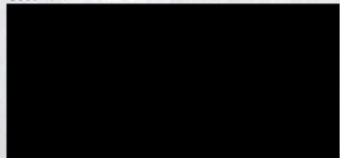


Mr N Ward  


YOUR REF  
 OUR REF 31154.010/CB/CE  
 REPLY TO Butler House  
 T 01372750102  
 E Craig.Batko@wellerslawgroup.com  
 DX Great Bookham 117527  
 DATE 30th October 2023

Dear Sir,

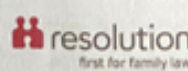
**Our Client: Whitby Town Council**

We are instructed by our above-named client in connection with matters raised in this letter. We ask that you please note our instruction and communicate with us quoting our reference at all times.

To be clear at the outset, we are at present instructed only by Whitby Town Council and not by any of the individual councillors or the Clerk in his personal capacity. Also, this letter is not intended to be a letter of claim in accordance with the Practice Direction on Pre-Action Conduct and Protocols (the Practice Direction) and/or the Pre-Action Protocol for Media and Communications (the Communications Protocol) contained in the Civil Procedure Rules (the CPR). This letter is though important and we strongly suggest that you take your own independent legal advice about its content. By ignoring this letter, you are exposed to the instigation of court proceedings against you which will in turn increase your liability for costs.

The purpose of this letter is to warn you against the further publication of what we consider to be inappropriate articles in the North Yorks Enquirer, the internet news magazine. We have been shown and have considered the content of various recent articles which you have published in that magazine about our client and the individual councillors. The first of these articles is published 13 May 2023 and the latest 29 October 2023.

In these published articles you openly criticise our client as a public body and also a number of the individual councillors who you name and the current Clerk, Mr Michael King. You also use numerous photographic images to portray our client and the individual councillors in a bad light. For instance, your article dated 18 August 2023 titled "Return of the Backstabbers" opens with a photograph of the Muppets, your article dated 8 September 2023 titled "Much Needed Town Poll Confirmed" opens with a cartoon of clowns being shut out by people and in your article dated 27 September 2023 titled "Educating Linda" you include an image showing a humanised lion and donkey with the caption "Lions led by Donkeys". The only inference which can be drawn from these images is that you consider



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our client and the individual councillors to be incompetent and not worthy of office. These inferences are reinforced by the open and express comments you continuously make in your articles.

We fully appreciate the freedom of speech and the right to express opinion in our jurisdiction. This right is indeed a human right where Article 10 of the European Convention on Human Rights is embodied in English law under the Human Rights Act 1998. Nevertheless, the Convention and the legislation recognises that the exercise of this freedom carries duties and responsibilities as prescribed by law in the interests of protecting the reputations and rights of others and we are of the firm view that the content and tone of and images used in your articles are not only inappropriate but defamatory against individual councillors and employees, including but not limited to Michael King, Linda Wild and John Nock.

You make it very clear in your article titled "Educating Linda" and with your reference to "one cannot educate pork" that you consider Cllr Linda Wild is not capable or refuses to listen to reason. This is potentially a defamatory publication for which Cllr Wild could take action against you. We are not entirely clear what you are trying to say in the same article where you include an image of a child's face with the caption "it's time we stopped hiding child abuse" and purport to quote Cllr Nock but to publish such a statement is wholly inappropriate, unjustified and also potentially defamatory and should Mr Nock wish to make a claim, you are at real risk of being ordered by the Court to pay what could be quite substantial damages and associated costs. Again, we appreciate that we are only instructed by the Council as a public body, but you will understand that our client must be seen to be protecting the interests of its councillors and employees so by writing to you in these terms is considered necessary as part of that duty.

The content of your articles are also considered to be acts of harassment and abuse of the individual councillors and the Clerk who are named. These councillors and the Clerk are entitled to protection when working and serving the public. Harassment is also a criminal offence and the individuals who you are openly criticising in your articles are within their rights to report your publications to the police if you refuse to stop your unjustified campaign. In the unfortunate event of a criminal prosecution the Court will consider section 156 Police, Crime, Sentencing and Courts Act 2022 which creates a statutory aggravating factor that must be considered by the courts when a relevant offence, including harassment, has been committed against those who provide a public service, perform a public duty, or provide a service to the public.

We are not in this letter insisting that you refrain from publishing further articles on subjects and issues within the community which you consider to be in the public interest but you are required to tone down your criticism of our client and the individual councillors and the Clerk. If you continue to publish articles of this nature then the individuals which are the subject of these articles will be at liberty to instruct us or other solicitors to pursue their claims against you. That process will begin with a letter of claim to comply with the Practice Direction and/or the Communications Protocol. We trust that this will not be necessary but if so this and subsequent correspondence will be brought to the Court's attention on the issue of costs.

We ask that you please acknowledge receipt of this letter and we invite you also please to confirm that you will take the points raised in this letter into account if and when you publish further articles mentioning our client or any of the individual councillors, not just in the North Yorks Enquirer.



Thank you for your co-operation and we look forward to hearing from you or your representative.

Yours faithfully,

*Wellers Hedleys*

Wellers Hedleys