

## **PRESS RELEASE**

On 27th September 2018, a cross-party group of nine Councillors served a lawfully formulated Requisition on the Mayor of Scarborough, Councillor Joe Plant (Conservative), requiring him to schedule, within seven days, an Extraordinary Meeting of Council for the purpose of calling upon the Leader and Cabinet to satisfy members that actions by the Authority to exclude/disbar any elected member from entering Council premises, attending meetings of Council/Committees and engaging with Council Officers, are lawful, proportionate and compliant with due process, as set out in the Council's adopted and published Constitution, Protocols and Procedures, under the laws of England and Wales.

On 17th April 2018, Mrs Justice Cockerill ruled definitively that, under the terms of the Localism Act 2011, only the Council's Standards Committee of a principle Council (comprising elected members and an Independent Person) has the power in law to impose functional restrictions upon elected members, and even then only relatively mild restrictions, not nearly so draconian as total exclusion/disbarment of elected members from Council meetings.

The Mayor, in disregard of his Constitutional and statutory duties, departed from the Requisition Procedure by ignoring the signatories and passing the Requisition to the Chief Executive, who has no role in the process, as is clearly set out in the Local Government Act 1972.

Both the Chief Executive and the Monitoring Officer have repeatedly declined requests for sight of purported external legal advice, alleged by the Chief Executive to support his autonomous exclusion/disbarment of a Councillor without reference to the Council's Standards Committee.

It should be clearly understood that the point at issue here does not in any way hinge upon the identity of the Councillor who was disbarred. Nor does it hinge upon the Health & Safety of Councillors and staff, for whom security provisions are available. These are smoke-screens.

Rather, it hinges upon on the fundamental democratic principle that the mandate of the electorate is both sovereign and inviolate - not subject to the wishes and desires of any member of Paid Service whose function it is to serve Councillors, not dictate to them.

Today (the Fifth of November), in Council, the Chief Executive has once again indicated that our intention - to achieve transparency and accountability, in the public interest, in respect of the Chief Executive's actions, which now appear to be *ultra vires* (beyond authority) - is continuing to be thwarted. Clearly, this is unacceptable. For this reason we have vacated the meeting.

The authorised purpose of the tail is to serve, not wag, the dog.

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**Editors:** For further information, please call [Cllr. Tony Randerson](#) on **07926-226904**.