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Chief Constable
Mr.S.Finnegan CBE;QPM;MA(Cantab);BA(Hons).
Lancashire Constabulary Headquarters,
Saunders Lane,
Hutton nr Preston,
PR4 5SB.

My Ref: PB00116

Tuesday 9th February, 2016.

**Complaint by
Mr Mark Nolan
Clerk to the Lancashire Combined Fire Authority
To
Lancashire Chief Constable**

Dear Chief Constable,
For the purposes of the readability of this narrative and its general circulation I shall use the third person.

Published Articles - 'The Morning Bugler'.

1. In November 2015 'The Morning Bugler' (TMB) website published a series of articles regarding the recent appointment in October of Mr.M.R.Nolan, as Clerk to the Lancashire Combined Fire Authority, a Public service appointment.
2. TMB published 2 biographies and sought answers to 10 questions, all arising from his Public appointment, Public interest questions which continue to remain unanswered.

3. All published material was, and is, in the public domain as this correspondence will ultimately be.
4. All Editorial comment complied with the 'Derbyshire Principle'(Law Lords-1993). No libel was committed. No complaint has been received from the general public, including Mr.Nolan, on this or any other published article. Reportage was limited to published fact.
5. Since inception TMB has never received a single complaint though its readership is >100,000, nor has the website found it necessary to publish either a correction, retraction, or apology. Where possible its articles are always evidentially supported.
6. In absence of information to the contrary, I assume that the Chief Constable including uniformed personnel under his command, knew Mr. Nolan, a Public service appointee, to be a solicitor, and that his complaint(if justified) was a civil matter, not a Police matter, which the Chief Constable clearly determined at an early point because he informed his subordinates so.
7. The remedy for which(if such a civil issue existed and was justified) was civil, not criminal.
8. It follows from the Chief Constable's determination that a publication which has not broken the civil or criminal law was not a matter for which the issue of a PIN(Police Information Notice) would have been appropriate; indeed it would be an abuse.
9. Such use would be a clear abuse of a Police process which, for example, is intended to avoid stalkers harassing young women, rather than for the misuse of an accountable local public servant who clearly had the intent to misuse the Lancashire Constabulary as his personal 'heavies' to muzzle the legitimate publication of Questions of Public interest appertaining to Mr.Nolan's appointment.
10. In fact, Mr.Nolan and his principals at the LFRS cynical and sinister intent was to ultimately maliciously generate a series of false PINs using the Lancashire Constabulary to lead to a false prosecution and thus a false criminal record for myself, in effect a complicit smearing operation which was intended to distract my attention and the Public interest from publishing the criminality which is rampant within the LFRS.
11. I assume Mr. Nolan made his complaint in writing to the Chief Constable, but if he did not one wonders why, which raises the even more serious question of how this Police abuse was achieved without a paper trail?
12. I attach as Appendix 'A' my witness statement of two visits made by Lancashire Constabulary Constables to my private address and of telephone conversations emanating therefrom.
All of which were either handled in my absence and/or witnessed by my female guest- Mrs.Kathryn A.Bamber- at my home on the date in question.

Natural Justice.

13. It is a tenet of natural justice, enshrined in the European Human Rights Convention, that the 'accused' should know what they are accused of and at the earliest opportunity be presented with the alleged facts and then consequently given the right of explanation or redress.
14. At no point was it ever made clear to me, either by personal complaint or letter from Mr. Nolan, or indeed a copy of his complaint(if justified) to the Chief Constable being sent or passed to me, or the detail of his complaint, or indeed in what capacity he was acting in preferring his complaint.
15. Whether he was acting as a private individual, or officially as Clerk to the Combined Fire Authority?
16. Furthermore, whether his complaint was against 'The Morning Bugler', part of a commercial group; the Editor of the Morning Bugler; or me as an individual?

Information.

17. Before I consider further action I would be grateful if you would supply me with the following information:-
 - a) I wish to know *precisely* what information/data the Chief Constable holds on file in my name and for it to be reviewed?
 - b) I would like a copy of the complaint received by the Chief Constable from Mr. Nolan, or failing that, how he contacted the Constabulary to initiate this complaint; and how and who received, dealt with, and ordered the deployment of Constabulary resources;
 - c) I would like copies of all internal memoranda; who received the complaint; which named officers in the Chief Constable's chain of command dealt with it to the lowest level; who made the determination that it could only be dealt with as a criminal matter even though during the last visit of the two visits the lead Constable assured me several times that this complaint "was a purely civil matter";
 - d) Who locally ordered the deployment of these resources to visit my home; and any other record, logs, or tape recordings generated by and from this complaint and these visits to my home?
 - e) I would like the Minutes of any, and all meetings, which in any way touched on the Police action caused by this complaint;
 - f) For clarity I would like *full disclosure* of any communication written, digital, minuted, or vox between any police officers(this should be interpreted in its broadest sense) , Mr. Nolan and myself;

- g) I would like to know on what legal authority the Chief Constable relied when deciding that my home should be visited and which officer determined the hour at which that was to occur ?
- h) I would like to be informed precisely why Lancashire Constabulary visited me and my home not once, but twice, and on both occasions very late at unsocial hours with the clear intent to cause the maximum anxiety and disturbance of my quiet enjoyment of life and amenity and that of my guests?
- i) I would like to be given *any legal justification* that may be pleaded for the repeated invasions of my privacy by not one but a total of four Lancashire Constables;
- j) I require the Police employment and duty logs, by rank and hourly rate, for all those officers involved, employed, and deployed during the handling of this complaint both during and after normal office hours; in particular during the times of the late night visits and the subsequent recording of their of visits and conclusions on official files and the *total cost of these 'operations'* which impacted on the Public purse;
- k) Furthermore I would like a copy of the log record(CC-20151230-1354) of my 'incident' and the Lea Police Station public calls log(redacted if necessary). This should include an apportionment of the complaint handling duty Inspector and Sergeant man-hours for the whole of the period that the 4 Constables were detached to the duty of visiting me and my home;
- l) You will note that this document is copied to the Lancashire Police and Crime Commissioner(PCC) whose views, aside from operational deployment which are the Chief Constable's responsibility, he may care to give me on these arbitrary and oppressive abuses of power and abuse of due process, matters which in addition to being the Chief Constable's responsibility, are also his.
- m) For the purposes of the supply of all these official records you should regard my requests as formal requests Under the Freedom of Information Act 2000(20 working days) and as a subject data request under the Data Protection Act 1998-with 40 working days(or less as the Information Commissioner recommends) to respond.

My Conclusions and Intent.

18. Mr. Nolan was unwisely 'encouraged' by his 'principals' at the CFA/LFRS to engage in a course of misconduct to lodge a maliciously false complaint with the Chief Constable, which he knew from the outset, as a certified and practising solicitor, was a civil matter, yet he was encouraged to take a particular criminal route by either the Chief Constable or his delegated officers.

19. Mr. Nolan also knew whilst engaging in this professional misconduct in support of

his ill-advised action that he was deliberately engaging a public Police authority at a time of public austerity for his own personal spite, the objective of which he knew, or ought to have known, was to harass me and other disabled FSV's, their Widows, and Beneficiaries whom I represent.

20. Mr. Nolan knew that in so doing he was blatantly wasting Police Authority's employees man-hours, simply to demonstrate to me and these others that he, the CFA, and the Lancashire Constabulary could harass and threaten me and other disabled FSV's, their Widows, and Beneficiaries an action which has been a regular feature of their defence to the Morning Bugler reporting of LFRS criminality in the past 8 years; actions which have been regularly reported to the Chief Constable without operational response, ***but which once more I remind him of the Criminal Information I have previously laid before him.***
21. Mr. Nolan's misconduct was unethical, unprofessional, and unlawful and I intend to make a formal complaint to the Solicitors Regulation Authority with a view to having his certificate to practice revoked and removed from the Solicitors Rolls.
22. Mr. Nolan, by his calculated action, as a member of the legal profession, which he brings into disrepute, and as Clerk to the CFA made a personal attack on myself and those I represent by deliberately and knowingly stalking myself and those in my home at anti-social hours in a knowingly malicious abuse of due process and the capricious misuse of a complicit public Police Authority in the person of the Chief Constable and/or his Constables.
23. Mr. Nolan knowingly caused human alarm, anxiety, and distress for me and my visitors and with my concerned immediate neighbours viewing these nocturnal visitations by the Police.
24. When the Chief Constable received Mr.Nolan's complaint and reached the correct early point conclusion and decision which was that this was clearly a civil matter(if it was justified) he ought to have informed Mr. Nolan of his decision and closed the complaint file.
25. Perversely and unjustifiably the Chief Constable nevertheless, in a complete volte face, reversed himself and through the chain of command ordered four Constables to visit my home even though they also knew, and had been briefed so, that this was a civil matter and repeatedly stated so during their concluding visit.
26. Not only did the Chief Constable perversely ignore his own decision but in addition he deliberately ordered that I should be visited at my home without prior appointment, or during normal office hours, but rather, late at night twice during disruptive unsocial hours for purposes which he failed to declare at any point, other than he was going to offer me 'advice', on a civil matter which the Chief Constable already knew and had informed his subordinates was a 'civil matter' and which was, and is, clearly beyond his remit of matters criminal.

27. There can have only been one express purpose for the Chief Constable's misguided actions in complicity with Mr. Nolan which was, whilst acting for him *in loco iustitia* and *in ultra vires* to deliberately intimidate and harass me with a heavy hand, a lawful Citizen, who was simply exercising his right of free speech within all the applicable laws both UK and European.
28. Equally Mr. Nolan, in complicity with the Chief Constable, engaged in a course of misconduct which was to attempt to 'persuade' me, under direct threatening and physically harassing duress, not to exercise my civil rights of free and published speech, which I am entitled to exercise within the law.
29. Mr. Nolan and his associates at the CFA/LFRS intended in the future by threat of further such false harassment claims to lead to a maliciously false conviction to make me desist (when I am under no such obligation to do so) in publishing further factual and evidentially supported exposés in relation to the activities of the CFA/LFRS and the LCC YPS organisations in whom I, and many others including Police pensioners, have direct personal involvement and interest as the managers of their and my Firefighters Pension Scheme.
30. Mr. Nolan's action in complicity with the Chief Constable raises four questions of criminal law which affect both named individuals and about which ***I now lodge formal criminal complaints*** in that they jointly did:
- Cause a wasteful use of Police time under Section 5 Criminal Law Act 1967 by giving and receiving a *false report* of a criminal offence whilst jointly knowing it to be false and then deciding it to be a civil law issue (if it was justified);
 - Further did cause the wasteful use of Police time by the Chief Constable who *initiated police deployment* action whilst knowing and confirming that Mr. Nolan's complaint was a *civil law* issue and which had already been dealt with by him in that manner;
 - The sending by Mr. Nolan of a *false message* using public (Police) electronic communications network in order to cause annoyance, inconvenience, or needless anxiety (Section 127(2)(a) and (3) Communications Act 2003);
 - The *retransmitting by the Chief Constable of Mr. Nolan's false message* whilst knowing it to be false and directly contrary to his decision whilst using public (Police) electronic communications network to order his Constables to cause annoyance, inconvenience, and/or needless distress and anxiety. (Section 127(2)(a) and (3) Communications Act 2003).
31. Under current criminal law the above four offences can be dealt with the issuance, by a Constable, having established sufficient evidence, of a Fixed Penalty Notice.

32. Mr Nolan's malicious actions in complicit agreement with the Chief Constable was to engage in an arbitrary and oppressive abuse of the powers vested in them both, powers which are provided for the express purposes of their publicly appointed functions, not for their personal misuse.
33. The Chief Constable, according to these visiting Constables, had already investigated this complaint and concluded that this was a civil matter(if it existed).
34. That being so it follows that any records, including the retention of record of any unsigned/ unauthorised PIN, which was never actually issued to me, is unlawful. As is the recording of the issue of a PIN which I was never asked to sign receipt of, acceptance of, or refusal of, because it was never physically proffered to me, and as a consequence, any records must immediately be removed and destroyed under 'Exceptional Case Procedure.' from any Police data base within which this information is currently held.
35. Myself and my guest Mrs.Bamber were deliberately caused acute distress and anxiety by the authors of these action which was their ill-disguised intention, over a matter, which if it had the slightest justification of using Constabulary time, could simply have been dealt with by either an e-mail, phone call, or by appointment of a home visit during normal working hours.
36. No one can possibly contemplate that was being attempted was other than ill-disguised intimidation and harassment, or as it is described colloquially, to 'put the fear of God' into me so that I would never again write matters of Public interest about Mr. Nolan or the CFA/LFRS.
37. A clearer case of an *arbitrary and oppressive abuse of power* for which awards of exemplary damages were designed would be hard to find.
38. I require all the above mentioned information and a written apology both to my guest and me making it clear that there is a complete and sympathetic understanding by the Chief Constable just how traumatic such visits are, and on this occasion how malicious it was intended to be, offering a sum by way of genuine reparation and damages.
39. I shall also require an apology from Mr. Nolan.
40. In the absence of a full and final settlement within 14 days the matter will be referred to:
- the IPCC;
 - the Lancashire Crime and Police Commissioner(PCC) because this is not an operational matter but an arbitrary and oppressive abuse of power for which he is ultimately accountable;
 - the Civil Service Ombudsman;
 - the Elected Members of the Lancashire CFA in the case of Mr. Nolan;
 - and in the case of both the Chief Constable and Mr. Nolan the Home Office;

whose joint responsibilities are to ensure that all local authority organisations', (both Police and/or Fire) conduct and employment accords with the required standards of all laws both civil and criminal.

41. I shall also issue instructions to issue proceedings against Mr. M. Nolan for a malfeasance, or misconduct in public office, and defamation, and also against the Chief Constable and those officers, as a consequence of my receipt of official records and logs, identified by him who were wastefully engaged in this disgraceful and shameful abuse of a Chief Constable's and Clerk to the Combined Fire Authority's powers.
42. I was a Firefighter for 35 years and Divisional Fire Officer for many years. I recollect nothing as more mean spirited and demeaning with negatives overtones for all employees of these Services involved which will tend to cause these authorities involved to be held by the Public they serve in complete scorn and contempt.
43. Finally, the MB will publish this letter in transparency because it believes that these abuses are further matters of Public interest and in an envisaged Editorial report whether or not such a person as Mr.Nolan is fit, or not, for the purpose of high Public Office, if this misconduct is a measure of how he has conducted and misapplied his authority, and how he envisages he will conduct his duties in the future.
44. I bear Mr. Nolan no personal animus, still less either for the Chief Constable or those Constables who were simply ordered to carry out a demeaning duty, but a mark of fitness for purpose is always how people conduct themselves when they have distinctly got the matter wrong- as here - and what they propose to do about setting matters right?

Yours Sincerely,



Paul P. Burns. GIFireE
Divisional Fire Officer (Rtd)

Appendix 'A'

The First Visitation.

1. I am a DWP recognised disabled Fire Service Veteran and suffer from substantial hearing loss in both ears(I wear two hearing aids) the consequences of an in-service operational injury which caused my compulsory discharge from the Service.
2. On Wednesday evening 30th December 2015 Kathryn(Mrs K.A Bamber was my guest over the Xmas period) returned from her work and after a small collation she departed to bed with a severe migraine (which apparently she suffers from time to time) at approximately 18:30hrs.
3. At approximately 20:00hrs I took an early night myself for a book at bedtime and a short time later I must have fallen asleep remaining so until I was awakened by Kathryn at about 21:55hrs.
4. At about 21:15hrs Kathryn was soundly asleep, when she was startled awake by a hammering on the front door. Apparently neither of the two door bells were used.
5. Kathryn answered the front door because she assumed that I was downstairs watching TV and could not hear the summons from the front door.
6. She found two uniformed Police Constables on the doorstep from a marked Police vehicle, PC1834 Stables, and PCSO7380 Higgins.
7. Kathryn asked what the matter was and PC PC1834 Stables was at pains to reassure her that she had 'nothing to worry about' but insisted on seeing me without revealing, when pressed, why they wanted to see me.
8. Kathryn informed them both of my severe hearing loss and that it was unlikely that I would know they were at the door, including a remark that they were hardly here to wish either of us a 'Happy Xmas', and then left to find me, encouraged by one of the Constables observations, that 'my car was in the drive and that I must not be very far away'.
9. Kathryn then searched the ground floor and finally my bedroom where she found me asleep. She informed the Constables that that was the position and encouraged them to come back at a more civil hour the following day at approximately 18:00hrs when she would be available to help me 'hear' what the nature of their business was.
10. Kathryn stated to them that she was sure there was no point in asking their business again because of Data Protection and having provided her with a slip of paper with their contact points they left. Kathryn locked up and returned to bed.
11. At approximately 21:55hrs Kathryn heard some movement in my bedroom then awoke me and informed me that two uniformed Police Constables had visited my home just after 21:15hrs and had asked to speak to me without divulging the nature of their visit and that

they would return the following day at '6 ish'.

12. Naturally I was immediately concerned because of this late night visitation and what this might portend.
13. Kathryn was deeply upset by the uncertainty of the situation in which both of us had been left by these two Constables because a short time before her eldest grown son had been sexually attacked in Preston and her immediate thought was the possibility of a repetition of that event in which I had also been involved in her support.
14. For my own part my daughter who has my 3 grandchildren living with her has repeatedly been the victim of repeated domestic violence by her husband and my thought was that this was a further repetition of these events in which the Police had been involved in the arrest of my son-in-law on these previous occasions.
15. I could not therefore accept the state of anxiety in which both of us had been left by the departure of these two Constables and thus using their card we immediately attempted to make contact with them at Lea Police Station to avoid raising the alarm in our respective families.
16. Kathryn initially contacted Lea Police Station and the call was disconnected after speaking to a female operator. I called next and, I assume, spoke to the same lady who then repeatedly attempted to contact PC Stables but who, in the event she stated, it being shortly after the shift change at 22:00hrs, had gone off duty.
17. This operator attempted to dissuade me from proceeding with my enquiry and at my insistent (no doubt on tape) she stated, and I confirmed, that she needed to start a log on these proceeding which she did @ 22:13hrs by Log CC-20151230-1354 simply because I refused to accept that these deeply anxious circumstances, whatever they were, could not be allowed to remain in limbo and unaddressed by the Police until the following day.
18. Subsequently I requested that she log three questions which I posed to her and she confirmed that she would do so. Did the nature of the Police visit involve one or either of the families involved? Did the nature of the Police visit involve an urgent community matter? Did the nature of the Police visit involve me personally?
19. Furthermore I asked, and she confirmed, that as a matter of some urgency I required either, a duty Sergeant, or Inspector, to ring me back by return to provide immediate clarity on all these anxious circumstances but in the event I never received such a call back and in the meantime Kathryn went back to bed because she still had a severe migraine.

The Second Visitation.

20. By this time I was alert but uneasy whilst I awaited this return call and at 23:00hrs I went to the kitchen to make a cup of tea and at 23:05 Kathryn came into the kitchen to say she had answered the front door once more and once more two different Constables were at my door. PC 5833 Curnow and SC 9700 Atkinson again from a marked Police car.
21. I invited them in and directed them to my lounge saying I would need to put in my

hearing aids and in the meantime change from night attire into day clothes and asked Kathryn to remain present.

22. In my lounge I asked PC 5833 Curnow -who was seated-the nature of his business. He replied by asking 'did I own a website called TMB?' which I confirmed and did I 'know' a Mark Nolan. I stated I did not 'know' him but knew who he was and at this point I indicated to him that he should stop for a moment and listen to me before proceeding, which he was reluctant to do. Nevertheless I expressed the following request to him.
23. I requested that he immediately return to those who had sent him and request that he/she make me an appointment for me to meet the Chief Constable/Deputy/ or and an ACC with the appropriate reference at our mutual convenience to which meeting I would bring my barrister. PC 5833 stated that he did not think that that was possible.
24. I next reminded PC 5833 that I was as Editor of TMB exercising my rights of freedom of the democratic Press and as an individual exercising my rights under Article 8(Free Speech) of the European Convention of Human Rights as reflected in the UK Human Rights Act 1998 and that I hoped he was not about to infringe those rights, to which he did not reply.
25. Next I asked if he was carrying out a criminal investigation, to which he replied 'No'. Was I to be Cautioned, to which he replied 'No', that this was a "purely civil matter" but that he had been sent to give me "advice". I reminded him that because this was a civil matter I did not have to accept his 'advice' and thus I refused to do so.
26. At no time was the *detail* of Mr.Nolan's complaint ever made clear to me by the 4 Constables(2X2) who visited my home on two occasions on Wednesday 30th December 2015 other than on the second visit by PC 5833 Curnow who stated, reading verbatim from an obviously supplied and prepared script, that Mr.Nolan had suffered "distress". This was the single word which was used, no more or less than that.
27. He did not make it clear what this "distress" was or its context or indeed if it was me who it was alleged had caused this "distress"; nor whether Mr. Nolan was "distressed" by the content of the 'Bent' website to which he had factually made a contribution, or whether the publishing of these facts that he had made such a visit and written such a contribution which had caused him "distress".
28. PC 5833 Curnow did not seem to know either, confirming when asked, that he had never visited TMB himself nor seen or read the articles which have allegedly caused this "distress".
29. Nor was it made clear whether or not Mr. Nolan's complaint was against me personally, against me as the Editor, or as owner of TMB, and until I have a copy of his complaint to the Chief Constable to hand I cannot know because a copy of this complaint was never proffered to me.
30. PC 5833 after exercising I thought careful patience whilst indicating his notes stated words to the effect that he still had to 'get through this' and once more I indicated my refusal to accept any 'advice' and at that point the whole purpose of his visit seemed to

stall.

31. At no point during this very brief exchange did PC 5833 indicate to those present that the function of his visit was to issue me with a Police Information Notice; nor did he indicate that he had one with him; nor did he proffer one to me; nor did he invite me to sign or refuse such a Notice or document of any description.
32. Thus I was not in a position to either deny or rebut any allegation about any matter because I had not been informed in detail what any allegations about any subject might be and which in any event might be a complete fabrication.
33. In fact at that time I was unaware that such documents as PINs actually existed.
34. This PIN acts contrary to my rights under Articles 7 & 8 of the European Human Rights Convention/UK Human Rights Act 1998 which is effectively that there can be no punishment without the law or the unjustifiable retention of Police data.
Its use is rather an insidious Police practice which knowingly abuses civil liberties and which has been heavily criticised by the Home Affairs Select Committee in July 2015 which has led to a revision of Government policy.
35. I then proffered PC 5833 some 'advice' that from a career standpoint he was swimming in rather shark infested waters and that he would be wise to desisted in following his written 'prompt' sheet which he did.
36. Once more I suggested that he return and make an appointment for me with the Chief Constable or a nominated principal officer to which PC 5833 responded that that was "simply not going to happen".
37. At that point I asked for his and his colleagues shoulder numbers and the Log Reference which PC 5833 wrote down and supplied to me without demur. At this point Kathryn left the meeting and I escorted the Constables off my premises.

CC:

Mr. M. Nolan Clerk to the Lancashire Combined Fire Authority.
Lancashire Police and Crime Commissioner;
Solicitors Regulation Authority;
Elected Members Lancashire Combined Fire Authority;
Editorial Team 'The Morning Bugler' & Media.