

----- Original Message -----

**Subject:** 'The Letter'  
**Date:** Fri, 3 Nov 2023 16:49:38 +0000  
**From:** Nigel Ward  
**To:** Cllr. Bob Dalrymple <rdalrymple@whitbytowncouncil.gov.uk>  
**CC:** Selected Whitby Town Councillors

**Councillor Bob DALRYMPLE - Chair/Mayor - Whitby Town Council**

**Cc: Selected WTC Councillors**

IN THE PUBLIC INTEREST

Mr Mayor,

Good day to you.

I have had sight of a letter (please refer to the three images at the foot of this communication), dated 30th October 2023 and headed "**Our Client: Whitby Town Council**" (hereinafter, 'the letter') delivered by post (neither 'Recorded Delivery' nor 'Registered') in a cheap plain white envelope, devoid of identifying company features, which purports to be from a Mr Craig BATKO, solicitor, of WELLERS HEDLEYS, a law firm in the south of England.

This is unusual, not to say suspicious.

There are several reasons to doubt the authenticity of 'the letter'.

**(1)** A review of the website of WELLERS HEDLEYS does disclose the fact that a Mr Craig BATKO, a Senior Solicitor of that firm and the purported writer, is registered with the Solicitors Regulation Authority (SRA) since 1st October 2001 under the Registration Number 225356):

<https://web.archive.org/save/https://www.wellerslawgroup.com/people/craig-batko/>

The screenshot shows the 'Our People' section of the Wellers Law Group website. It features a navigation bar with links for Practice Areas, Offices, About Us, Our People, Wellers Impact, Library/Blog, and Pay Online. Below the navigation bar, there are links for Events and Contact. The profile for Craig Batko, Senior Solicitor, is displayed, including his practice areas (Corporate Litigation & Dispute Resolution, Personal Litigation & Dispute Resolution), contact number (01372 750 102), email (Email Craig), and location (Great Bookham and Effingham). A warning message at the bottom of the profile states: "Please be aware that Craig's name has recently been used on a fax phishing exercise, primarily targeting firms in the USA. If you have received a fax purporting to be from Craig, please ignore it. It is not from Wellers Law Group."

(2) You will note the Disclaimer, which states:

*"Please be aware that Craig's name has recently been used on a fax phishing exercise, primarily targeting [note the US spelling] firms in the USA. If you have received a fax purporting to be from Craig, please ignore it. It is not from Wellers Law Group."*

[my emphasis underlined]

This in itself raises concerns regarding the authenticity of 'the letter'.

(3) Further, Mr BATKO's 'bio' suggests that his specialisation lies not in defamation or harassment litigation, nor local government law:

Craig qualified as a solicitor in 2001 and was a partner at his previous firm. He joined the litigation department at Wellers Hedleys at their Butler House offices in Great Bookham in September 2018.

Craig largely specialises in property related disputes and property litigation, particularly commercial and residential landlord and tenant disputes, business tenancy renewals and oppositions under the Landlord and Tenant Act 1954, dilapidation claims, possession claims, the acquisition and protection of rights over land such as prescriptive easements, other disputes relating to easements, the enforcement and discharge of freehold covenants, adverse possession, disputes over boundaries, trespass and nuisance. Craig appears in the County Court for possession claims and other chambers advocacy.

Craig's other practice areas include trusts of land and co-ownership disputes under the Trusts of Land and Appointment of Trustees Act 1996, contractual disputes, consumer law, licensing, debt recovery, judgment enforcement proceedings and some insolvency work.

Granted that Mr BATKO's expertise may be of value to the Council in respect of the Trustees Act 1996, contractual disputes, insolvencies, etc., it is difficult to determine his suitability to act for the Council within the scope of the disparate contents of 'the letter'.

(4) Of particular note is the fact that 'the letter' repeatedly emphasises, throughout the first few paragraphs, the assertion that WELLERS HEDLEYS is **instructed by Whitby Town Council**.

This seems to me to be an assertion that cannot be substantiated, for a number of cogent reasons:

a) I can locate no Agenda Item of Full Council such as might seek to facilitate the authorisation of the appointment of WELLERS HEDLEYS to accept instruction from 'Whitby Town Council'.

In the event that there exists such an Item on an Agenda for Full Council, please forward that Item reference number (and date) to me, by return - or indicate that no such Agenda Item is held by Full Council. Thank you;

b) I can locate no Minute of a Resolution by Full Council such as has authorised the appointment of WELLERS HEDLEYS to accept instruction from 'Whitby Town Council'. In the event that there exists such a Resolution by Full Council, please forward that Minute reference number (and date) to me, by return - or indicate that no such minuted Resolution is held by Full Council. Thank you;

c) I do note, however, that at a Meeting of the Human Resources Committee held on Tuesday 3rd October 2023 and Chaired by Councillor Linda WILD, the DRAFT MINUTES of which appear for the first time in the Agenda Pack for the Full Council Meeting scheduled for Tuesday 7th November 2023 (published on Thursday 2nd October 2023), the following:

206/23 **EXCLUSION OF PRESS AND PUBLIC (IN RESPECT OF ITEM 127/23)**  
**MOVED** by Councillor Harston seconded by Councillor Mrs Coughlan

**RESOLVED** unanimously that, under the provisions of the Public Bodies (Admission to Meetings) Act 1960 §1(2), the press and public be excluded from the meeting during consideration of the matter referred to at item 127/23 below, due to the confidential nature of the business to be transacted.

207/23 **STAFFING**  
The committee received a complaint from a member of the public.  
**MOVED** by Councillor Mrs Turner, seconded by Councillor Mrs Wilson

**RESOLVED** unanimously that the complaint is received and the committee waits until the auditor's report is received before any further action is taken.

**MOVED** by Councillor Mrs Wilson, seconded by Councillor Harson

**RESOLVED** unanimously that on advice from two different solicitors a cease-and-desist letter is sent to the complainant.

This DRAFT Minute 207/23 refers to the Agenda of the meeting of the Human Resources Committee held on Tuesday 3rd October 2023:

**1. APOLOGIES**

To receive apologies for inability to attend.

**2. DECLARATION OF INTERESTS**

To declare any disclosable pecuniary interests or any other interests which members may have in the following agenda items and consider any dispensation requests.

**3. EXCLUSION OF PRESS AND PUBLIC (IN RESPECT OF ITEM 4, BELOW)**

**To consider a motion** – That, under the provisions of the Public Bodies (Admission to Meetings) Act 1960 §1(2), the press and public be excluded from the meeting during consideration of the matter referred to at item 4 below, due to the confidential nature of the business to be transacted.

**4. STAFFING**

To consider confidential matters in respect of a member of staff.

Item 4 of this Agenda is "inadequately structured" insofar as it addresses ONLY "*matters in respect of a member of staff*", making no reference to matters in respect of Councillors, nor did it specify the proposal to engage a firm of solicitors for the purpose of sending a cease-and-desist letter to me. Thus, business was transacted that was not adequately "*specified*" within the relevant Agenda Item, which I contend is in breach of s.10(2)(b) of Shed.12. Pt.II, Local Government Act 1972:

- (b) a summons to attend the meeting, specifying the business proposed to be transacted at the meeting and signed by the proper officer of the council, shall be left at or sent by post to the usual place of residence of every member of the council.

It follows, inarguably, that any Resolution pursuant to this particular Agenda Item (to consider "*matters in respect of a member of staff*") - e.g. to authorise a cease-and-desist letter in respect of putative grievances of individual Councillors or members of staff) - cannot be a lawful Resolution. That there now (putatively) exists 'the letter', a purported "*cease-and-desist*" letter, that appears to have been instructed by 'Whitby Town Council', appears to be without lawful authority - *ultra vires* (as per 10.5 of the WTC Financial Regulations).

I contend that this must stand in breach of 1.22 of the JPAG *Practitioners' Guide* and, as such, is a matter to be brought to the attention of the External Auditor.

Please add this to my Formal Corporate Complaint against the Clerk/RFO as **Supplement Four** and confirm to me, by return, that you have done so. Thank you.

Further, the DRAFT Resolution pursuant to the above Agenda Item (see above) purports to authorise "*on advice*" from TWO solicitors (NOT three, as per 10.3 of the WTC Financial Regulations), "*a cease-and-desist letter is sent to the complainant*". This 'Resolution' is yet to be ratified - even by the Human Resources Committee, much less by Full Council. How, then, can such 'Resolution' have already been actioned? Only unlawfully - *ultra vires*. This 'weakness' will be brought to the attention of the External Auditor.

d) Examining the 2023/24 Budget (archived here: <https://web.archive.org/save/https://www.whitbytowncouncil.gov.uk/uploads/budget-2023-2024-2.pdf?v=1677515748> ), I can locate no provision for legal services other than "£500 Legal Cost Asset Transfer". I note that contingency for such unanticipated disbursement is recorded as 'NIL' in two locations. In the event that there exists such budgetary provision by Council, please forward that to me, by return.

As you are by now aware, extra-budgetary expenditure is prohibited under s.49A of the Local Government Finance Act 1992. Thus, if the purported instruction of WELLER HEDLEY proves to be authentic, the Council would once again risk standing in breach of the Act and in breach of the WTC Financial Regulations, at Art. 4.1:

#### **4. Budgetary Control And Authority To Spend**

4.1 Expenditure on revenue items may be authorised up to the amounts included for that class of expenditure in the approved budget. This authority is to be determined by:

- the council for all items over £10,000;
- a duly delegated committee of the council for items over £1,000; or
- the Clerk, in consultation with Chairman of Council or Chairman of the appropriate committee, for any items below £1,000.

Such authority is to be evidenced by a minute or by an authorisation duly signed by the Clerk, and where necessary also by the appropriate Chairman.

Contracts may not be disaggregated to avoid controls imposed by these regulations.

Thus far, the Council, and its Financial Regulations, are compliant with statute, namely s4(2) of the Accounts & Audit Regulations 2015:

(2) The responsible financial officer for a relevant authority must ensure on behalf of that authority that the financial control systems determined by that officer in accordance with subparagraph (1)(b) are observed and that the accounting records of the authority are kept up to date.

However, 4.2 of the WTC Financial Regulations specifies the following constraints:

4.2 No expenditure may be authorised that will exceed the amount provided in the revenue budget for that class of expenditure other than by resolution of the council, or duly delegated committee. During the budget year and with the approval of council having considered fully the implications for public services, unspent and available amounts may be moved to other budget headings or to an earmarked reserve as appropriate ('virement').

This makes clear that disbursement of up to £1,000 on the authority of the Clerk/RFO in conjunction with an *"appropriate Chair"* is authorised if - and only if - there exists, in *"that class of expenditure"* within the (2023/24) Budget, an amount that must not be exceeded.

**There is nothing in the 2023/24 Budget *"in that class of expenditure"* (i.e. legal costs). Thus, it is my contention that the conditions set out in 4.2 of the WTC Financial Regulations are not met. In which case, the Clerk/RFO and the *"appropriate Chair"* appear to have acted *ultra vires*.**

You will therefore append this contention to my Formal Corporate Complaint against the Clerk/RFO as **Supplement Five** and confirm to me that you have done so. Thank you.

In my view, the conclusion must be that the process has been abused insofar as instruction to WELLER HEDLEYS to prepare and transmit 'the letter', if genuine, appears to have been authorised by the Clerk/RFO and ('where necessary') by the *"appropriate Chair"* under 4.1 of the Financial Regulations, but not under 4.2. The Clerk/RFO is the subject of a highly-detailed Formal Corporate Complaint lodged by me and thus far not properly progressed by the Council. The Clerk/RFO therefore has a personal and prejudicial interest in causing me harm or loss.

In my view, the likelihood is that the *"appropriate Chair"* is none other than the Chair of the Human Resources Committee, who is presently the subject of a Formal Standards Complaint by another member of the public. This is the same Councillor who verbally abused me at the Extraordinary Meeting of Full Council on 5th September 2023. She, too, has a personal and prejudicial interest in causing me harm or loss.

Alternatively, it may be that the *"appropriate Chair"* was, in this case, the Chair of the Finance, Development & General Purposes Committee, Councillor Noreen WILSON, who also bears, and has long borne, a grudge against me for reporting publicly on her outrageous outburst to a press photographer whom she instructed, in Full Council, to ***"Stick your camera up your a\*se!"*** I would contend that the Chair of the Finance, Development & General Purposes Committee also has a personal and prejudicial interest in causing me harm or loss.

Please identify the "*appropriate Chair*", by return. This individual will become the subject of a Formal Standards Complaint to the Monitoring Officer, on two grounds; namely (i) *ultra vires* action, and (ii) breach of the Councillors' Code of Conduct.

Obviously, falsely engaging the terms of the Financial Regulations in order to pursue an act of personal vengeance is a clear and very grave failure of internal control, such as must be brought to the attention of the External Auditor, PKF LITTLEJOHN LLP. Should this matter escalate, then significant further External Auditor Investigation Fees, as well as associated costs at WELLER HEDLEYS, stand to be incurred by the Council - also unbudgeted;

e) Further, I have been unable to locate any record of a Tender process for the selection of a law firm to be instructed by Council. Obviously, as a further clear failure of internal control (a breach of 1.14 JPAG of the Practitioners' Guide), this too would be a matter to be brought to the attention of the External Auditor, PKF LITTLEJOHN LLP.

In the event that there exists evidence of such a Tender process, please forward that Minute reference number (and date) to me, by return, including details of the companies considered and subsequently rejected, as required under the Openness of Local Government Bodies Regulations 2014, which states, at s.7(3):

(3) The written record must be produced as soon as reasonably practicable after the decision-making officer has made the decision and must contain the following information—

- (a) the date the decision was taken;
- (b) a record of the decision taken along with reasons for the decision;
- (c) details of alternative options, if any, considered and rejected; and
- (d) where the decision falls under paragraph (2)(a), the names of any member of the relevant local government body who has declared a conflict of interest in relation to the decision.

f) I have spoken with a number of Councillors who assure me that they are entirely unaware of any Proposal, Resolution, Policy or Procedure such as could conceivably result in the instruction, by Whitby Town Council, of WELLER HEDLEY (or any other law firm) in the matter of 'warning' an elector and/or local media investigative journalist against pursuing his vocation. This suggests that a small cadre of 'rogue' Councillors and/or members of staff have acted unilaterally and without knowledge of the Council as a collective body.

One might reasonably enquire:

### **"Who is 'running' Whitby Town Council?"**

I require a specific and detailed answer to this question, please.

g) In the event that you are unable to demonstrate to me, by return, that the instruction of WELLER HEDLEYS by 'Whitby Town Council' is adequately authorised by the Council, *as a body corporate*, I will have no option but to conclude that certain Councillors and/or member(s) of staff have acted without lawful authority and, in so doing, have committed the criminal offence of Fraud by Abuse of Position, under s.4 of the Fraud Act 2006, which states:

#### 4 Fraud by abuse of position

(1) A person is in breach of this section if he—

- (a) occupies a position in which he is expected to safeguard, or not to act against, the financial interests of another person,
- (b) dishonestly abuses that position, and
- (c) intends, by means of the abuse of that position—
  - (i) to make a gain for himself or another, or
  - (ii) to cause loss to another or to expose another to a risk of loss.

(2) A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act.

There are three elements to this offence. In lay terms, potential defendant(s) will have committed fraud by abuse of position if they:

- occupied a position in which they were expected to safeguard, or not to act against, the financial interests of another person (e.g. the Council and/or the ratepayers);
- abused that position dishonestly; and
- intended by that abuse to make a gain for themselves or another or to cause a loss to another or expose another to a risk of loss

**NB: Please be in no doubt, Mr Mayor, that unless you can satisfy me that this has not occurred, or identify those responsible (without which, you will risk identifying yourself, Mr Mayor, as party to an offence under s.4(2) of the Act ("*A person may be regarded as having abused his position even though his conduct consisted of an omission rather than an act*")), I will be instructing my solicitor to provide evidence to the North Yorkshire Police in pursuance of prosecution(s). This may be particularly applicable in the case of a member of staff having potentially abused delegated powers to disburse public funds in an effort to defend a personal national reputation from adverse yet well-substantiated criticism.**

(5) Referring to 'the letter' *per se*, there are other reasons to doubt its authenticity.

The first few paragraphs give the general appearance of a formal communication between a duly instructed qualified solicitor and a potential defendant in an unspecified legal action.

Thereafter, the content departs from standard form, straying from its original assertion that Mr BATKO is instructed by 'Whitby Town Council', and proceeding to offer largely uninformed opinion on perceived grievances of individual Councillors and/or members of staff who, according to 'the letter', explicitly have not instructed Mr BATKO or his firm. This irregularity is quite bizarre and a potential professional embarrassment to Mr BATKO who, in his defence, may not have been presented with the entirety of the facts.

(6) Moreover, Mr BATKO (if indeed it is he who has written 'the letter'; quite obviously, a WELLER HEDLEYS letterhead, or likeness thereof, may well, at that firm's own admission, have recently been obtained illicitly by means of a "*phishing exercise*"), seems unaware (as almost every qualified solicitor is, or should be, aware) that, contingent upon Lord Justice KEITH's ruling in *Derbyshire County Council v Times Newspapers 1993*:

*"Organs of government should not have a common law action in libel as this would be contrary to the purpose of the action and damaging to free speech".*

And:

*"It is of the highest public importance that a democratically elected governmental body, or indeed any governmental body, should be open to uninhibited public criticism. The threat of a civil action for defamation must inevitably have an inhibiting effect on free speech."*

Further, HHJ HICKINBOTTOM, in *Heesom v Public Service Ombudsman (2013)*, ruled, with respect to "local councillors" that Article 10 protects both the substance *and* the form of what is said to and about local politicians:

*"A degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive is to be tolerated", as "local councillors" are "expected and required to have thicker skins and have more tolerance to comment than ordinary citizens".*

Also german is the following excerpt from the Judgment in *Thomas v News Group Newspapers Ltd & Anon. (2001)*:

Thomas v News Group Newspapers Ltd & Anor [2001] EWCA Civ 1233 (18 July 2001)

34. The 1997 Act has not rendered such conduct unlawful. In general, press criticism, even if robust, does not constitute unreasonable conduct and does not fall within the natural meaning of harassment. A pleading, which does no more than allege that the defendant newspaper has published a series of articles that have foreseeably caused distress to an individual, will be susceptible to a strike-out on the ground that it discloses no arguable case of harassment.

What their Lordships are saying, in lay terms, is that those who cannot withstand the heat should get out of the kitchen. I concur. I would add that embarking upon a futile harassment or defamation claim with a spurious budget of £1,000 is tantamount to taking a feather to a mass pillow fight.

I would also refer you to a [Letter to the Editor](#) by a former County Councillor, published on the *North Yorks Enquirer*. You will note that I am not without experience in defending myself against frivolous and/or malicious legal actions.

Thus, it would appear that *if* Mr BATKO, perhaps having been inadequately briefed, has advised the Council contrary to the established Case Law, the Council may have grounds for a professional negligence claim against WELLERS HEDLEYS.

**(7)** Irrespective of the authenticity of 'the letter', I would strenuously urge Whitby Town Council to exercise extreme caution in its attempts to resort to Strategic Lawsuits Against Public Participation (SLAPPs).

According to the Solicitors Regulation Authority (SRA), SLAPPs are a type of abusive approach to litigation. This could include the steps taken before legal action is taken, such as sending letters before a claim - they are a threat to freedom of the press and the rule of law (a principle under which all persons, institutions and entities are equally subject to the law - including local authorities and law firms).



## The Solicitors Regulation Authority (SRA)

The legal profession has become concerned at the ethical implications for solicitors that become involved in working on SLAPPs for their clients. On 4<sup>th</sup> March 2022, the Solicitors Regulation Authority (SRA) issued guidance for solicitors which draws a wider definition of SLAPPs:

*"This is a term commonly used to describe the misuse of the legal system, and the bringing or threatening of proceedings, in order to discourage public criticism or action. For example, cases in which the underlying intention is to stifle the reporting or the investigation of serious concerns of corruption or money laundering by using improper and abusive litigation tactics.*

*Features of these cases may include:*

- *making excessive or meritless claims, aggressive and intimidating threats*
- *otherwise acting in a way which fails to meet the wider public interest principles"*

The SRA guidance is clear that solicitors should not involve themselves in SLAPPs, or act in a way which fails to meet the "wider public interest principles". Suppressing investigative reporting would appear to be contrary to the wider public interest. If this is so, it is therefore unethical and:

*"can be evidence of misconduct capable of amounting to a serious breach of our [the legal profession's] regulatory arrangements"*

Source: [SRA | Guidance | Solicitors Regulation Authority](#)

SLAPPs aim to prevent publication of matters of public importance. Any *bona fide* legal representative of the Council should be aware of this.

**(8)** The departures from the asserted instruction by 'Whitby Town Council', focussing instead on the perceived grievances of two individual members of the Council and one member of staff, are really quite extraordinary.

One of the members of Council referenced in 'the letter' was the subject of a Formal Standards Complaint (at Scarborough Borough Council) in respect of highly inappropriate and vulgar remarks made in the Members' Room of Scarborough Town Hall that sought to ameliorate the despicable child abuse practised over a period of decades by former County and Borough Councillor and Scarborough Mayor, Peter JACONELLI - the disgraced homosexual 'lover' of Jimmy SAVILE:

- <https://web.archive.org/save/https://www.mirror.co.uk/news/uk-news/jimmy-savile-love-affair-21-stone-5878177>

# EXCLUSIVE: Jimmy Savile had love affair with 21-stone King of Cornets accused of abusing young boys

Police intelligence states Savile had a sexual relationship with Peter Jaconelli. They were suspected of being part of a paedophile ring in Scarborough

By **Jonathan Corke**

20:42, 13 Jun 2015 | UPDATED 08:20, 14 JUN 2015



The Standards Complaint against the member was **UPHELD**.

The member concerned then attempted to divert the ignominy of his conduct onto those who, quite rightly, raised the Complaint:

- <https://web.archive.org/save/https://www.yorkshirepost.co.uk/news/crime/scarborough-councillor-sorry-over-savile-and-jaconelli-remarks-1802752>
- <https://web.archive.org/web/2023110114724/https://www.thescarboroughnews.co.uk/news/councillor-rapped-for-comments-about-jaconelli-abuse-victims-792415>

The prospect of the Whitby Town Mayor, or indeed any of his Councillors, defending the actions of this member in a court of law is hard to envisage. That the member clearly continues to bear a personal grudge against the former SBC Councillors who raised the Standards Complaint, and against myself, for reporting on it, is further evidence of lamentably poor (to put it mildly) character.

(9) The other member of Council referenced in 'the letter' publicly subjected me, at an Extraordinary Meeting of Full Council, to a torrent of verbal abuse, based on either incomprehension of the English language or deliberate falsehood. I did not call that member "*pork*"; I resorted to an age-old aphorism with the established meaning that it refers to a subject so entrenched in a viewpoint as to be incapable of grasping or embracing a reasoned argument.

## You can't educate pork.

4 Apr 2016 — Basically, it means that some people are so **set in their beliefs that you simply can't say anything that will alter their mindset**. This has ...

The assertions in 'the letter' evidently confirm my opinion.

In my email to the Chair/Mayor and all Councillors on 26th September 2023, at 15:25h (i.e. *before* the Extraordinary Meeting of 26th September 2023), I stated (*inter alia*):

*"Further, I take issue with the impartiality and competence of the Chair of Human Resources, who has reportedly spoken ill of me and has conceded to me, in private conversation, that*

*she is not especially conversant with governance/compliance 'technicalities'. My Formal Corporate Complaint merits a fair and expert hearing. Such is the impact of my contentions that only Full Council should, with expert advice, consider it."*

**(10)** As to the member of staff referenced in 'the letter', my Formal Corporate Complaint against whom you propose to have investigated by the aforementioned member, I note the following sentence cited from 'the letter', which appears ambiguous in the extreme:

*"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."*

[my emphases underlined]

This is suggestive of the possibility that WELLERS HEDLEY has been instructed by the Clerk/RFO in his professional capacity.

As stated in **(4)** above, I can locate no documentary evidence within the Council's Agendas & Minutes such as could provide authorisation to that effect.

**In the event that you are able to confirm that 'the letter' is genuine, please provide me (and all members) with a PDF copy for convenience of reference. Thank you.**

It appears to me that this present action, if genuine, is itself an act of harassment against me, by the Council or individual Councillors or a member or members of staff, as prohibited under the terms of the Protection of Harassment Act 1997. Thus, 'the letter', if authentic, places the Council at risk of a counter claim. I can locate no Budget item such as would underwrite a defence thereto. I refer you once more to s.49A of the Local Government Finance Act 1992 and the WTC Financial Regulations in regard to the concomitant 'weakness' of internal control currently under investigation by the External Auditor.

You will have observed, Mr Mayor, that all of my articles published in the *North Yorks Enquirer* are prefaced with the following caveat: - ***an "In My View" article by NIGEL WARD...***

This provides clear notice that the subsequent content is an expression of my opinion(s). (When Scarborough Borough Council Monitoring Officer and Head of Legal, Mrs Lisa DIXON, attempted to curtail my freedom of expression, the consequence was that she was exposed as a liar by a [BBC Inside Outside documentary](#)).

It has also been suggested to me that this present WELLER HEDLEYS attempt to intimidate me has been orchestrated for the purpose not only of silencing my lawful, demonstrably fully-justified and extensively evidenced criticism of the Council and its staff, but also in consequence of the Council being manipulated or 'set up' for a claim for [Constructive Dismissal](#) due, perhaps, to "*work-related stress*". This is entirely plausible.

My Formal Corporate Complaint is suited, in part, to providing the Council with a defence thereto.

You will recall, Mr Mayor, that I facilitated publication, to a wide readership, of your opening statement when you took office.

You will recall that I offered to you and your Council the custody on behalf of the people of Whitby, in perpetuity and without charge, an Anthem for Whitby - a piece of orchestral music composed, arranged, conducted, recorded and produced by me, at my own considerable expense. You failed to accord to me the courtesy of a response.

You will recall that I have invited you, on several occasions, to join me to discuss some of the Council's many 'weaknesses'. You have always declined.

The correspondence record demonstrates that I have, on a number of occasions, offered my services to the Council, free of charge, to assist in rectifying the innumerable 'weaknesses' in the Council's internal control, only to be informed by the Clerk/RFO that the Council's Policies and Procedures are not a matter for debate.

I, shot, I have repeatedly attempted, in vain, to be a friend to the Council.

In short, all of my efforts to engage pro-actively with the Council have been rebuffed. I am entitled to draw my conclusions, including the suspicion that the Council sees reason to hide some of its activities.

Please be aware that I reserve the right to publish my opinions on the Council's actions and omissions into the public domain, at my own prerogative.

Be in no doubt; I am entitled to hold an opinion of the Council, its members and its staff, and I am entitled to express it. If the Council, as a body corporate, seriously believes that it holds the authority to disregard its Duty of Care, censor my Freedom of Expression through the intimidatory effect of threatening to bring a legal action against a 76-year-old man, in poor and declining health and with failing eyesight, without savings, who survives on pension credit - then I invite the Council to do its worst.

I await your prompt and detailed response.

Yours, etc,

Nigel WARD

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