



BURNS

Friday 23rd December, 2016.

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

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.
LCC - CEO Ms.J.Turton.

My Ref: PB01316 CEO.

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

**Mr.I. Young County Solicitor & Monitoring Officer.
Gross Misconduct in Public Office.**

Dear Chief Executive,

I am in receipt of your email of Wed 23/11/2016 13:55h which I append for the public record.

“Mr Burns, I make no apology for not acknowledging or responding to your correspondence, its content and nature does not merit that. Given the nature of the unfounded allegations the "courtesy" you say you expect is undeserved.

It needs few enquiries to be made to confirm that your complaints are entirely groundless as is your ceaseless campaign against organisations and individuals.

The central issue that you continue to raise, albeit your tactic now is to obscure it by complaining about issues on the periphery, has been considered by the Court and dismissed to which your response has been to criticise the Judge. Similarly your

complaint to the Pensions Ombudsman was dismissed as was your appeal. The Information Commissioner has declared you "vexatious".

Many of your comments directed towards individuals are in my view clearly defamatory and invite civil action. However my advice to those individuals is to ignore the insults and baseless criticism.

I suggest that you refer any matters of alleged criminality to the Police for them to consider. My advice to Elected Members and officers is for them not to respond to your correspondence.

You will receive a response to your information requests in due course.

Regards

***Jo Turton
Chief Executive"***

Your Discourtesy.

1. Paragraph 1- I regret the cavalier and gratuitously insulting tone of your histrionics. As the lead Lancashire County Council civil servant you set a very poor example in professional civilities to your subordinates who will undoubtedly see this published correspondence.
Your bad mannered outburst is a matter for you because you were either taught good manners, presumably by your parents, or self-evidently, you were not?
2. In choosing to use such extreme public discourtesy to me you simply damage your professional credibility and the integrity of your public office serving as it will to form the Public's view of your complete unsuitability for your appointment which demands professional cool polite impartial objectivity which you clearly do not possess.
3. The Public, particularly those on the financial margins will quite rightly resent such an offensive tone from an overpaid clerk in their employ (£184+K). Indeed a civil servant who earns considerably more from the Citizens of Lancashire than the Rt Hon Prime Minister Mrs T. May M.P. receives from the UK Tax Payers.
Presumably when the time comes I will received a more courteous response from her.
4. Clearly the LCC Labour/LibDem Coalition Leaders and the LCC County Councillors on the LCC lead Scrutiny Committee approved your tone of address to me and those Widows and Beneficiaries I represent, who as a mere Taxpayers and Electorate, will have their opportunity shortly to express their discontent at the ballot box in the LCC Elections next May?

Warren-Subterfuge

5. Paragraph 2 - You have deliberately given the false public impression that you came to my Impeachment document of CC F.DeMolfetta with a 'fresh mind' whilst in the process making "a few enquiries" but that is a falsehood.
Your statement is both untrue and disingenuous because in a sequence of intriguing emails on the 22nd August 2016 @ 12:50hrs CC F.DeMoffeta passed his

copy of my Impeachment document(without comment) to Mr.Bob Warren of the LFRS(This is always DeMolfetta's immediate point of refuge).

Later on, on the 22nd August 2016 @ 14:49hrs, the ruling Party Coalition Leaders and you, but curiously not the Elected members of the Scrutiny Committee, received a secret unsolicited mendacious email from Warren proffering advice to you on how you might deal with this LCC public embarrassment.

Warren, whilst acknowledging that it is the prerogative of the LCC how it should deal with its Statutory duty, offered you faux legal personal "*guidance*" and "*will try and assist*", even though you did not ask for it? What a curious intrigue.

Indeed he offers you his sage advice how you should deal with this Impeachment document by simply... "*just acknowledge unless a breach of statutory would be involved*", which as we both know should you decide to ignore your Statutory duty it will become, a breach of the law.

6. How extremely unwise, as events will confirm, it was of you to both accept and more disastrously act on this unsolicited ill-judged 'advice'. In the main your shrill harangue at me has been lifted 'parrot' fashion from Warren's missive. This once more damages your credibility as the LCC CEO's executive whilst clearly confirming your inability to think for yourself coupled with your failure to act in the LCC's best interests.

Perhaps a less shrill rave and more cool headed response might have been wiser?

Warren-The Purpose of Intervention.

7. This seems an appropriate moment to ask why Mr. Warren felt it necessary to secretly intervene, secretly attempt to politically influence, and to secretly attempt to subsume another Authority's Statutory duty by convincing a patently gullible Chief Executive that a non-compliance-breach of its Statutory duty was the sensible route to follow.

One should always beware of this particular Greek bearing a 'gift'.

8. CC.F.DeMolfetta, who is both naïve and credulous(or so he portrays) at an early point in his tenure at the Combined Fire Authority committed the cardinal sin for a politician of allowing himself to become too close to the LFRS 'officers', in particular Mr. Warren.

I doubt very much if I would have laid a formal Complaint of corruption against County Councillor F.De Molfetta if he had not been such a misguided and foolish County Councillor who allowed himself to be drawn into Mr.Warren criminal machinations during which as the Chair of the CFA he authorised a series of criminal and fraudulently corrupt acts at the LFRS of which Warren was one of the authors and for which the gullible CC F.De Molfetta now rightly finds himself accused of misconduct in public office as a Lancashire County Councillor.

9. Given Mr. Warren's well established mendacious track record you can be sure that his primary concern is not for CC DeMolfetta's political well-being but as ever for the preservation of Warren's employment and thus it is essential that they 'hang together'.

The DeMolfetta's of this world are simply contemptuous grist to Warren's mill and it now seems in the future Warren's emerging strategy is to include the current LCC

Coalition political leadership which includes their CEO if they are all gullible enough to allow such interference and dissimulations.

10. However Warren does raise several useful points including the Circuit Court Case January 2013 during which he, the LFRS Solicitor(Harold), and the Head of the LCC Pensions Mrs.D. Lister were witnessed suborning under Oath their only LFRS Witness accompanied by such blatant displays of contempt of court(misuse of electronic equipment) and perverting the course of justice that no less than 6 Witnesses(including 2 Court Officials) felt compelled to produce voluntary Affidavits which lie on file at Preston Crown Court by the direction of Judge Butler.
11. Clearly the time is long overdue(there is no Statute of limitations on crime) to publish all this factual material to the Lord Chief Justice and the Attorney General for their elucidation and joint action and for that timely reminder I am grateful to Warren.
12. Of course the point at issue here as Warren unintentionally puts it is that both you and Mr. Young have your inescapable Statutory duty where CC F.DeMolfetta's impeachment is concerned.
Indeed, as Warren usually puts it, this is all "rather tricky territory" and he would know, but only if the LCC chooses not to do its legislative duty.

The Legal Framework of Your Statutory Duty.

13. Can I remind you once more that your appointment is by Statute Law which encapsulates many mandatory Statutory Duties and that you and Mr. Young are both bound under those applicable Statute Laws to conduct yourselves in the pursuit of these Statutory duties within the framework of the 'Nolan Principles' which were incorporated in the Localism Act 2011.
You simply have no choice in the matter but you think you do.
14. Even though you are appointed by Statute Law your principal function in public office is to *impartially* serve the current ruling Political party(Lab/Lib-Dem Coalition) which might well change soon.
The ruling political Party does not 'buy' your loyalty or impartiality and to prevent a 'drift' into such an unhealthy relationship the Localism Act 2011 specifically requires, for your protection, that you daily follow and apply these objective impartial 'Nolan Principles'. That was why Nolan was incorporated into this Act.
15. Perhaps, in addition, you and CC.F.DeMolfetta need a reminder of the detailed context within which you are all required to apply the seven 'Nolan Principles':

The Nolan Principles-The Seven Principles of Public Life.

As defined by the Committee for Standards in Public Life.

- ***Selflessness*** *Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.*
- ***Integrity*** *Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.*

- **Objectivity** *In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.*
- **Accountability** *Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.*
- **Openness** *Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it.*
- **Honesty** *Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.*
- **Leadership** *Holders of public office should promote and support these principles by leadership and example*

It will take the casual reader of these published documents little effort, whilst viewing your 'parroted' vulgar diatribe, to see where you have repeatedly failed the spirit of the *Nolan Seven Principles* thus confirming your unsuitability for your current office.

16. It seems whenever I publish and publically raise concerns about misconduct in public office (corruption) and when I present the essential and impartial hard evidence the timbre of the response is always guaranteed to be amusing.

The barometers are, after the usual stone walling and refusal to answer, the shrillness of a forced tirade which inevitably always include the hackneyed phrases which are intended to silence by intimidation, to frighten, and to dissuade.

The key words are of course "vexatious" always accompanied by "defamation"; further accompanied by an exhaustion of the OED with the volume of shrillness proportional to the length of the litany of OED adjectives ranging from scurrilous to abusive etc etc .

The rule seems to be the more shrill the blustering bombast and the longer the litany of adjectives, the closer lies the truth.

17. For the record I suggest you read the section in the Morning Bugler which deals with 'defamation'; the Law Lords ruling of 1993 ; and the 'Derbyshire Principle'. I ought to remind you and your associates that whilst you cannot sue for defamation- I can.

18. Your very shrill outburst is a classic example which raises the question why you in your partiality have taken upon yourself to defend charges of misconduct and corruption in public office by a mere Labour County Councillor? Would you do the same for another Opposition Party Councillor?

Such a partial action brings with it the reasonable accusation from the Opposition Parties that you have sold out your 'loyalty' and 'impartiality' to the current Labour/LibDem Coalition, does it not? Another example of an unhealthy relationship at the LCC...

19. During your shrill rant I am afraid you also exposed your professional ignorance of the distinction between the roles of the Office of the Pensions Ombudsman (who remains active on this case and other pending cases) and the Information

Commissioner(who similarly engages on a daily basis by continuing to force the LFRS under threat of Contempt of Court action to release documents which support the evidential case of misconduct in public office against County Councillor F. De Molfetta.

20. Now assiduously having dealt once more with these tiresome matters of fantasy rather than fact I must return to both your and Mr. Young's Statutory duties. A matter in your sweet fulmination which you have both avoided addressing.

The Law.

21. I do not intend rehearsing all the 519 pages of the Localism Act 2011 but can I draw you attention to the following Principles.

22. The facts are quite simple. You are both 'officers' of the LCC appointed by Statute Law and whether you might like it or not you both have inescapable Statutory duties to perform in this case of the impeachment of CC F.DeMolfetta. It is your primary duty as the lead civil servant to protect the LCC, its Elected Members, and their good names from breaching the common and criminal law.

23. You both have a Statutory duty to investigate my complaints of corruption against CC F.De Molfetta and to impartially(under Nolan) report your investigative evidential findings (not your opinions) to the LCC Scrutiny Committee so that they may form a conclusion for action based on the evidential facts presented to them.

24. But in the event you were not content to leave it at this point where duty and indeed 'Nolan' impartiality required you to. Instead you chose to encourage and incite others, including your subordinate Mr. Young, and all the Elected Members of the LCC Scrutiny Committee to "ignore" and breach the Statute law by failing to implement the Statute law in respect of the Complaints of corruption I have laid against County Councillor Mr. F.De Molfetta.

25. Should the LCC corporate acquiesce with your unlawful advice you will have exposed them individually and collectively to both civil and criminal action which is hardly 'protecting' the good name of the LCC.
In accepting your 'advice' not only will the LCC Councillors find themselves individually sanctioned under the criminal law for perverting the course of justice but will be sanctioned by the Parliamentary and Public Services Ombudsman for misconduct which may well require their suspension and/or removal from public office.

26. Such incitement to break the law on your part currently leaves you both personally liable to the immediate sanction of suspension and further action by the LCC and various other governmental agencies at both local and national level.

27. In effect by your unlawful and ultra vires acts you have encouraged and advised LCC Councillors to become personally and corporately complicit with you and Mr.Young in a conspiracy to knowingly breach and defeat the applicable Statute Law(s).

28. Elected Members would be wise to consider the lead case law in this matter which is to be found in the High Court Queens Bench Division Neutral Citation Number: [2014] EWHC 1504 (Admin) Case No: CO/10947/2013.
29. I have one final thought for the LCC Elected members and in particular for those of the Scrutiny Committee who are meant to be the Praetorian Guard of the good name of the Lancashire County Council.
30. Should the Elected members' on the LCC Scrutiny Committee accept your advice which includes your advice to knowingly breach and defeat the applicable Statute Laws, then clearly the Electorates' view can only be that this current controlling Labour/LibDem Coalition under its leading Scrutiny Committee is not only acting completely contrary to its Constitutional mandate of honesty and transparency but, by its deliberate failure to comply with the applicable Statute Laws, the LCC intends to send out an unequivocal Public message to the Electorate that not only is it prepared to flagrantly deny its Statutory duty where corruption is suspected but is prepared to publicly ignore any prima facie case of corruption brought to its attention in the form of an open and published Complaint of corruption against one of its fellow Labour County Councillors.
There can be no greater public endorsement of corruption by the current Lancashire County Council Coalition than this.
31. These are all the personal and corporate potential consequences of your rather ill-conceived shrill 'advice' to the LCC Elected Members which surely, if only in career self-preservation you might wish to maturely reconsider?

There is a simple question I ought to ask you at this point?

Is it your intention, jointly with your subordinate Mr.J.Young County Solicitor's-Statutory Monitoring Officer, to ignore my formal Complaints brought against County Councillor F.De Molfetta and to knowingly breach not only your Statutory duties but to breach and defeat the applicable Statute Laws?

If wisely, after reflection, you decide that *you do intend* to implement your Statutory duties I would be obliged if by return you would inform me so.

In the event I have no response from you by 31st December then I shall proceed without further notice to raise this matter at Ministerial level.

Please acknowledge receipt by return.

Yours Truly,



Divisional Fire Officer (Rtd)

CC Minister of State for Security Home Office Mr.B. Wallace M.P.(Constituent).

Nigel Evans M.P.(For Constituents) Public Administration and Constitutional Affairs Select Committee.

Minister of State for Policing and the Fire Service Rt.Hon.B.Lewis BSc,LLB (Hons) M.P.