1, 2010  | 2105:16: <i>What time will u b home</i><br>Suggested MH went to the house of AH  |
| April 2, 2010  | Suggested MH phoned AH   |
| April 3, 2010  | Suggested date that MH went to house of AH with clothing bought in recent Paris trip   |
| April 5, 2010  | Receipt at Austin Reed for tie: bought by AH for MH: cost £10  |
| April 8, 2010  | Text – MH to AH<br><i>1755:50: Thankyou my love x</i>  |
| April 10, 2010 | AH went to office of MH with a present   |
| April 11, 2010 | Texts which follow are all from MH to AH<br><br><i>1656:17: Much the same not good a bit pissed off hope u get better soon x</i><br><br><i>1658:52: Being ill</i><br><br><i>1704:00: Thanks a lot it makes me feel better knowing u gave me it x</i> |
| April 13, 2010 | Anya Padgett, Housing Officer wrote to AH indicating she had been nominated for another property in Portsmouth<br>Suggested date when MH went to house of AH   |
| April 24, 2010 | MH telephoned AH<br><i>1340:44: Where r u my love xxx</i>  |
| April 28, 2010 | Suggested visit by MH to home of AH  |
| April 29, 2010 | <i>2313:52: Thank you my love xxx</i>  |
| May 1, 2010    | <i>1522:44: Thank you it means a lot to me x</i>   |
| May 14, 2010   | Alleged visit by MH to house of AH   |

|               |  |
|---------------|--|
| May 18, 2010  | MH telephoned AH, allegedly from Paris   |
| May 27, 2010  | 2311:55: <i>Good night sleep tight my love xxx</i><br>2327:05: <i>Thank you as long as it's not a wet one xxx</i>  |
| June 1, 2010  | Receipt 19.95 euros for 'manteau/Blousons' purchased by MH for AH  |
| June 2, 2010  | MH went to house of AH with present of clothing  |
| June 3, 2010  | letter from Jackie Minall, Housing Options Officer to AH   |
| June 14, 2010 | 1501:36: <i>You are and believe me I know what i am talking about u r very and i miss</i><br><br>1510:18: <i>May you just got to like me it can happen u know my love xx</i><br>1528:09: <i>I will my love promised to do everything i can never to hurt you love always</i><br><br>2048:21: <i>I wish I was there my love xxx</i><br><br>2143:50: <i>Let me be the judge of that my love it looks good to me miss you xxx</i><br>2207:40: <i>I hope my love be careful with her don't make yourself ill worry about her please look after yourself, you are special and sexy to me xxx</i><br><br>20 11:26: <i>Me to sleep well my love xxx</i> |
| June 15, 2010 | 1419: <i>Hi how r u today I thinking as always of u and missing a big kiss xxx</i><br><br>1429: 31: <i>Not so much of the old boy xxx</i>  |
| June 19, 2010 | 2339: 38: <i>Just got here and in bed alone my love xxx</i>  |

|               |   |
|---------------|---|
| June 24, 2010 | MH telephoned AH:   |
| June 28, 2010 | <p><u>Date that AH has hysterectomy operation</u></p> <p>0801: Hi my love good luck i will be thinking of you it will be ok x</p> <p>1238:37: How are you my love xxx</p> <p>MH visited AH in hospital</p> <p>2027:11: Good will see you soon</p> |
| June 29, 2010 | 2130: Just get well my love xxx   |
| June 30, 2010 | 1122: 45: Sorry to hear your news but u r in the right place get well my love xxx   |
| July 1, 2010  | 0942: 55: How are you today my love xxx   |
| July 14, 2010 | MH sent letter to Hospital NHS Trust HQ re complaints of AH during her stay in hospital   |
| July 16, 2010 | Letter of Executive Administrator at Trust Headquarters to MH re his letter of July 14 <sup>th</sup>  |
| July 19, 2010 | Letter of Mrs Clark, Patient and Customer Services Coordinator, Portsmouth Hospital to AH re her complaints: a full investigation to be carried out   |
| July 20, 2010 | Letter from Paul Main, Estates Manager, to MH re housing for MH   |
| July 21, 2010 | Letter from MH to AH re letter received by him from the Hospital  |
| July 26, 2010 | Letter from MH to AH re letter received from Portsmouth Hospital NHS trust and from Lamport Housing Area Housing Office   |



|                    |   |
|--------------------|---|
| July 27, 2010      | AH complained to her Family Support Worker, <b>Debra Silk</b> re alleged conduct of MH: <b>Debra Silk</b> then reported matters to PC <b>Chapman</b> in Portsmouth Police Public Protection Unit  |
| July 29, 2010      | MH send letter to AH concerning a property in Hampshire Street, Fratton which she had accepted and now declined.<br><br><i>"Please let the council know, as a matter of urgency, whether you are intending to stick with your decision not to move. Please let me know if you want further help from me."</i> |
| August 5, 2010     | <b>Debra Silk</b> visited AH who made further disclosures concerning MH<br><br>Police visited the home of AH to investigate matters reported by her Support Worker  |
| August 6, 2010     | Ursula Ward, Chief Executive, wrote to MH re complaints of AH whilst a patient on Ward D 8 at the Queen Alexandra Hospital  |
| August 9, 2010     | Police visited home of AH again, who declined to proceed with a formal complaint  |
| August 11, 2010    | MH sent AH a letter received from Portsmouth Hospital<br><br><i>"If you need anything further you know where I am."</i>   |
| August 15, 2010    | (Approximately) a member of the health community approached the Police and Portsmouth City Council to express concerns that MH had made unwanted and persistent sexual advances to a vulnerable adult   |
| September 17, 2010 | <b>Karen Greenfield</b> , Neighbourhood Housing Assistant wrote to AH with application for renting a property through a housing association   |
| September 20, 2010 | <b>Debra Silk</b> again in contact with AH  |
| September 23, 2010 | Sunday Times journalist Daniel Foggo telephoned MH (transcript of interview disclosed)  |
| September 24, 2010 | AH contacted Police to re-open enquiries  |

|                       |   |
|-----------------------|---|
| September 26,<br>2010 | Article published in the Sunday Times   |
| October 10,<br>2010   | <p>Complaint form from Cllr Steve Wemyss alleging the following breaches of the code of conduct:</p> <p>(1) failing to treat people with respect</p> <p>(2) conducting themselves in a manner which could reasonably be regarded as bringing his or her office or authority into disrepute</p> <p>(3) using their position as a member improperly to confer on or secure for him or herself or any other person, an advantage or disadvantage</p> |
| October 12,<br>2010   | MH questioned by police   |
| October 19,<br>2010   | <p>Initial assessment of the first complaint by Standards Assessment Sub-Committee</p> <p>The complaint added - "improperly influenced a decision about a matter that he has a prejudicial interest in."</p>  |
| October 24,<br>2010   | Solicitor for AH made a formal complaint to the Liberal Democrat party  |
| October 26,<br>2010   | Decision: no further action should be taken on the allegation as there was insufficient evidence produced to warrant alleged breaches of the Code   |
| November 18,<br>2010  | Initial Assessment of complaint by Standards (Assessment) Sub-Committee   |
| December 1,<br>2010   | Complaint dismissed: alleged insufficient evidence  |



|                    |   |
|--------------------|---|
| December 22, 2010  | AH informed by police that proceedings will not be taken against MH   |
| June 2, 2012       | AH seen by Dr Frank Farnham in his consulting rooms   |
| July 16, 2012      | Standards Committee minutes 8: recommendation that the Council adopt the new Code of Conduct                            |
| August 11, 2012    | Confidential psychiatric report on AH by Dr Frank Farnham, consultant forensic psychiatrist.                            |
| September 28, 2012 | Complaint by solicitors acting on behalf of AH in letter to Michael Lawther.<br>Also Complaint Form                     |
| March 13, 2013     | Initial assessment by Governments and Adult and Standards (Assessment) Sub-Committee of new complaint                   |
| March 28, 2013     | Complaint referred to the City Solicitor for investigation that Cllr MH had breached the City Council's code of conduct |
| May 23, 2013       | NPQC instructed to carry out Inquiry  |
| July 10, 2013      | First Inquiry interview with AH   |
| July 17, 2013      | Second Inquiry Interview with AH  |



## **Chapter 2. Terms of Reference and the Code of Conduct**

The Code of Local Government Conduct governing Portsmouth City Council ("the Model Code") which was approved in July 2007 is extremely straightforward and it is quite unnecessary to set it out in full.

Section 1, the Interpretation section, makes it plain that it applies to a member of an authority and its scope is covered by section 2.

In essence, a member must conduct the business of the authority which includes the business of the office to which he or she is elected, in accordance with the current code.

The potentially relevant general obligations under section 3 and 5 are equally clear cut

**3 (1) You must treat others with respect.**

**(2) You must not...**

**(b) bully any person**

**5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute**

**6 (a) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.**

In my view, there is no reason whatsoever to limit the word 'advantage' to financial benefit.

Thus acting so as to seek a sexual relationship is capable of being defined as an advantage.

Although I have considered other aspects of the Code following the original complaint, I do not find it necessary to develop them further in the light of the evidence which I have considered and upon which I have reached my conclusions.

The events with which I am concerned occurred in the period November 2009 to July 2010.

The Code would have governed the behaviour of Mr Hancock at that time.

Subsequently the Council took the opportunity to adopt a new Code of Conduct as a consequence of the changes to the standards regime brought into force by the Localism Act 2011. That came before the Standards Committee in July 2012.

Although the Localism Act repealed the then current model Code of Conduct, in principle any new code cannot operate retrospectively. But it is necessary to consider the Model Code in law because not every private act would amount to a breach.

### Chapter 3. Law

For the purposes of this Inquiry, it is important to set out one matter of Law, namely the remit of the Model Code of Conduct.

A Councillor's conduct is governed by the Model Code of Conduct (the "Code"). The Code applies only where he/she is acting in their official capacity, save for the following exceptions:

**Intimidation or attempted intimidation of any person who is likely to be a complainant, witness, or involved in the administration of any investigation or proceedings in relation to an allegation that a member had failed to comply his or her authority's code;**

**Conduct that could reasonably be regarded as bringing their office into disrepute; and,**

**Use or attempted use of their position as a member to improperly confer or secure for themselves or any other person, an advantage or disadvantage.**

The remit and scope of the Code was considered by the High Court in an appeal which sought to establish when a member is acting in his official capacity:

**Livingston v Adjudication Panel for England [2006] EWHC 2533 (Admin).**

The Appellant, whilst being 'doorstepped' by a reporter made a comment comparing the reporter to a concentration camp guard and asking him whether he had been a German war criminal. It was alleged that the Appellant has acted in a manner which brought his office into disrepute and the Panel found, that whilst he was not acting in his official capacity at the time he made the comment, he had still breached the Code.

Mr Justice Collins held that whilst the Code could extend to conduct outside a member's official capacity, such as misuse of position for personal advantage, it did not apply in the present case. In concluding that the appellant's comments had brought himself into disrepute, the adjudication panel had failed to distinguish between "*the man and the office*". Personal misconduct was unlikely to bring the office into disrepute. The case highlights the important distinction between the man and the office.

The ruling held that the Code could extend to a member's acts outside of their official capacity, but that those acts had to be 'in performing his functions' and 'any other



circumstances' was to be construed narrowly. In the absence of misuse of office, conduct not done in an official capacity could not breach the code. This is an important decision as case tribunals had not previously regarded apparent misuse of office as necessary to trigger the code's jurisdiction over private action. They had taken the view that 'any other circumstance' covered conduct reasonably capable of being linked to, or having a bearing on, the official capacity.

The Government responded by passing Section 183 of the Local Government and Public Involvement in Health Act 2007 which provides that the Code will say whether provisions apply only when a member is acting in an official capacity or other than that. This section of the Act is yet to come into force.

*Although a distinction must be made between the man and the Office, the entirety of a Councillor's conduct can be considered in the round to determine whether a breach had occurred.*

In **Sanders v Kingston [2005] All ER (D) 12 (Jun)** the Claimant was suspended from office for two years due to remarks he made in response to a request from the Chief Executive of another council, asking him to support a campaign for a full and independent inquiry into recent deaths of army personnel at their barracks. The remarks fell into two categories: remarks made on official headed paper and in his role as Chief Executive, and further offensive remarks made in interviews with various media outlets. The Tribunal found that the Claimant's correspondence and mode of expression were such as to cause the reputation of the local authority to suffer in the mind of a reasonable onlooker.

The Claimant appealed to the High Court.

Amongst various other grounds of appeal, Counsel for the Claimant attacked the judgment of the Tribunal and advanced the argument that they had not separated the remarks made in his official capacity from those not made in that capacity.

In paragraph 59 of their judgment the Court addressed this issue stating:

*"...It is clear that the case tribunal viewed his comments in the round and did not separate them out into constituent elements e.g., personal abuse to the Cochrane family, disparaging remarks about the Northern Irish generally, statements of resentment about the sacrifice made by English soldiers during the troubles.. It is clear that their approach and their process of reasoning was to take the comments to the media in the round and not to compartmentalise them. In my judgment they were entitled to do so. It was legitimate to have regard to the overall effect of what they found he had said."*

The Court therefore held that as long as recognition is made between acts performed when a member is acting in their official capacity and those not performed in that capacity, the Court may still consider the conduct in the round.

#### **Chapter 4. Allegations of AH**

Note: the extracts of two Interviews with AH have been edited, removing material considered irrelevant for the purpose of the Inquiry and other material put into a readable form. There were occasions in the first interview when the attention of the witness was drawn to specific dates or incidents of which she had made complaint.

#### **Principal edited Extracts from First Interview of AH at Pump Court Chambers on 10 July 2013, conducted by Nigel Pascoe QC**

Present: Nigel Pascoe QC ("NP")  
 Victoria Ellis, Pump Court Chambers ("VE")  
 Harriet Wistrich, Birnberg Peirce & Partners Solicitors  
 AH

NP indicated that he was questioning AH on the basis of a letter of complaint written on her behalf by her solicitor to the City Council.

NP explained that the consent of AH would be needed to publish any extracts of a medical report: consent in principle was obtained from AH.

NP asked for any letters written by Mr Hancock (MH) on House of Commons / Portsmouth Council note paper giving advice. NP made clear he needed to see such documents to know what MH had been doing on AH's behalf.

*Commenced 16.02 pm*

NP invited AH in the absence of an oath to be accurate and truthful.

NP: You went to MH's constituency office. Had you met before?

AH: No, that was the first time

NP: You have said you had problems with your neighbour and with your claim for respite support?

AH: Yes, Social Services stop my respite when I get better

NP: Can you summarise your problem with your neighbour?

AH: There are parties until God knows when, stupid o'clock Friday and Saturday nights and sometimes in the week. One time they all ended up in my garden. I went down and said I had had enough and they threatened to hit me.

NP: How long had that trouble lasted?

AH: It went on for about 2 to 3 years and I was at breaking point

NP: Was anything said or done that was improper at that first meeting?

AH: I was with my son and boyfriend, he [MH] kept winking which was weird.

NP: Winking at you?

AH: Yes at me. My son afterwards said he thought it was weird. At that time I told him [MH] I had mental health problems and tried to show him letters of support for this, but he didn't want to see them.

NP: Why did you want him to see them?

AH: I had a letter of support saying this lady has mental health problems and needs to move.

NP: In November, you went to the office for a follow up appointment?

AH: I went with my boyfriend and my son. He said maybe I should present myself to Buckingham Council as that is where AJ lives, but I said they wouldn't help as I was adequately housed.

NP: A straight-forward meeting?

AH: AJ was cagey and said he was looking at you up and down, but nothing bad [happened] until I was on my own with my son.

NP: Do you remember any comments he made?

AH: First time he said to my son - is your mum a bit of a scatterbrain?

NP: He wrote a letter suggesting a home visit to have more time to discuss the issues? (Letter available)

AH: Yes



NP: You went back to his office on 9 January 2010 with your son?

AH: Yes and he gave my son a box of Quality Streets.

NP: What questions did he ask?

AH: He basically looked at me and my son, - (saying) "Is your mum a bit of a scatterbrain" and he [my son] asked what that meant and I explained - all over the place and he said "No, just moody sometimes". The other question was - was I a good cook, do I cook - those sorts of questions. Obviously I feed my son.

NP: Next date 4 February: [suggested] that he came to your home at 5.30pm unannounced. Do you remember that?

AH: Yes. He buzzed my door and said - Hello, its Mike. I asked who? He said it's MH the MP, he said he was there to see the garden, so I let him in. He seemed disinterested in the layout of garden. It is not separated from the other garden, which is the problem. He asked if it was ok for him to come in for a chat.

NP: How were you?

AH: I felt unnerved.

NP: Did he go in?

AH: Yes and my son was happy at the thought that an MP was at our house. He was present.

NP: What was said on that occasion?

AH: he asked what was I unhappy about I said my body and abdominoplasty and I was not happy with the result. He said - can't look that bad. He said in front of my son I'm not going to leave until I see your belly. He picked up my pyjamas and said - Are these your pyjamas? Do you wear them to bed?

NP: Anything else?

AH: He said I don't think you have mental health problems - you just need self-confidence lessons. He said he could do reflexology on my feet. He said something like it would probably make me feel not so sad and depressed.

NP: How were you feeling that day?

AH: I'd been to a chiropractor that day as I was suffering. I was pretty stressed.

The witness said that MH said that he would come back with a bottle of wine and do reflexology.

AH: As I said goodbye at the door, I said I saw the chiropractor and couldn't move my neck, so he touched it and said - yes it is stiff.

NP: So the next day, what happened?

AH: He called me from the Fratton Lib Dem office and said it was nice to have met me and BH. He was very cagey. He sounded like he had put on a posh accent

NP: On the 11th there is another personal call to your home. Do you remember that?

AH: He asked me about my previous partners, the partner that I was with and asked about sexual stuff - and I said - this isn't relevant to my problems, I don't think this has anything to do with you. He wouldn't shut up.

NP: What did he say?

AH: He asked - was sex any good and I went onto say I've been abused as a child, I don't want to talk about it. [i.e. talk about sex to MH]

NP: Did he say anything when he left?

AH: He said he was on a navy ship and I said I was painting with AJ and he said don't get pregnant. I said I can't, I had a sterilisation. He said I have had the snip.

NP: What happened when he left?

AH: He waited on the stairs for a while.

NP: Did he try to shake hands?

AH: No, he tries to hug you. Sometimes he pats you to try and bring you closer

NP: On that occasion?

AH: He gave me a hug

NP: Moving forward 10 days to a telephone call to say thank you for a Get Well card. Do you remember that?

AH: Yes.

NP: Why was that sent?

AH: It was over a telephone conversation. One time I went to his office and he was late and the reason he was late was a problem with his eye. So as a gesture I sent a Get Well card, as I felt sorry for him as he didn't look well.

NP: The visit to the House of Commons. How were you when he rang?

AH: Probably in a massive mood about the neighbours: they tipped rubbish in my garden.

NP moved on to a discussion she had with MH about her hysterectomy

AH: Yes, he called me - my darling

NP: What are you saying about it?

AH: I said I'm having a hysterectomy. I won't feel like a real woman.

NP: What was his response?

AH: He said that's not true,

NP: Were you down?

AH: I had e-coli, and in and out of hospital

NP: Was he trying to cheer you up?

AH: No, he sounded like he was trying to pursue a relationship.

NP: What did he say that gave you that impression?

AH: He has a way with words - he tells you what women want to hear

NP: Four days later you have said there was a call made to you at 8pm at night. And what is being said is - I've lost your number?

AH: He turned up at my house. My son got the door, me and AJ was up in my room. BH got the door and me and AJ said "who the bloody hell is that" I asked where is he? He was downstairs and he was waiting to be asked to come up. He initially phoned me about money through my door to get to the House of Commons and I said I don't need your money

NP: How much money?

AH – saw him get it out but AJ saw him *with* the money: he told me it was around £50. AJ told me not to take it and he [MH] said it's nothing to do with you. I said I don't want your money.

NP: Did you see it?

AH: No

NP: Did AJ tell you about it?

AH: Yes, as I had my back towards the door

NP: Then he got in contact with you about arrangements?

AH: On the day we went

NP: On the 4th March, there was a telephone call about booking a table for dinner?

AH: Yes for three people; him, me and my son

NP: Did he say anything about coming to your home beforehand?

AH: Yes, AJ felt uneasy him just turning up and I know he had been to the police station as that was his excuse: "I was just around the corner".

NP asked about the subject of medication during this call

AH: I said these pills are making me really drowsy. I had walked along the beach to try and clear my head

NP: What was his reaction?

AH: You should stop taking them then as you don't need them.

NP: What time did you get to the House of Commons?

AH: Around 6ish



NP: Did you go up by train?

AH: Yes, I had to wait until my son had finished school. He [MH] rang me and told me how to get there. I went to Portcullis House. He said don't cross over the road as I saw the House of Commons.

NP: Eventually you are taken around the House of Commons?

AH: It was really rushed

NP: How long did it take?

AH: Twenty minutes

NP: Then you had a meal?

AH: Yes

NP: What happened during that meal?

AH: He kept topping my wine up, my son noticed and said Mum you are really tipsy, I think you better stop

NP: Anything else?

AH: He ran his fingers through my hair

NP: How did you go home?

AH: He gave me a lift with BH at the back, all the way home. He stopped at a garage.

NP: What happened?

AH: He was talking about his CD collection, he liked Steve Winwood, and I said this music is rubbish.

NP: Anything else?

AH: He got CDs out and they were rubbish as well. All the way he said - take your coat off

NP: Were you sitting in the front?

AH: Yes, I didn't want to

NP: Did you take your coat off?

AH: No, I didn't

The witness continued - He was telling me about his sexual partners and about this woman

NP: Your son is there?

AH: My son fell asleep

NP: So he wouldn't have heard?

AH: No

NP: What was said?

The witness said that MH spoke about other alleged sexual contacts.

AH: I found it disgusting - considering he was a married man. How do you live with yourself?

NP: What time did you get back?

AH: Late, at around 11.30

NP: He rang the next day?

AH: He asked - did you enjoy yourself. I said yeah it was alright. He didn't ask if BH had enjoyed it, considering it was for him.

NP: Did he speak about being awake?

AH: Yes he said if he had known, he would have popped back

NP: How did he know you were awake?

AH: As he texted me

NP asked the witness about her reference to perfume.

AI: He was going away on a trip to Paris

NP: What was going to happen about the perfume?

AH: He said I'll bring you some perfume back. I said I'm not being funny, I have a lot and he said I'll get you one you haven't got. I asked how would he know what I have got?

NP: What did you say to yourself?

AH: Is he being nice? Is he just being nice?

NP: What question was in your mind?

AH: Was he being nice?

The witness said that she just thought that MH was being friendly

NP: What were the arrangements about perfume?

AH: He had been harassing me all day and he turned at the house. I had just had a bath it was about 9.30 / twenty to ten so I didn't answer the door. He sent me texts all day saying where are you. He rang me when I was in Tesco and asked where I am. I said in Tesco and he said I'm round the corner. He handed it over by the bus stop

NP: What did he say when he handed it over?

AI: He said - hope you haven't got it. I said I have got it.

NP: What was the conversation about him being in Paris?

AH: He was sitting by the river

NP: He said?

AH: He said you'd like it here and I said how would you know, he asked if I'd ever been and I said no, he commented about my laugh - he said I had a dirty laugh.

NP: At this stage you are going to be offered alternative property, how far away is that?

AH: They said they could only re-house me in Portsmouth

[A discussion about housing followed]

AH: He had a meeting about the housing and came round and said they are going to make an offer, but surely it should be simple: he is an MP and councillor, are you going to help her or not?

NP: At this point he hugged you, but he did not try to do anything further: is that correct?

AH: He put his fingers through my hair

NP: Has he kissed you as hello or goodbye?

AH: Yes, kissed me on the cheek

NP: When was that?

AH: - Can't remember at the moment

NP asked about presents. The witness confirmed MH brought round a bottle of wine late at night

NP: What time?

AH: Pretty late, 10pm.

The witness said he had a bottle of wine, a teddy bear, House of Commons mints and a bottle of water

NP: What does he say?

AH: The bottle of wine - he said we should share that but I shared it with AJ

NP: The teddy bear?

AH: He said to BH this isn't for you and I think he was naffed off as thought it was for him. He said what shall we call it and I said Harry and he said I think you should call it Mike.



NP: Does he say anything else?

AH: He said take it to bed with you and let me know how it behaves and he sprayed it with his aftershave before. I don't know how but it was already sprayed.

NP: The next morning he phoned you?

AH: He said he was ringing to see how the bear behaved, I said it's a f\*\*\*\*\* bear, how do you expect it to behave?

NP: You told your solicitor that there was a time something happened the day after the comment about the bear. He telephoned you again. Did something happen the day after the bear?

AH: He forcibly kissed me

NP: Just tell us.

AH: As he was going out the door he basically said this comment - I want to see if you kiss as well as you look and I said "excuse me what?" He grabbed my arms and he stuck his tongue down my throat and I was pushing him away and I shouted up to my son and he put his hand over my mouth and was restraining me really hard and had red marks on my arms

NP: How did you feel about the conduct?

AH: I said if you do it again I'll get you done. He was pretty upset. He said don't shout up to BH, don't alarm him.

NP: What time was this?

AH: Can't remember, late afternoon / evening

The witness continued -

Basically I said if you f\*\*\*\*\* do it again I'll get you done. You don't come round someone's house and do it, it's not on, you shouldn't; be doing it, you're married. I asked him to stop and I said don't do it again and he said I'm sorry, I'm really sorry.

NP: On 1st April he came round 10pm at night, having not managed to get you on your mobile phone?

AH:[nodding]

NP: What happened?

AH: He tried to part my legs with his feet and put his feet on my crotch,

NP: Where does this happen?

AH: In the living room

NP: What else does he do or say?

AH: [ initially no response]

NP: You are on your own with him at night. Your son is asleep?

AH: Not if at the Barn but then he will come in and go straight to bed. I said don't ask questions like that if you aren't happy

NP: What questions was he asking?

AH: He asked for a wank or a quick suck

NP: Your answer?

AH: If you need that you should go home to your wife

NP: Does he do anything?

AH: On one occasion he said he was feeling horny. I am not sure if it was that one

NP: On the 13 April, you told your solicitor that he tried to part your legs with his feet. There was another time when he came round when he lay on your sofa. Do you remember?

AH: Yes

NP: What time did he come round?

AH: Sometimes he came round just before lunch or before son comes home,  
[witness showing distress]

NP: I do a lot of these cases, I really do understand. However I need some details. He comes round to your home and got onto the sofa? Tell me as best you can.

AH: Starts rubbing himself. Normally he would grab me and rub himself

NP: There is a stage when you learn your hysterectomy will be on 28 June and you tell him and he says something to you?

AH: He said do you really need to have one,

NP: Is there an incident when you pick up a guitar? What happened?

AH: He came round and said he was feeling horny, I said go home to your wife and what kind of woman do you think I am, I was sat away from him and he started rubbing himself and said could I give him a quick wank and said he wasn't very big. I picked up my guitar to distract him, he was looking in my mirror and said I can't leave the house I have a peg-leg and it won't go down

NP: What state were his trousers?

AH: Undone belt and flies and he said it won't go down, he exposed himself.

NP: How long did that last?

AH: I put my guitar up and said put it away

NP: What did you say?

AH: I think I said you are disgusting and you need some help you have a sexual problems

NP: How did the incident come to an end?

AH: He just left in the end.

NP: When you go into hospital, he is in contact with you that day.

AH Yes, as I was quite scared about the thing

NP: When does he first contact you - when you came round or later?

AH: He told me to text me when I was going down and said I was scared and he said you'll be fine, you are in the right place. I had my hysterectomy

NP: When does he next get in touch?

AH: He came to the hospital and first thing he asked was what do you have on under the gown I said what the F\* do you think he said can't stay long and he gave me a kiss

NP: Two questions – imagine she was in court being cross examined in court by a barrister acting for MH:

Question one: he may say that MH never ever touched you at all, never stroked or exposed himself. What would you say?

AH – Yes he did

NP: Question two: well weren't *you* quite friendly towards him?

AH: No, I always said you are a married man, I was with somebody.

NP: What medication are you on today?

AH: I'm on a mood stabiliser [detail given] Before I couldn't sleep and this knocks me out. Prozac previously didn't work. It suppressed my emotions and I wanted to be in control.

The witness then provided details of seeing her present GP once a week.

NP indicated that he needed the consent of the witness to quote extracts from the report of Dr Farnham

AH: Yes, ok

NP indicated that he would inform the witness of the extracts that he intended to put in his report.

AH: Yes

**Agreed next interview 2pm on 17th July 2013**



Principal Extracts from Second Interview of ANH at Pump Court Chambers on  
17 July 2013 conducted by Nigel Pascoe QC

Present: Nigel Pascoe QC ("NP")

Victoria Ellis, Pump Court Chambers ("VE")

Harriet Wistrich, Birnberg Peirce & Partners Solicitors  
AH

NP: When you left here last time, was there anything you forgot to say and wanted to say now?

AH: Yes. I remember you said about the conversation about my hysterectomy and what that conversation was. He was saying about women and having bucket crotches after hysterectomies. He said let me be the first one to road test drive it. He said it before the operation and afterwards but I didn't see him much afterwards as I ended all contact.

NP: At what point for you did it become completely inappropriate?

AH: When he grabbed my arms, he was saying all those things to me and he stuck his tongue down my throat

NP: Can you describe the most unacceptable incident, the one that distressed you the most?

AH: He called me fuck face. He said I didn't have a mental health problem. He wanted to see my belly. He said I needed self-confidence lessons. As an MP he is there to help people with problems, not my personal problems. I have mental health problems - he doesn't need to know about my sexual health and how many partners I have had.

NP: You have previously used the term sexual abuse. What was the worst example of sexual abuse?

AH: When he exposed himself, saying he couldn't leave as he would have a third peg leg. That was the worst time, this really affected me. He kept asking for a wank or if not, a quick suck.

NP: The next worse?

AH. Comments about my sexual partners

NP: I have noted that you have said he used sexual language, language that you didn't like. I want you to give a list of some sexual remarks from your memory that you did not like.

AH: You have one of those faces. You have a fuck face.

- All women have bucket crotches. Let me be the first one to give it a road test drive.

- He knew I was sexually abused as a child and he asked me what sex was like with my previous partners. I asked him to stop. He wouldn't stop. He kept getting you to try and open up. In the end I said you have the problem with sex, not me. You can't go around, a married man, asking those questions. It's disrespectful. What kind of woman do you think I am?

NP asked if the witness ever found Mr Hancock attractive.

The witness said she would never be attracted to him, expressing her view in strong terms.

NP asked whether the witness permitted any conduct

AH: I said it was ok, you can hug me goodbye

NP asked how Mr Hancock came to know of her mental health problems

AH: I told him when I first went to see him and I showed him the letters I took with me. I gave him a wrist band, a BPD one, it was black and white. I gave him a BPD awareness leaflet and he said he would read up on it and I said it would be sensible if you did. As a diagnosis of BPD said we are sexually promiscuous but my mental health worker said 'that isn't you.' He said he didn't need to see the letters, but I showed him.

NP: What other information did you give him about your mental health?

AH: He asked if I was on medication for it and I said yes, amitriptyline and propranolol. That is was I was taking at the time and I said I didn't like it as it made me drowsy and headachey. He said - stop taking it and I said you aren't my mental health worker, how would you know?

AH: I was diagnosed with BPD in 2007, depressive disorder and mixed anxiety. He asked if I was seeing people? I said yes as I took an overdose in 1997. He asked why I had done that and I said I hate life. That is when he said - what are you unhappy about? That is when I opened up, but my son was sat there.

NP: When was this?

AH: The first time he came round. He was trying to get me to open up

AH: I told him I don't like my body which is typical for BPD. The medication I am on now is propranolol (I have been on that since my son was born for anxiety) and quetiapine.

NP discussed background and mental health issues to establish details which the witness was content to be made public.

The witness confirmed that she started a music course in 1995-1996, when she went to College, doing one year of a two year course at the age of 22.

The witness confirmed she was sexually abused and raped at 18. She was abused by more than one individual.

The witness confirmed that she had undergone an hysterectomy and abdominoplasty.

The witness confirmed she was in a relationship with AJ during 2008-2010. It was fizzling out before she ceased contact with MH, but they were still together.

The witness confirmed that in the past she had had eating disorders since she was 14. She still had an issue with weight now.

The witness confirmed that she had been taking antidepressants since her son BH was born. She was given Prozac in 2010 as she was pretty angry about what had happened to her.

The witness said that she had never been an inpatient referral under the Mental Health Act and had only been an outpatient.

NP asked the witness the extent to which she felt let down and specifically to say in her own words how she felt at the moment talking to him

AH: Well I feel let down. He is an MP and his role as an MP, well he shouldn't have done that. He should have done what he is elected for. If we have problems he should write to the relevant people and not try and make a relationship with his constituents. I feel let down by those who were supposed to be supporting me. I had to deal with it on

my own. The witness named others whom she felt had let her down, including the CPS and the Police. I think the Police didn't do a substantial investigation. I feel let down by everyone. When I got the phone call from police about dropping the prosecution, I thought well maybe I should just kill myself.

At that point the witness showed significant distress.



## Chapter 5. Mental Health Issues and evidence concerning AH

Plainly in assessing the credibility of AH, it was necessary to consider her mental health history and issues with real care. I was provided helpfully by solicitors acting for AH with a particularly comprehensive psychiatric report by Dr Frank Farnham dated August 11<sup>th</sup> 2012.

I have to bear in mind that this is a report which deals with issues and questions beyond my consideration and furthermore, one obtained on behalf of AH. But it is an extremely comprehensive report, which serves to give me a very clear picture of the past mental health history of AH, against which I may assess her allegations.

Dr Farnham is a leading consultant forensic psychiatrist with the North London Forensic Service, and approved under section 12 (2) of the Mental Health Act 1983 as having special experience in the diagnosis or treatment of mental disorder. That experience extends to potential victims of sex offending and harassment. He assessed AH July 2 2012, at his consulting rooms.

I have sought and obtained the consent of AH and her solicitor to the release of brief extracts from the report.

### Extracts

#### **Personal and development history**

AH described struggling academically at school and subsequently attending a college between the ages of 15 and 16. She completed one year of a two-year music and performing arts course at the age of 22. Subsequently she worked for six years when her son was between two and eight years old.

#### **Family history**

AH indicated the position of and her relationship with her mother. Her father lives abroad. The parents separated when she was 15 and they finally divorced when she was between 24 or 25. AH indicated suffering "significant and physical and emotional abuse". She was the victim of significant sexual abuse in childhood from the age of eight or nine. She was raped on two occasions and sexually assaulted.

AH was also sexually abused in a family context between the ages of 10 and 14

AH was raped when she was 18.

**Past medical history**

AH underwent an abdominoplasty in 2005 and an hysterectomy in 2010.

**Relationships**

The relationships of AH included a relationship with A J between 2008 and 2010.

**Past psychiatric history**

The patient first saw her GP at the age of 14 suffering from bulimia and anorexia.

The patient was seen at the age of 22 at St James Hospital in Portsmouth.

The patient confirmed some self-harm in 2010 and confirmed taking antidepressants since 2010

**Dr Farnham gave details of his mental state examination on 2nd June 2012.**

AH gave details of symptoms often described by patients with borderline personality disorder.

Dr Farnham examined the available mental health documents and behaviour support documents. He also looked at a summary of medical records provided by the patient's solicitor.

Dr Farnham gave it as his opinion that the diagnosis of borderline personality was appropriate. It was his view that AH suffered from a personality disorder rather from a mental illness. Both are types of mental disorder. In my view, the Report does not cast doubt on AH's credibility as a witness.

That brief summary is sufficient in my view to indicate the proper degree of care which must be taken in weighing these allegations.

**Medication**

Further AH indicated in interview that she is taking mood - stabilizing and anti psychotic medication.

Thus I have approached the evidence of AH on the basis of evidence that she has had real mental health issues for which she continues to be treated with recognised medication.



## Chapter 6 The position of Mr Hancock

Mr Hancock has been an elected Councillor on Portsmouth City Council for many years. He is also a Member of Parliament. That is the barest summary of his present position. On any view, he has contributed very significantly to local and national public life in a number of respects, working for political and non-political causes.

Thus I approach his position as being someone with a very long history of public service at a very high level. I infer in his favour that there will be a large number of constituents and others who would be in a position to speak very highly of his commitment and hard work. I have detailed letters written by him on behalf of AH which would justify such a view.

By letter from his solicitors dated 24<sup>th</sup> June 2013, Mr Hancock has set out his position in relation to this Inquiry. In outline, he has refused to take part in it at this stage, as there is an existing civil action involving the same subject-matter which it is maintained should be heard first. After it is concluded, Mr Hancock would be willing to take part in the Inquiry.

The full letter is set out as an Appendix to this report.

My view is that the sooner this Inquiry is completed the better. The delay implicit in waiting for a civil action to be concluded is unpredictable, but is likely to be a year or more. It is unfortunate that Mr Hancock has chosen not to give evidence at this stage, although that is his right and I cannot compel him to do so. But it should not prevent matters proceeding.

However that does not mean the Inquiry is unaware of the position of Mr Hancock. From all the information before me, his position includes the following elements:

1. Mr Hancock denies absolutely that he has acted indecently in any way towards AH. It follows that, for whatever reason, including the nature of her underlying mental condition, his position must be that she is not telling the truth in asserting otherwise.
2. Mr Hancock stresses that at all times he has sought to help AH in an entirely proper way as her councillor. He would say that help has been considerable, both to AH and to a family relative.
3. Mr Hancock sought to treat AH in a kind and decent way, which included trying to cheer her up when she was low.

4. Mr Hancock accepts that there have been a number of texts messages between AH and himself. I add that it is reasonable to infer that he would urge me to put them into a proper context and not give undue weight to any one of them.

In carrying out this Inquiry, I have proceeded on the basis that I should consider and give appropriate weight to all of these matters.

Thus by way of example, a number of letters written by Mr Hancock on behalf of AH have been referred to in the chronological summary of events and elsewhere and reproduced as Appendices to this report. Above all, I have sought to examine the allegations of AH with care, and with full regard to her underlying mental condition.

The ultimate question must be the credibility of AH, as I assess it on the evidence, including her own accounts before me.

The position of Mr Hancock therefore involves a simple but fundamental question: in making specific sexual allegations against him, is AH telling the truth?



## Chapter 7 Analysis

Two main questions of fact go to the root of this Inquiry.

First, did Mr Hancock make specific sexual advances towards AH?

Second, did he make specific improper suggestions towards her?

The answers to those questions necessarily determine whether Mr Hancock is in breach of the Code of Conduct.

Plainly, as in so many sexual allegations in or out of the criminal courts, that essentially comes down to one person's word against another.

Such a fundamental disagreement is very familiar to me in the course of my own professional and part judicial experience. It seems to me to be sensible to bear strongly in mind the way that juries are directed in this particularly sensitive and difficult area.

A. First it is very important to look at all the evidence in a detached way.

B. Here the evidence of AH of specific sexual misconduct stands alone. For, as usually is the case, they involve alleged events which are alleged to have happened in private.

C. Nevertheless it is important to bear in mind that today the law does not require corroboration of a complainant's evidence in a criminal court for a defendant to be convicted of a sexual offence. If a jury is satisfied that a complainant is telling the truth, they may act on her evidence alone. On occasions, a wise judge may include words of caution about a particular witness, falling short of words suggesting there is a need for corroboration.

D. A jury is entitled to consider the background of the allegations, which may or may not cast light on the reliability and accuracy of a complainant.

Here the allegations of sexual misconduct and sexual invitations need to be considered against a background of some intimacy and affection, as demonstrated clearly by some of the text messages sent by Mr Hancock to AH.

## Essential Question of Credibility

*I have come to the clear view that AH is telling the truth about the sexual allegations and sexual suggestions made to her by Mr Hancock.*

*I have reached that view on all the evidence and making full allowance for the mental health diagnosis of AH.*

*More specifically, in my view there is reasonable prima facie evidence of the following matters:*

### A. Alleged physical sexual behaviour

#### *1. MH kissed AH inappropriately, putting his tongue down her throat*

Evidence: "he forcibly kissed me.... As he was going out of the door, basically made this comment - I want to see if you kiss as well as you look and I said "excuse me, what?" He grabbed my arms and he stuck his tongue down my throat and I was pushing him away and I shouted up to my son and he put his hand over my mouth and was restraining me really hard and had red marks on my arms."

#### *2. MH tried to part AH's legs with his feet and put his feet on her crotch*

AH said that occurred in the sitting room – i.e. sitting down

#### *3. MH exposed himself, began to masturbate himself and invited AH to masturbate him*

Evidence: "he came round and said he was feeling horny, I said go home to your wife and what kind of woman do you think I am. I was sat away from him and he started rubbing himself and said could I give him a quick wank and said he wasn't very big. I picked up my guitar to distract him, he was looking in my mirror and said I can't leave the house I have a peg leg and it won't go down."

## B. Alleged indecent sexual invitations and inappropriate sexual remarks

*MH asked AH to masturbate him or provide him with oral intercourse.*

Note: the evidence was that the response of AH was "if you need that, you should go home to your wife." *Such a robust response has the ring of truth about it.*

*MH asked to see the stomach of AH*

Evidence: "he asked what I was unhappy about. I said my body and abdominoplasty and I was not happy with the result. He said – can't look that bad. He said in front of my son I'm not going to leave until I see your belly. He picked up my pyjamas and said – are these your pyjamas? Do you wear them in bed?"

*MH asked AH about sex with her previous partners.*

Evidence: "he asked me about my previous partners, the partner that I was with and asked about sexual stuff – and I said - this isn't relevant to my problems, I don't think this has anything to do with you. He wouldn't shut up".

*MH provided AH with a teddy bear, sprayed with aftershave and joked about it, ringing to see how the bear had behaved at night.*

*Plainly that was sexual banter and not in itself very serious. But it does give a small indication of the relationship that MH sought to have with AH*

*MH said that women had bucket crutches after hysterectomies. He said let me be the first one to road-test it.*

*Comment: I find it difficult to accept that such unusual comments could have been invented by AH. Again they have the ring of truth.*



*MH called AH Fuck face*

Comment: AH understandably found this deeply offensive.

There is also evidence of lesser sexual banter, which is present in the interviews: comments which on their own, might well be characterized as simply inappropriate or unwise. But in the light of the allegations of sexual behaviour and sexual approaches, milder sexual banter can be seen as part of an overall picture of unjustifiable behaviour.

### Text Messages

Some of the messages sent by MH to AH were friendly and sympathetic in character. Others were overtly or quasi sexual. I isolate a number which reinforces my view that AH is telling the truth.

|                          |  |
|--------------------------|--|
| March 29 <sup>th</sup> : | Are u ok I am missing u and thinking of you            |
| April 8 <sup>th</sup> :  | Thankyou my love x                                     |
| April 11 <sup>th</sup> : | Thanks a lot it makes me better knowing u gave me it x |
| April 18 <sup>th</sup> : |  |
| 23.10.09:                | Thanks a bunch my love xxx                             |
| 23.27.43:                | One day I will prove you wrong my love xxx             |
| 23.33.45:                | Please give me a chance you never know my princess xxx |
| May 1st                  | Thank you it means a lot to me x                       |
| May 27 <sup>th</sup>     |  |
| 23.11.55:                | Goodnight sleep tight my love xxx                      |
| 23.27.05:                | Thank you as long as it's not a wet one xxx            |

June 14:

- 15.10.18: May you just got to like me it can happen you know my love  
xxx
- 15.28.09: I will my love promise to do everything I can never to hurt  
you love always
- 20.48.21: I wish I was there my love xxx
- 21.43.50: Let me be the judge of that my love it looks good to me miss  
you xxx
- 22.07.40: I hope my love be careful with her don't make yourself ill  
worry about her please look after yourself you are special  
and sexy to me xxx

June 15<sup>th</sup>:

- 14.19: Hi how are you today I thinking as always of you and  
missing u big kiss xxx
- 14.29.31: Not so much of the old boy

June 19<sup>th</sup>:

- 23.39.38: Just got here and in bed alone my love xxx

July 1<sup>st</sup>:

- 11.22.45: Sorry to hear your news but you are in the right place get well  
my love xxx

In my view, these text messages support the allegations of AH that MII sought to pursue a sexual relationship with her, whilst showing her affection at the same time.



Having come to these conclusions, I am equally clear that they need to be seen against the following background matters, to put them into a fair context:

- A. Mr Hancock undoubtedly wrote a number of entirely appropriate official letters seeking to help AH. They read well and do him credit. Some are set out in the Appendix
- B. Mr Hancock treated AH at times with kindness and affection.
- C. Mr Hancock at times sought to cheer up AH when she was depressed.

#### Mental Health of Complainant

From the outset, Mr Hancock was fully aware of the mental health background of AH. Indeed he discussed it with AH. In any event, his knowledge cannot be in dispute in the light of the letters written by him on behalf of AH and the letters received by him about her.

Nor can there be any doubt that Mr Hancock was aware of her fragility and her vulnerability.

In particular, he visited her in hospital and sent some messages which reflect concern. Some text messages from him plainly should be read in that way (such as the last one I have quoted above). Some are plainly answers to messages from her.

Mr Hancock undoubtedly tried to cheer up AH on a number of occasions when she was down or depressed. Some text messages support that view of his behaviour.

I do not consider that it would be fair to interpret such behaviour and messages as designed simply to further a sexual relationship with AH. A cynic might: I do not.

## Chapter 8

## CONCLUSIONS

1. Making full allowances for the disclosed mental history of AH, I have no doubt that she has provided before me compelling prima facie evidence of serious and unwelcome sexual behaviour carried out towards her by Mr Hancock. I am of the clear view that her account is credible and merits both compassion and respect.
2. That sexual behaviour on occasions fell far below the acceptable conduct of an elected Councillor and cannot be justified.
3. That behaviour was compounded by the clear knowledge of Mr Hancock from the outset that AH was a vulnerable person with significant mental health issues.
4. That alleged conduct of Mr Hancock takes it plainly outside those authorities which do not hold sexual misconduct necessarily to be a breach of the Model Code.
5. Thus I find that there is prima facie evidence that Mr Hancock has breached the Portsmouth City Council Code of Conduct plainly in the following ways:
  - A. He has not treated his constituent AH at all times with respect
  - B. In some but not in all of his dealings with AH, he has conducted himself at times in a manner which may reasonably be regarded as bringing his office into disrepute
  - C. In some but not in all of his dealings with AH, he used his position as a member improperly to attempt to secure for himself an advantage, namely a sexual relationship with AH
6. I found AH to be a straightforward and vulnerable person, angry and hurt by what she said had happened to her. There has been some limited variation in the detail of the allegations which she had made, but not to a point which caused me at any point to reject her allegations. Indeed, at no point did I form the view that she lied to me.



7. However I do not find that the actions of Mr Hancock were motivated solely by sexual desire for AH, who at all times was his constituent. In my view, there is clear evidence that he sought to help her wholly properly as her local Councillor in a detailed way which was commendable. There is also evidence, which I accept, that he treated AH at times with kindness independently from any alleged sexual approach to her. There is also evidence that he tried to cheer her up when she was depressed.
8. It follows that the true picture of the behaviour of Mr Hancock towards AH is more complex and nuanced than has previously been represented in the press.
9. That said, I consider that the prima facie evidence of his unwelcome sexual approaches remains unquestionably a very serious matter in the light of the position which he holds and his knowledge from the beginning of the vulnerability of AH. No one in public life should allow themselves to act in such an irresponsible and damaging way.
10. Accordingly I have considered whether I should recommend that the authorities should consider again whether criminal charges should be brought. It is not part of my terms of reference to consider why proceedings were discontinued. Whilst I have some information on that topic, I do not consider that I should express any opinion on it.
11. Thus it must be for the authorities to decide independently whether that should take place.
12. I consider that AH addressed her own mental health issues before me with an integrity and openness that was truly admirable. In any public summary and discussion of these matters, that finding should be recognised.
13. As I made plain throughout, I do not consider that this Inquiry is an appropriate mechanism to resolve each and every potential dispute or interpret definitively each action, message or email and I have not sought to do so. Nevertheless it has been possible to reach a clear view on the central issues.
14. Finally in my view, the time for equivocation has ended. These matters should have been addressed definitively a long time ago in the interests of AH and Mr Hancock.

August 28<sup>th</sup> 2013

Nigel Pascoe QC

Note: For the avoidance of doubt, I consent to the full and unabridged publication of the Report.