

Councillor Sandra TURNER - Streonshalh Ward - Scarborough Borough Council
Councillor Rob BARNETT - Streonshalh Ward - Scarborough Borough Council

IN THE PUBLIC INTEREST

Sandra/Rob,

I write to you in your respective capacities as my own democratically elected Ward Councillors and as respected members of each of the two principle political Groups at Scarborough Borough Council (and, in your case, Sandra, as Portfolio Holder for Communities).

I am acutely aware that the matter to which I draw your attention has aroused the interest and concern of many people. Despite attempting, on more than one occasion, to raise these concerns with SBC's Director of Legal & Governance Services and Monitoring Officer, Mrs Lisa DIXON (see below), I have been unable to elicit a response or acknowledgement of any kind - a fact in itself deeply disturbing. The subject matter of these communications transcends any false and trivial assertion that I am "*vexatious*" - or an "*unreasonably persistent complainant*". In any democratic society, few matters inhere greater importance than the sovereignty of the electoral process.

The matter to which I refer is the Chief Executive and Head of Paid Service's apparently *ultra virus* action in prohibiting a democratically elected and fully mandated member - Councillor Michelle DONOHUE-MONCRIEFF - from attending Council and Committee meetings; from entering the Town Hall or other Council premises; and from communicating with members of Paid Service. Such prohibition is solely in the hands of the Hertford electorate, at the next local elections.

It would appear to me, and others, that it is fundamentally unacceptable for any Officer in the employ of the democratically elected members (the body electorate) to deny Councillor Michelle DONOHUE-MONCRIEFF her right and duty to represent her electorate in the Hertford Ward, one member of which has shared with me his unsuccessful attempts to sustain a Formal Complaint.

In failing to address this issue, Mrs DIXON is herself acting outside of the terms of the Council's Constitution.

For a comprehensive explanation, please review the following published documents, as well as those attached in PDF format:

[NOCK and DILLON: Formal Complaints](#)

[DILLON: "I Am God" \(Part One\)](#)

[DILLON: "I Am God" \(Part Two\)](#)

[Formal Complaints? Or Misconduct Grievances?](#)

The four URL-links (immediately above) are my own published works. Together, they form an attempt to demonstrate that, at the very least, there are compelling grounds to support the allegation that a raft of actions against Councillor DONOHUE-MONCRIEFF are unsupported either in law or under the terms of the Council's Constitution, the relevant articles of which are cited within the above published articles. It is possible that you may find some of my remarks caustic; that is because I despise the abuse of (perceived) 'power'. As you will be aware, my right to express my views is enshrined in Article 10 of the ECHR and the HRA 1978.

Also of significant interest is a series of Freedom of Information requests, the responses to which are internally inconsistent and, in fact, contain significant falsehoods (in particular, Article 5.2 of the Constitution confers no powers to prohibit members' attendance, etc):

https://www.whatdotheyknow.com/request/powers_to_exclude_or_limit_the_f#outgoing-776423
https://www.whatdotheyknow.com/request/chief_executive_answering_a_memb#outgoing-775414
https://www.whatdotheyknow.com/request/irregularity_response_plan_chief#outgoing-775412
https://www.whatdotheyknow.com/request/reporting_and_investigation_of_c#incoming-1166340

Granted that the possibility exists that my lay interpretation may be flawed, nevertheless, two of the attached PDF documents (referring to recent Case Law - April 2018) leave little doubt that there are, at the very least, compelling grounds for an independent investigation into the actions of the CEO, the Monitoring Officer, the Portfolio Holder for Legal & Governance, the Portfolio Holder for Legal & Governance Councillor John NOCK, and the former Mayor, Councillor Martin SMITH.

I can confirm that a senior official of the Local Government Association has expressed, *in correspondence*, the view that Officers of Scarborough Borough Council have acted outside of the law.

I can readily appreciate that reviewing the documentation which I have provided may be a burdensome and, indeed, irksome duty. Believe me, setting it forth for publication was also an onerous and unwelcome task.

But if we are unwilling to grasp the nettle when the very sovereignty of our electoral democracy is over-ridden by mere employees, we fail in our duty (as set forth in Article 7 of Lord NOLAN's Seven Principles of Public Life, which states:

"Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs".

If exceeding one's authority (acting *ultra vires*) does not qualify as "*poor behaviour*", I would welcome your views as to what conceivably could.

Now in my tenth year of exercising my right to scrutinise the actions of Scarborough Borough Councillors and Officers of Paid Service, I am satisfied that certain individuals either fail to comprehend the requirements of statute or are willing to circumvent and disregard the law. In either case, I find this beyond unacceptable; I find it outrageous. I am far from alone in this view.

Of course, it is possible that my reasoning - that of a mere layman - is faulty. Nevertheless, the mere *possibility* that my reasoning is correct, coupled with my democratic rights as a British Citizen, surely demands more from Mrs DIXON than her total failure to address these very serious issues - especially as she may have been denied any choice in the matter.

I look forward to your respective responses. I have no doubt that Mr Tim THORNE, owner/editor/webmaster of the *North Yorks Enquirer*, will support the publication of any remarks you may wish to set forth in the spirit of openness and transparency. I hope and expect you to rise to the occasion.

In the event that I receive neither acknowledgement nor response from you, I shall be forced to conclude that this email has been illegally intercepted. I will then re-send, *via* your respective private email addresses and in the public domain, forwarded to the Local Government Association, the Local Government Ombudsman and a selection of national media outlets, including my contacts at BBC *Inside Out* and *Private Eye* magazine.

Yours, with very kind regards,

Nigel

Attachments

<http://nyenquirer.uk/wp-content/uploads/2018/07/A-Letter-to-Mrs-Lisa-DIXON.pdf>

<http://nyenquirer.uk/wp-content/uploads/2018/07/judge-hears-case-over-councillor-behaviour-employee-grievances-and-codes-of-conduct.pdf>

<http://nyenquirer.uk/wp-content/uploads/2018/07/Harvey-Ledbury-final-TC-21052018.pdf>

[continued overleaf]

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

Subject:Fwd: Attached document

Date: Sat, 21 Jul 2018 11:08:37 +0100

From: Nigel Ward

To: Lisa.Dixon@scarborough.gov.uk

Mrs Lisa DIXON - Director of Legal & Democratic Services and Monitoring Officer - Scarborough Borough Council

Lisa,

Please acknowledge and record this my second Formal Corporate Complaint against the Chief Executive, Mr James McGarvie DILLON, in respect of his proven departure from the requirements of his terms of appointment, the Chief Officers' Protocol and the Council's Constitution. Thank you.

Please acknowledge and record my Formal Complaint of today's date against former Mayor Councillor Martin SMITH [*Con.*] in respect of his proven departure from the requirements of the Council's Constitution. Thank you.

For both matters, you will find a detailed and evidenced statement of case here:
<https://bit.ly/2zYJtHV>

I note that you have neither acknowledged nor responded to my earlier Formal Complaints of 1st June 2018. I note, too, that your failure sets you at odds with your duty under the terms of the Council's Constitution. For convenience of reference, I refer you to the attached PDF document. Please apply yourself to your duty.

Kind regards,

Nigel

[continued overleaf]

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

Subject:Attached document

Date: Fri, 1 Jun 2018 15:50:39 +0100

From: Nigel

To: Lisa.Dixon@scarborough.gov.uk

Mrs Lisa DIXON - Director of Legal & Democratic Services and Monitoring Officer - Scarborough Borough Council

Lisa,

May I refer you to the attached PDF document? Thank you.

I would appreciate your acknowledgements.

Yours, with kind regards,

Nigel
