



Lancashire County Council
PO Box 78
County Hall
Fishergate
Preston
Lancashire England
PR1 8XJ
Labour Leader-CC J. Mein;
Labour Deputy Leader CC D. Borrow;
Lib-Dem Leader- CC.B. Winlow.

Monday, 22nd August, 2016.

7, Kings Drive,
Preston. Lancashire.
England. PR2 3HN.
Tel: +44 (0) 1772 715963.
symbolseeker999@gmail.com

My Ref: PB01016 DeMolfettaEd02.

**Lancashire County Councillor Mr. F.De Molfetta(Labour)
Gross Misconduct in Public Office.**

Dear Council Leaders,

1.00. The Lancashire Political Process.

When George Bernard Shaw wrote 'Progress depends upon the unreasonable man.' He was pointing out that the conventional wisdom is always taken to be 'what is reasonable', regardless of how unreasonable it might seem.

But what cannot be reasonable is to sentence disabled Fire Service Veterans, their Widows and Beneficiaries to an oblivion of Injustice and Inhumanity on the LFRS 'Hardship Route' simply because Lancashire politicians of all Parties, and none, wish it so.

1.01. Yet that is what you have 'achieved' in the last 9 years, during which you have all held elected office in one form or another, during a Pension dispute better described as a Pension Management Debacle which has existed between these 'Hardship' driven 'unreasonable men' and their pension providers the Lancashire Fire and Rescue Service(LFRS) which is contracted out to you and your staff of the Lancashire County Council, 'Your Pension Service'.

- 1.02. You will recall, if you troubled to look, that over this period I have assiduously copied my correspondence to you all, a fact reflected in my extensive archive records, including to assigned LCC councillors on the Lancashire Combined Fire Authority(LCFA) during these long 9 years.
So that when the point of Public and Parliamentary accountability arrives you cannot by any stretch of a vivid political imagination claim ignorance of these scandalous circumstances.
- 1.03. Commencing in 2007 every political Leadership, and change of Leadership, at the LCC and the LFRS has had the opportunity to enquire into this Pension Management Debacle with a fresh mind to ensure, as the LCC quaintly puts it that Lancashire is *“A place where everyone matters”*.
- 1.04. By ensuring, one assumes, that quintessential Justice and Truth is dispensed equally to those whose lives have been irreversibly changed and damaged by the sufferance of a life changing Fire Service Injury in the protection of Lancashire and its hardworking peoples confirming, at their personal cost, that this place was *indeed a place where everyone mattered*.
- 1.05. But not a single politician chose to dispense that Justice or Truth to them.
- 1.06. By their choice, I represent those valiant men and their families, these ‘unreasonable men’, who you have been defrauding of their rightful and lawful Injury Pensions for decades, and not content to treat them with disdain and a lack of common courtesy because clearly they did not “matter”, you then chose to hide the facts of this Pension Management Debacle from the Lancashire Electorate by mounting and approving a campaign of vilification of the very victims you were defrauding and continuing to defraud, by sending them down your “Hardship Route” a wicked mechanism of breath taking discrimination in this 21st Century devised and approved by the political Leaders of the LCC and the LCFA in conjunction with the Chief Fire Officers and his staff of the day.
- 2.00. **Dementia as a Prelude to Dissimulation.**
Recently in mid-July I rang the LCC’s Leaders’ Suite and asked, in your collective absence, for a meeting and your response to a statement that it was my intention, and those I represent, to impeach County Councillor F.De Molfetta for his repeated Misconducts in Public Office.
- 2.01. With the usual disdain and shameful lack of personal courtesy, to which we have become accustomed, you failed to reply to me, and those ‘unreasonable men’, and their families who actually *do* exist, *do* “matter”, and *do* regret electing you, but their time will come again next May.

- 2.02. On the 26th July 2016, a week later, your Mr.Young, formerly the LCC deputy County solicitor and now Director of Governance, Finance, and Public Services in a deliberately disingenuous response, which alleged his ignorance of any Pension Management Debacle, emailed me to proffer his assistance with my *“enquiry”* asking *“If you could let me know what the issue is I will see if this is something I can deal with or identify who may be able to assist.”*
- 2.03. On April 4th 2008 Mr. Young wrote on behalf of the LCC to the Secretary of State for the DWP alleging that the disabled FSVs of Lancashire were perpetrating a form of collective fraud on the DWP because they were rightly refusing access to their DWP subject data under the 1998 Data Protection Act which ultimately required, quite rightly, an individual Court Order for access.
Mr.Young’s activities and extensive correspondence which was in defence of a mendacious Mrs D. Lister your Head of Pensions and her equally mendacious staff Ms.Wisdom are duly logged in my comprehensive archives.
- 2.04. Allowing him ‘enough rope to hang himself’, I directed his attention to ‘The Morning Bugler’ website run, supported, and maintained by these ‘unreasonable men’.
- 2.05. One would have thought that Mr.Young’s response ought to have been very thoughtful, bearing in mind that he, like Mr.Nolan Clerk/solicitor to the Fire Authority and Mr. Harold solicitor to the LFRS(leaving in August) are all ‘officers of the court’ in respect of professional probity, honesty, and transparency and are in addition listed and licensed to practice on the Solicitors Rolls and thus subject to accountability by the Solicitors Regulation Authority which currently has Mr. Nolan under 6 months surveillance.
- 2.06. Mr.Young replied thus, having viewed the TMB editorial content:

“Having read the document via the link below, whilst I am unfamiliar with the issue it addresses, clearly it relates to a governance issue concerning the Combined Fire Authority, not the County Council, therefore it is a matter for you to raise with them.”

One can only assume that Mr.Young has sadly either an early onset of senile dementia, or he is engaged in complicit mendacious dissimulation in support of his legal colleagues at the CFA/LFRS for purposes of which I am fully aware.

3.00. **Political Accountability.**

- 3.01. I assume in discharging his legal duty of care to the LCC, Mr. Young, whose duty it is to prevent the LCC being placed in a position of a breach of its Statutory and post-election duties, has advised you that my proposed impeachment of CC.F.De Molfetta is not an issue concerning the LCC.
Unfortunately his advice is not grounded in law nor is his advice to you in the best interests of the LCC and therefore he is wrong on both counts.

- 3.02.** Following the last Lancashire local authority elections the Labour Party was unable to form a working majority and thus it was necessary for governance purposes to form a Coalition with the Lid-Dem Party which is reflected in the numerical Party composition of all the Committees to which the LCC assign its councillors, including the Lancashire Combined Fire Authority.
- 3.03.** You and your Coalition partner CC.B. Winlow assigned, of the LCFA 25 elected Members, 13 Lancashire County Councillors which included 12 Labour and 1 Lib-Dem thus ensuring political control and with it political accountability. There can therefore not be the slightest doubt that political responsibility rests entirely with your Coalition and lest you doubt that let us look at the legal and constitutional position apropos Lancashire County Councillors.
- 3.04.** On the first day, following their election each Lancashire County Councillor is required to sign an LCC Attestation which requires them to comply with the LCC Constitution including a written Code of Conduct. This binds each individual councillor to act broadly, both in private and Public conduct, with probity, honesty, and impartiality in compliance with the LCC Constitution, the common, and Statute Laws.
- 3.05.** County Councillor F.De Molfetta signed such an Attestation, a matter of Public record, and whilst he may also be bound by additional Codes of Conduct elsewhere in his Committee assignments he can, from time to time, can be reassigned. But because he was elected as a Lancashire County Councillor and was required in the first instance to sign *its* Attestation to be of good conduct this remains his primary Code of Conduct for final Public accountability.
- 3.06.** There is therefore a visible chain of Public accountability within the LCC Constitution extending back from CC F.De Molfetta to you the Coalition Leaders of the LCC which I intend to utilise to impeach this County Councillor for Gross Misconduct in Public Office.
- 3.07.** County Councillor F.De Molfetta has unwittingly, by his repeated and flagrant Misconducts in Public Office, provided the entrée for the commencement of this Parliamentary process. It is said, total power, corrupts totally.

A due process of law which will lead to his impeachment and the raising by the Government and Parliament of the pertinent question why, given that Lancashire politicians of all Parties, or none, have repeatedly been made fully aware of all the ramifications of this Pension Management Debacle, which has involved the misconduct of senior LCC and LFRS staff members, have you failed to engage in any shape or form to address these distressing circumstances for which you have, individually and severally, a duty of care in addition to your electoral responsibility?

It may well be a reasonable conclusion, by an objective observer, that there was unpublished, corrupt, collusive, cross Party agreement by certain influential elected Councillors to pursue a course of political non-engagement ?

- 3.08. Though CC De Molfetta, and those who serve him clearly have little respect for the law, this does not mean that in presenting you with a final opportunity to address the serious charges against CC De Molfetta and in recognising this appalling human situation which you have chosen to ignore, it should be assumed that those I represent intend to abandon the rule of law; their natural justice; the LCC's Constitutional procedures; or the Statute law, indeed the converse is true.

These 'unreasonable men' do not intend to conduct themselves in the lawless manner CC DeMolfetta and those who serve him see fit to misconduct themselves.

- 3.09. Nevertheless in the pursuit of natural justice, never granted to these 'unreasonable(disabled) men' the accused should always be made aware of the accusations he will be subjected to when the formal charges are laid against him.

For the moment the charges remain in outline form until you advise how we are to proceed and which Committee, whether the LCC Scrutiny Committee, and/or, the Discipline Committee to whom we should address the Formal documentation which will follow should you, at long last, indicate that you wish to engage in your elected duty.

4.00. **Misconducts in Public Office – County Councillor F.De.Molfetta.**

4.01. County Councillor F.De.Molfetta when placed in elected office:

- Did *knowingly*, fail to provide urgent pastoral care to his disabled FSVs, their Widows, and Beneficiaries by addressing, with a 'fresh mind', the Pension Management Debacle of 2007, which he had inherited as the Pension Scheme Manager, a debacle which for decades prior blighted the lives and income of those afflicted by enforced early retirement due to Service Injury;
- Did *knowingly*, fail to investigate and curtail the imposition of the "Hardship Route" on disabled FSVs and their families a failure which was regarded by senior LFRS staff as tacit approval for their continuing inhuman actions. Actions which were directly contrary to the expressed and Minuted views of the Full Committee of the LCFA and its compliance with Human Rights at the commencement of this Pension Management Debacle in 2007;
- Did *knowingly*, without the knowledge or approval of the Full Committee of the LCFA authorise, Mr.L.Gardiner Data Protection & Freedom of Information Officer, to corruptly cover up this Debacle by repeatedly breaching both the Freedom and Information Act 2000 and the Data Protection Act 1998 by

denying access to copies of disabled Fire Service Veterans;FSV-PB;FSV-WH;FSV-JSH;FSV-RRB;FSV-PJ;FSV-JH;FSV-FG, LFRS Personal Record Files for their personal pension audit purposes;

Such misconduct has repeatedly brought the LCFA into direct conflict with the Information Commissioner who threatened and continues to threaten Contempt of Court action for unjustifiable repeated violations of the two applicable Acts of law;

- Did *knowingly*, without the knowledge or approval of the Full Committee of the LCFA authorise the denial of the release, and thus the breach of the Freedom of Information Act 2000 of the expenses records of former CFO Holland and former Chairman of the LCFA CC D.O'Toole whilst engaged in LFRS duties. Expenses Records which had been released without demur by the LCC in respect of CC D.O'Toole's duties there;
- Did *knowingly*, without the knowledge or approval of the Full Committee of the LCFA authorise Mr.Warren the delegated Pensions Scheme Manager to endemically and routinely engage in dissimulation, obfuscation, obstruction, and simple falsehood in dealing with Statutory pension complaints culminating in deliberate acts of deceit in the case of disabled FSV-PB;FSV-WH;FSV-JSH;FSV-RRB;FSV-PJ;FSV-JH;FSV-FG, and others including Widows which was intended to, and did mislead the Office of the Pensions Ombudsman into making incorrect legal Determinations based on false documents and statements deliberately supplied to his Court by Mr.Warren;
- Did *knowingly*, in January 2016 without the knowledge or approval of the Full Committee of the LCFA authorise Mr.Warren, in the case of disabled FSV-RB, to deliberately mislead the Office of the Pensions Ombudsman in alleging that disabled FSV-RB had failed to fully implement the Statutory IDRPs Stage I and Stage II procedures an allegation which was completely mendaciously false;
- Did *knowingly*, in complicity with CFO Kenny and the LFRS Finance Manager Mr.K. Mattinson without the knowledge or authority of the Full Committee of the LCFA expropriate and pay the Head of Human Resources Mr. B. Hamilton, whilst he was under suspension for criminal racism and a breach of the Equality Act 2010 for bullying female members of his staff, a sum of Public monies amounting to 2 years salary with emoluments believed to be in the region of £200,000.0;
- Did *knowingly*, in complicity with the aforesaid Finance Manager make misleadingly false accounting entries in the annual accounts of the LCFA to hide these facts from LCFA Auditors; the Local District Auditor; and Public scrutiny;

- Did *knowingly*, without the knowledge or approval of the Full Committee of the LCFA authorise the acceptance of Mr.Hamilton's resignation without the completion of due legal process of the charges laid against him thus denying fundamental Justice to those Mr.Hamilton had bullied;
- Did *knowingly*, fail to inform the Full Committee of the LCFA that Mr.L. Gardiner, Data Protection & Freedom of Information Officer(Currently employed at Cheshire FRS in this position) was suspended for knowingly making false entries in his service mileage logbooks fraudulently claiming mileage reimbursement in the region of £40,000.0;
- Did *knowingly*, fail to inform the Full Committee of the LCFA or to initiate any action with the Police and/or CFO Kenny to recover these substantial fraudulent sums of Public money and did further approve the acceptance by CFO Kenny of Mr. Gardiner's resignation without any form of reimbursement, reparation or restitution;
- Did *knowingly* in 2013, without the knowledge or authorisation of the Full Committee of the LCFA breach of the Statutory Pension IDRPs in respect of disabled FSV-PB Statutory Stage II Application mendaciously purporting to the Applicant that his Application had been placed before the Full Committee for Statutory determination when in falsehood it had not.

A falsehood supported in writing by the then Clerk to the Fire Authority Mr.M.Winterbottom D.L., a Deputy Lieutenant and Officer of the Court of Lancashire;

- Did *knowingly*, fail to inform the Full Committee of the LCFA of the receipt of a 2 month time limited Statutory Stage II Application(Complaint) from Lancashire disabled FSV-FG which required Statutory examination and adjudication by the Full Committee of the LCFA;
- Did *knowingly*, by dissimulation, mendacity, and simple falsehood state to the Applicant that his Application had been placed before and adjudicated on by the Full Committee of the LCFA on the 20th June 2016 at its AGM when he knew that statement to be a false misrepresentation later confirmed by County Councillors present who stated that this Application **had not** been so presented to them;
- Did *knowingly*, as a consequence of his unlawful actions place the LCFA on the 17th August 2016,once more, in contravention of their Statutory duty and in breach of the 1995 Pensions Act (as amended) and its provisions.

A contravention in which it remains;

- *Did knowingly*, without the knowledge or authorisation of the Full Committee of the LCFA, appoint in direct contravention of the Equality Act 2010 Mr.M.Nolan(Solicitor) Clerk to the Fire Authority without publicly advertising a vacant public appointment; without forming and publishing a short list of suitable candidates; without publicly convening a short list panel of appointment of elected Members of the Fire Authority as required by Statute Law and publicly announcing the successful candidate thus, in breach of the law, denying suitable candidates of their lawful and equal opportunity;
- Did, *knowingly*, without the knowledge or authorisation of the Full Committee of the LCFA expressly order that no correspondence from Members of the Lancashire Firefighters Pension Scheme, intended for the information of all elected Members of the Fire Authority, be circulated to them in a direct breach of the spirit and intent of the Democratic Process and a denial of their legal rights as Pension Scheme Members to consult their Scheme Board of Management;
- Did *knowingly*, without the knowledge or authorisation of the Full Committee of the LCFA approve the placing of a false complaint by the Clerk to the Fire Authority Mr.Nolan(A Solicitor), before the Chief Constable against disabled FSV-PB in an express abuse of power, intimidation, and oppression whilst in the knowledge that the complaint was false in law; was an abuse of due process;was an abuse of his position as Clek to the Fire Authority with the knowing intent to cause disabled FSV-PB domestic distress by reason of two separate late night visits to his property by 4 Police Constables in 2 marked vehicles with the intent to publicly humiliate and to prevent the further publication in a free press of CC DeMolfetta's and his 'associates' criminal activities;
- Did *knowingly*, fail in his County Councillor duties to comply with his Attestation to execute his duties in compliance with the LCC Code of Conduct and has by his failure of his assigned duties, particularly in respect of his corrupt failure of leadership at the LCFA did bring the LCC,the LCFA, and their respective Codes of Conduct into Public disrepute and contempt.

4.02. This list continues to be neither exhaustive nor exhausted because there remains the small matter of the LFRS suborning and coaching its own principal Witness, Ms.J.Drinkall MBE former Pension Manager LFRS under Oath in the Witness Box, authorised and approved without the knowledge or approval of the Full Committee of the LCFA by the then Chairman, County Councillor D.O'Toole, and the observational written Witness Statements of these Contempts of Court lodged in Court by 4 members of the Public gallery during the 2013 case of LFRS -v- Burns and brought directly to the attention of the presiding Judge His Honour Philip Butler.

5.00. Resolution Mechanisms.

5.01. At an early point in June 2009 in this Pension Management Debacle I produced formal Resolution Mechanisms, three in total, which as usual were neither acknowledged nor responded to;

5.02. Recently in replying to your Mr.Young, I, once more on behalf of those I represent, indicated their continuing willingness to address this Pension Management Debacle with the hope of moving towards a final resolution;

Hardly surprisingly Mr.Young did not express the slightest interest in this expression of goodwill and no doubt he did not draw your attention to these genuine sentiments either. I regret we are both ill served by Mr.Young, a public servant.

5.03. This expression of goodwill which is based on the assumption that CC.F.DeMolfetta has kept his Party political colleagues in ignorance of his misconducts should not be misconstrued as either a lack of determination to bring this Pension Management Debacle to a conclusion, nor is it to be read as the diminution of a unity of purpose to bring it to Public exposure at governmental level regardless of the political consequences and individual political cost.

5.04. For almost 9 years we have demonstrated our comradeship to each other and whilst some have passed away, and there will always be those to replace them, their last words have always been... *"Keep the flag flying..."*.

We will stay the course exhibiting the same qualities in this "place where everyone matters" as we all did in protecting and serving the decent hard working People of Lancashire, whatever the price...

Please acknowledge receipt by return.

Your Sincerely,



Divisional Fire Officer (Rtd)



Order
Excellent Fire-fighter



Soviet Union

LSGCM
Exemplary Fire Service



United Kingdom

Oklahoma Medal of Honor
Honorary Citizenship



Oklahoma USA

CC Chairman Work and Pensions Select Committee Mr. F.Field M.P.