

WITNESS STATEMENT of NIGEL WARD

in the matter of a

Code of Conduct Complaint

lodged by (Complainant)

Whitby Town Clerk/RFO Michael KING

against (Defendant)

Whitby Town Councillor Mrs Hero SUMNER

I, Nigel WARD, of [REDACTED], make this statement, which is true to the best of my first-hand knowledge and belief. I do so voluntarily and of my own free will.

1. I am a citizen journalist of 14 years standing with a lifelong revulsion to abuse of position.
2. Having been made aware, on Friday 1st September 2023, that I may be a named party in the above-mentioned Code of Conduct Complaint, I feel duty-bound promptly to set forth certain facts known to me.
3. I attended the Annual Meeting of Whitby Town Council on Tuesday 2nd May 2023.
4. At the Annual Meeting, I witnessed an apparent departure from statutory requirements in the matter of the election of a new Chair/Mayor of the Town Council for the 2023/24 year.
5. At that meeting, Whitby Town Councillor Chris RIDDOLLS challenged a ruling of the outgoing Chair/Mayor (Councillor Linda WILD) prohibiting the acceptance of nominations of Councillors (for the role of 2023/34 Chair/Mayor) who were not physically present at the meeting.
6. The outgoing Chair/Mayor deferred to the Clerk/RFO, Mr Michael KING (the Complainant), who invoked **Article 26d** of the Whitby Town Council Standing Orders ratified on 17th May 2022:

26. Standing Orders Generally

- a All or part of a standing order, except one that incorporates mandatory, statutory or legal requirements, may be suspended by resolution in relation to the consideration of an item on the agenda for a meeting.
- b A motion to add to or vary or revoke one or more of the council's standing orders, except one that incorporates mandatory statutory requirements, shall be proposed by a special motion, the written notice by at least five councillors to be given to the Proper Officer in accordance with standing order 9 above.
- c The Proper Officer shall provide a copy of the council's standing orders to a councillor as soon as possible after they have delivered an acceptance of office form or upon the adoption of new or revised standing orders.
- d The decision of the chair of a meeting as to the application of standing orders at the meeting shall be final.

7. As can be seen, **SO 26d** is applicable to any contention arising "*as to the application of Standing Orders at the meeting*" and has no bearing on the validity of nominations of absent Councillors for the position of Chair/Mayor, for which, under the LGA 1972, no prohibition exists. Further, the WTC Standing Orders are mute on the topic of absentee nominations.

8. By way of background: having given formal notice to the Clerk/RFO (by email on 1st May 2023) of my intention to address the Council during the Public Participation section of the 2nd May 2023 Annual Meeting, I rose to congratulate the incoming Chair/Mayor, Councillor Bob DALRYMPLE, and to invite him to submit an *Open Letter* to the *North Yorks Enquirer*, encouraging members of the Whitby public to exercise their right to attend meetings and directly engage with the Council.

9. I left the meeting before its conclusion. However, it was reported to me later that evening, by telephone, that the Standing Orders relating to the appointment of Committees had been disregarded and, in fact, the process was abbreviated contrary to Standing Orders, due to a shortage of available time remaining before the meeting must close (under the 3 hour rule).

10. The next day (Wednesday 3rd May 2023), I received an email from the new Chair/Mayor, in the following amicable terms:



11. On Tuesday 9th May 2023 at 09:52am, I received the following amicable email from the Clerk/RFO, attaching (in PDF format) the Chair/Mayor's *Open Letter*:



12. Fully aware of Councillors' intention to challenge the Clerk/RFO on the procedural irregularities that same morning (see *para.15*, below), I submitted the Chair/Mayor's *Open Letter* to the *Enquirer* almost immediately, along with a 'Stop Press' bulletin, all but the first paragraph of which I had prepared the previous day:

Since receiving Whitby Town Clerk Mr Michael KING's email of 09:52am on Tuesday 9th May 2023, bearing the above PDF of the newly-elected Mayor's *Open Letter* to the people of Whitby, and following its submission to the Editor, the *Enquirer* has now learned of a potential challenge to the legitimacy of Councillor Bob DALRYMPLE's election to the position of Mayor/Chair of the Town Council.

Apparently, the suggestion is that the outgoing Mayor, Councillor Linda WILD, may have inadvertently deviated from the proper procedure in regard to the validity of the nomination of potential candidates for the Mayoralty; in particular, her monocratic disqualification of the nomination of Councillors unable to be physically present at the Annual Meeting of the Town Council on Tuesday 2nd May 2023 when the vote took place.

It is also understood that the Town Clerk has apparently conceded that there may have been further departures from the regulatory requirements in the way that Councillors were elected to positions on various Committees of the Council – a procedure that was arguably carried out too hastily as the 3 hour limit to the duration of the meeting was approached.

The *Enquirer* will be conducting its own investigation into the sequence of events and publishing a detailed report in due course.

Hopefully, these technicalities will not impair the Council's performance going forward – though it does seem possible that the election of the Chair/Mayor and certain Committee members may have to be revisited, with uncertain outcome.

13. As the following extract from the *Enquirer* Publication Log clearly demonstrates, both items were published, on the same web-page, at 12:06:15 on 9th May 2023, under the following URL:

- nyenquirer.uk/open-letter-from-whitby-mayor/



14. The 'detailed report' referenced in the 'Stop Press' bulletin (cited above) was duly published in the *Enquirer* on May 13th 2023, under the following URL:

- <http://nyenquirer.uk/wtc-mayoral-mix-up/>

15. During the week following the 2nd May 2023 Annual Meeting, my advice had been sought (see *para.12*) regarding a proposed informal agenda for a forthcoming 'clarification' meeting with the Clerk/RFO, in his office, between the Clerk/RFO and several Councillors (in the event, Councillors Mrs Hero SUMNER, Chris RIDDOLLS and Alf ABBOTT) which, insofar as its content was shared with me, comprised:

- i. A potential procedural impropriety relating to process for the election of the new Chair/Mayor;
- ii. A potential procedural impropriety relating to the process for the appointment of Committee members;
- iii. A further matter, the nature of which was not disclosed to me and which I understood to be strictly confidential, since it related to another member.

16. I can unequivocally confirm that I received no communication (either by email, telephone, SMS or in whatsoever other format) at any time during the course of Tuesday 9th May 2023 from either Councillor Mrs SUMNER (the Defendant), Councillor RIDDOLLS or Councillor ABBOTT.

17. However, on Wednesday 10th May 2023 at 13:22, I received the following email from Councillor RIDDOLLS, cancelling our previously arranged *rendezvous* for 2:00pm that day:



18. Fearful of further repercussions, Councillor RIDDOLLS subsequently declined to share with me this somewhat intimidatory email that he had received from the Clerk/RFO.

19. The Clerk/RFO subsequently refused to provide me with a copy of his email to Councillor RIDDOLLS under the terms of the Freedom of Information Act 2000 (via WhatDoTheyKnow.com). However, I did eventually (on 19th June 2023) obtain this email, in redacted form, under Subject Access Request. Dated/timed at 09:58am on Wednesday 10th May 2023, the Clerk/RFO's email reads as follows:

From: [REDACTED]
Sent: Wednesday, May 10, 2023 9:58 AM
To: [REDACTED]
Subject: Meeting on Tuesday 10 May

Dear Councillors,

I would be grateful for confirmation of who spoke to Nigel Ward following our meeting, yesterday - for which you all sought confirmation of its confidentiality.

Regards

[REDACTED]
t: 01947 820227

20. The answer to this question - and had the Clerk/RFO evinced the courtesy and transparency to ask me directly, he would have known - is this: none of the three Councillors who attended the 9th May 2023 meeting spoke to me on that or the following day. Though I was privy to the concerns regarding the legitimacy of the election of the new Chair/Mayor, and of the process for the appointment of Committee members, I knew nothing (and wished to know nothing) of the third matter, which I understood to be strictly confidential. Incidentally, it has subsequently been confirmed to me that it was only Councillor RIDDOLLS who sought confidentiality on this latter point during the 9th May 2023 meeting - not all three, as the Clerk/RFO has apparently falsely asserted.

21. On Friday 12th May 2023, three days after his meeting with the three Councillors, I emailed the Clerk/RFO (who, it had been reported to me, had taken exception to the 'Stop Press' report cited above), offering him 'Right of Reply', in the following terms:

"If you would be so good as to inform me which elements of the five paragraphs of this report you feel to be inaccurate, I will do my best to arrange for your comments to appear in the Enquirer, under a 'Right of Reply' heading, as soon as possible."

22. The Clerk/RFO responded promptly, citing no objections, as follows:

Subject: RE: Right of Reply
Date: Fri, 12 May 2023 08:07:22 +0000
From: Michael King <town.clerk@whitbytowncouncil.gov.uk>
To: Nigel Ward

Nigel,

Good morning to you. Thank you for the offer. I don't think there's anything written there that I need to add to at this stage.

Regards

23. The Investigating Officer and the Independent Person(s) may take such inference as they see fit from the words "*at this stage*". My inference was, and is, that the Clerk/RFO was reserving his position for retaliatory action at a later date; subsequent events have perhaps reinforced that view.

24. In consideration of the foregoing, it is my contention and firm belief that the Code of Conduct Complaint against Councillor Mrs Hero SUMNER (the Defendant) is frivolous and entirely without merit; no evidence can be adduced to substantiate it for the simple reason that none exists.

25. Further, the Complaint may be viewed as a misogynistic form of bullying, in that it has been lodged against a *female* Councillor and not against the two *male* Councillors who were also present at the 9th May 2023 meeting and are equally innocent of any breach of confidentiality. The Complaint has every appearance of being motivated by personal animus, malice and resentment against myself and all three of the Councillors who evinced the temerity to attend the meeting of 9th May 2023 in order to challenge the professional competence of the Clerk/RFO's advice at the Annual Meeting of 2nd May 2023. Thus, if the Clerk/RFO asserts that his impartiality has been compromised, it is entirely of his own doing. Hence, I regard the Complaint, and indeed the Clerk/RFO's position, as being utterly untenable.

26. As a citizen journalist, I reserve the right to publish this Witness Statement into the public domain, at my own prerogative and in the public interest.

STATEMENT OF TRUTH

To the best of my knowledge, belief and recollection, the content of this Witness Statement is true.

[SIGNATURE REDACTED]
